



# BULGARIA

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Civil Law	Written	Yes	Single State	Republic

## 1. INTRODUCTION

### 1.1. Bulgaria and Modern Slavery (Human Trafficking)

The Bulgarian State, through its institutions and non-governmental organizations, is working purposefully to fight human trafficking. The necessary legislation has been adopted, and financial, human, and other resources have been made available to secure the National Strategy 2017–2021 for Combating Human Trafficking.<sup>1</sup> Bulgaria is a source and to a lesser extent a transit and a destination country for men, women, and children subjected to sex trafficking and forced labour and remains one of the primary source countries of human trafficking in the EU.

There are victims of all types of human trafficking, both in terms of gender and the type of exploitation. The list of institutions working with victims of trafficking in Bulgaria has been published as a reference book.<sup>2</sup> These are the State Agency for National Security, the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Health, the Ministry of Education, and the National Commission for Combating Trafficking in Human Beings.

### 1.2. Bulgaria's Policy and Legal Position

The legal framework for combating human trafficking is set forth in Bulgaria's Criminal Code, the Combating Trafficking in Human Beings Act, the Child Protection Act, and the Asylum and Refugees Act,<sup>3</sup> as well as in national programs, coordination mechanisms, and pertinent agencies' internal rules of procedure.

The Criminal Code contains norms pertaining to all types of offences related to human trafficking. These norms indicate the essential elements for the offences and other specific details, such as the perpetrator, the victim, the damage inflicted, other aggravating circumstances, and the penalties, including the terms of imprisonment and the amount of fines.

The Combating Trafficking in Human Beings Act<sup>4</sup> regulates: the powers, tasks, and interaction of the public authorities involved in combating human trafficking; the status and tasks of the shelters, centers, and commissions that assist and protect victims of trafficking; the measures to prevent and counteract human trafficking; and the special protection granted to victims of trafficking who cooperate with investigations.

<sup>1</sup> <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&ld=1237>.

<sup>2</sup> A book listing the institutions working with victims of trafficking is available at: [https://csd.bg/fileadmin/user\\_upload/publications\\_library/files/old\\_reinserted/11\\_03\\_22240.pdf](https://csd.bg/fileadmin/user_upload/publications_library/files/old_reinserted/11_03_22240.pdf).

<sup>3</sup> [www.lex.bg/bg/laws](http://www.lex.bg/bg/laws); [www.legislationline.org](http://www.legislationline.org).

<sup>4</sup> Promulgated SG No. 46 of 20 May 2003, repeatedly amended and supplemented.

The Child Protection Act<sup>5</sup> sets out the principles on which child protection is premised, such as special protection for children at risk, immediately available child protection measures, and preventive actions to ensure child protection and safety.

The Asylum and Refugees Act<sup>6</sup> establishes the terms and procedure for granting protection to foreign nationals who are in Bulgaria, as well as their rights and obligations.

The Assistance and Compensation for Victims of Crime Act<sup>7</sup> sets out the terms and procedures for the State providing assistance and financial compensation to victims of crime who are Bulgarian nationals or nationals of another EU Member State, as well as to foreign nationals pursuant to the provisions set forth in international treaties to which Bulgaria is a party.

The Obligations and Contracts Act<sup>8</sup> establishes the rule that a person shall pay for damages caused to others, and that such a person is presumed liable in all cases of tort.

The National Mechanism for Referral and Support of Victims of Trafficking in Bulgaria (**National Mechanism**)<sup>9</sup> is a framework for cooperation aimed at enabling the state authorities in the discharge of their duties towards victims and at coordinating their efforts in strategic partnerships with non-governmental and international organizations. The main goals of the National Mechanism are to ensure respect for the human rights of the people subject to human trafficking and to provide effective care and referral of the victims to governmental services.

The Rules for the Organization and Operation of the National Commission for Combating Trafficking in Human Beings<sup>10</sup> sets out the organization and operation of the National Anti-Trafficking Commission with the Council of Ministers. The Commission is to manage, coordinate, and supervise the implementation of the national policy and strategy for the prevention and counteraction of human trafficking and for the protection of victims of trafficking.

The Rules for the Shelters for Temporary Accommodation and the Centers for Protection and Assistance of Victims of Trafficking<sup>11</sup> regulate the terms and procedure for opening up shelters for temporary accommodation and centers for assistance and protection of victims of trafficking, as well as their organization, management, and control.<sup>12</sup>

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<sup>5</sup> Promulgated SG No. 48 of 13 June 2000, repeatedly amended and supplemented.

<sup>6</sup> Promulgated SG No. 54 of 31 May 2002, repeatedly amended and supplemented.

<sup>7</sup> Promulgated SG No. 105 of 22 December 2006, repeatedly amended and supplemented.

<sup>8</sup> Promulgated SG No. 275 of 22 November 1950, repeatedly amended and supplemented.

<sup>9</sup> [www.animusassociation.org](http://www.animusassociation.org).

<sup>10</sup> Promulgated SG No. 19 of 9 March 2004, repeatedly amended and supplemented.

<sup>11</sup> Promulgated SG No. 19 of 9 March 2004.

<sup>12</sup> [www.lex.bg](http://www.lex.bg).

## 2. OVERVIEW OF BULGARIA’S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

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### 2.1. Bulgaria’s Regional and International Law Obligations

#### 2.1.1. *Fundamental human rights*

Bulgaria accepts or supports all fundamental international legal acts pertaining to human rights.

In July 1992 (promulgated as SG No. 66/1992), Bulgaria ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (**ECHR**). As an EU Member State, Bulgaria is also bound by the EU Charter of Fundamental Rights. Ratified international treaties are part of Bulgaria’s national legislation, and they prevail over any conflicting domestic law.

As a UN member since 1955, Bulgaria has also endorsed the UN Universal Declaration of Human Rights, which was adopted in 1948.

#### 2.1.2. *Slavery and trafficking*

Pursuant to Article 5 of the Charter of Fundamental Rights of the European Union, no one shall be held in slavery or servitude, no one shall be required to perform forced or compulsory labour, and trafficking in human beings is prohibited.

The current Constitution of the Republic of Bulgaria,<sup>13</sup> in force since 13 July 1991, proclaims the right of everyone to personal freedom and inviolability (Article 30, para. 1), freedom to choose a place of residence, freedom of movement in the country, and freedom to leave the country (Article 35, para. 1).

Trafficking in human beings and employment of a victim of trafficking are publicly actionable offences under the Criminal Code.

#### 2.1.3. *Effect under Bulgaria’s law*

The State and public authorities guarantee citizens’ rights. No one shall abuse the rights and legitimate interests of others. All legal entities must exercise their rights not to the detriment of others (Article 57, para. 2 of the Constitution). Whenever there is a legitimate reason and sufficient evidence, the prosecutor’s office is obligated to press charges against an accused person. Because crimes related to human trafficking are violent, intentional crimes, the prosecution is obliged to launch criminal proceedings whenever the statutory requirements are met.

### 2.2. Human Rights Protections Under Bulgaria’s Law

Pursuant to Article 56 of the Bulgarian Constitution, all Bulgarian citizens have the right to legal defense whenever their rights or legitimate interests are violated or endangered. The judiciary is obliged to protect the rights and legitimate interests of the citizens, legal persons, and the State. Natural and legal persons are entitled to legal defense at all stages of the trial. Courts are bound to treat all parties equally and guarantee their right to be heard. The State is liable for damages caused by unlawful acts or actions committed by its authorities or officials.

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<sup>13</sup> [www.parliament.bg/en/const](http://www.parliament.bg/en/const).

Whenever the European Court of Human Rights in Strasbourg delivers a judgment against Bulgaria finding a violation of the rights guaranteed by the ECHR, the Bulgarian State is obliged to take individual measures concerning the specific applicants, as well as general measures, such as legislative amendments or revision of the case law.

### 2.3. Criminalization of Modern Slavery

The Criminal Code alone defines the publicly dangerous acts considered to be offences and the penalties for them. It also determines the circumstances in which a person may receive educational measures rather than criminal liability. In 2002, a new Section IX “Trafficking in Human Beings,” Chapter One “Crimes against the Person” was included in the Special Part of the Criminal Code. Articles 159a to 159d in this section contain the basic elements of crimes related to trafficking in human beings. Furthermore, Article 227 of Section I “General Economic Offences,” Chapter Six “Crimes against the Economy” of the Special Part of the Criminal Code sets out the elements of the offences and the penalties for employing victims or potential victims of trafficking. Article 16a of Section I of the General Part provides that victims of trafficking are not criminally liable for the offences they were forced to commit as trafficking victims.

### 2.4. Supply Chain Reporting

Bulgaria has no supply chain reporting legislation that obliges private business to control their supply chain to hinder human trafficking. However, EU legislation may contribute indirectly to the fight against human trafficking.

### 2.5. Investigation, Prosecution, and Enforcement

#### 2.5.1. *Investigation and prosecution of criminal offenses*

According to Article 128 of the Constitution, in cases provided for in the law, the investigative bodies, which are part of the judiciary, carry out the investigations in criminal cases. Pursuant to Article 127 of the Constitution, the prosecution office manages the investigation and can also directly investigate criminal offences. The prosecutor brings charges against criminal offenders and supports the charges in indictable cases. The prosecutor also supervises the enforcement of penalties. According to Article 52 of the Criminal Procedure Code, the investigation authorities shall include officers of the Ministry of Interior appointed as investigating police officers and investigating customs inspectors from the Customs Agency. The prosecutorial functions in the criminal proceedings are regulated in Part I, General Rules, Chapter Five of the Criminal Procedure Code. The investigation authorities carry out their work under the leadership and supervision of a prosecutor. They may conduct the investigation or perform specific investigatory and other procedural actions.

#### 2.5.2. *Mutual assistance/international cooperation*

International cooperation in criminal matters may occur in several ways: agreements to apply the principle of mutual recognition at every stage of the criminal proceedings; approximation<sup>14</sup> of national procedural and substantive law where appropriate to improve mutual trust and mutual recognition; common minimum standards to guarantee a fair trial throughout the EU; judicial cooperation, such as Eurojust and the European Judicial Network in criminal matters; developing a European judicial culture through training and networking among practicing lawyers; monitoring the application of EU legislation; and extending EU

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<sup>14</sup> Under EU law, “approximation” is the process when Member States are obliged to align their national laws to give effect to EU law.

judicial cooperation (for example, negotiating agreements with third countries and assessing the judicial systems of candidate countries for EU membership).

Bulgaria has recognized legislative instruments adopted by the EU, such as European arrest warrant, European evidence warrant, orders freezing property and evidence, orders for confiscation, exchange of information via criminal records requests, detention and transfer of prisoners, mutual recognition of protection measures, and mutual recognition to financial penalties. Bulgaria has transposed<sup>15</sup> EU directives, which broadly speaking are aimed at developing minimum fair trial standards: (i) Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings;<sup>16</sup> (ii) Directive 2012/13/EU on the right to information in criminal proceedings;<sup>17</sup> and (iii) Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and the right to communicate with third persons while deprived of liberty.<sup>18</sup>

### 3. BULGARIA’S FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

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#### 3.1. Overview of Criminal Offenses

Pursuant to the Criminal Code, a criminal offence is a socially dangerous act (or omission), which has been committed culpably and declared punishable by law. A socially dangerous act is one that poses a threat to or infringes upon the person, citizens’ rights, property, the legal order established by the Constitution, or other interests protected by law. The socially dangerous act is committed culpably when it is intentional or reckless. The act is intentional when the perpetrator was aware of the socially dangerous nature of the act, anticipated its socially dangerous consequences, and wanted or allowed these consequences to occur. The act is reckless when the perpetrator did not foresee, but could have foreseen, the act’s socially dangerous consequences and was obliged to foresee those consequences, or when the perpetrator foresaw the act’s consequences but did not act to prevent them.

Pursuant to the Criminal Code, a victim of trafficking did not act culpably when the victim was forced to commit an offense as a result of the trafficking (Article 16a). Thus, the victim shall not be punished for committing an act under the circumstances set out in Article 16a of the Criminal Code.

#### 3.2. Slavery Offenses Under the Criminal Code

##### 3.2.1. General

Pursuant to the Criminal Code, the offence of trafficking in human beings may involve any of several acts:

- Recruitment, transportation, harbouring, or receipt of individuals or groups of people with the purpose of debauchery, forced labour or begging, seizure of body organs, tissue, cell or body fluid, or compulsory submission, regardless of their consent (Article 159a, para. 1 of the Criminal Code);
- Recruitment, transportation, hiding, or receipt of individuals or groups of people and their transfer through the border of the country with the purpose of debauchery, forced labour or begging, seizure

<sup>15</sup> Under EU law, “transposition” is the process of introducing EU directives into national law.

<sup>16</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32010L0064>.

<sup>17</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012L0013>.

<sup>18</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0048>.

of body organs, tissue, cell or body fluid, or compulsory submission, regardless of their consent (Article 159b of the Criminal Code);

- Use of a victim of trafficking for debauchery, forced labour or begging, seizure of body organs, tissue, cell or body fluid, or compulsory submission, regardless of their consent (Article 159c of the Criminal Code);
- Employment of a foreigner residing illegally in the territory of the Republic of Bulgaria whom the perpetrator knows to be a victim of trafficking of human beings (Article 227, para. 2 of the Criminal Code).

The Criminal Code sets out a number of aggravating human trafficking offences related to the attributes of the perpetrator or the victim, the manner of committing the offence, or the specific purpose of the offence. More severe punishments are imposed on persons who have committed the act against a person under the age of 18; by compulsion or by deceiving the person; by kidnapping or illegal deprivation of freedom; by using a state of dependence; by misuse of power; by promising, providing, or obtaining benefit; by public officials in the course of or in connection with the performance of their duties; or with regard to a pregnant woman with the purpose of selling the child.

Offences are most severely punished when committed by a dangerous recidivist or by an organized criminal group. Criminal offences represent dangerous recidivism when the perpetrator commits the crime after imprisonment for a violent, intentional crime, or when the perpetrator has committed two or more intentional crimes and has been imprisoned for at least one of them (Article 29, paras. 1 and 2 of the Criminal Code). An organized criminal group is a structured permanent association of three or more persons with the purpose of committing crimes in the country or abroad, where the sentence for the crimes is imprisonment of more than three years (Article 93, item 20 of the Criminal Code).

The general offense of human trafficking under Article 159a of the Criminal Code is punishable by imprisonment from two to eight years and a fine from BGN 3,000 to BGN 12,000. Trafficking a pregnant woman for the purpose of selling her baby is punishable by three to 15 years of imprisonment and a fine from BGN 20,000 to BGN 50,000. Use of victims of trafficking for the activities specified in Article 159c of the Criminal Code is punishable by imprisonment from three to 10 years and a fine of BGN 10,000 to BGN 20,000. Persons who recruit, transport, harbour, or receive victims of trafficking and transfer them through the border of the country (Article 159b of the Criminal Code) are punished by imprisonment from five to 12 years and a fine from BGN 20,000 to BGN 50,000. Cases of dangerous recidivism and offences committed by an organized criminal group are punishable by imprisonment from five to 15 years and a fine from BGN 20,000 to BGN 100,000; the court may further confiscate part or all of the perpetrator’s property. The sentence for an employer who hires an illegally residing foreigner whom the employer knows to be a victim of trafficking is imprisonment up to four years and a fine from BGN 2,000 to BGN 20,000.

HUMAN TRAFFICKING PENALTIES IN BULGARIA	Duration of imprisonment	Amount of the fine
Human trafficking offence without aggravating circumstances	2 to 8 years	BGN 3,000 to BGN 12,000
Attempt	2 to 8 years	BGN 3,000 to BGN 12,000
The perpetrator committed the offence through an abuse of official authority	3 to 10 years	BGN 10,000 to BGN 20,000
The offence was committed against a pregnant woman with the intention of trafficking a child	3 to 15 years	BGN 20,000 to BGN 50,000
The victim is used for debauchery, begging, etc.	3 to 10 years	BGN 10,000 to BGN 20,000

HUMAN TRAFFICKING PENALTIES IN BULGARIA	Duration of imprisonment	Amount of the fine
The offence was committed by a member of an organized crime group	5 to 15 years	BGN 20,000 to BGN 100,000
The offence caused the victim's death	15 to 20 years and life imprisonment	None

### 3.2.2. Extraterritorial application

The offence of trafficking in human beings under Article 159a of the Criminal Code does not include extraterritoriality. However, under Article 159b of the Criminal Code, an essential element of the offence is conducting the criminal acts while transferring persons into or out of the country, whether the transfer is legal or not. Extraterritoriality is also an element of the offence under Article 227, para. 2 of the Criminal Code, which prohibits the employment of a foreigner residing illegally in the country whom the perpetrator knows to be a victim of trafficking.

According to Article 3 of the Bulgarian Criminal Code, Bulgarian law applies to all offences committed in whole or in part within Bulgaria, and to all offences where the criminal consequences occurred in whole or in part within Bulgaria. The offence is punishable under Bulgarian law in all cases when the criminal act started or was completed in Bulgaria, regardless of where the socially dangerous consequences occurred.

Article 3 of the Criminal Code further stipulates that Bulgarian law applies whenever the criminal consequences occur within the country. In these cases, the Criminal Code applies to all persons who have committed a criminal offence within Bulgaria, regardless of the perpetrator's or the victim's nationality, unless those persons are immune from prosecution.

## 3.3. Slavery-Like Offenses in Bulgaria's Legal Order

### 3.3.1. Servitude

Although holding a person in slavery is not a crime under Bulgarian law, its legislation generally rules out slavery and unlawful interference with the integrity of a person. Article 4, para. 2 of the Constitution guarantees the life, dignity, and rights of the individual and conditions conducive to the free development of individuals and civil society.

Furthermore, Bulgaria has ratified and thus made Article 4 of the ECHR and Article 5 of the EU Charter of Fundamental Rights, which prohibits slavery, forced labour, and human trafficking, part of Bulgarian law.

### 3.3.2. Forced labor

The Criminal Code does not have a specific criminal offence for forcing persons to labour against their will. However, Article 143 of the Criminal Code (**Coercion**) applies to any person who compels other persons to accomplish, omit, or endure something against their will by using force, threat, or abuse of authority. This offence is punishable by imprisonment of up to six years.

Article 159a, para. 1 of the Criminal Code also makes it a crime to recruit, transport, harbour, or receive individuals or groups of people with the purpose of forced labour. In those cases, the punishment shall be imprisonment from two to eight years and a fine from BGN 3,000 to BGN 12,000. The offence is more severely punishable when committed with respect to a person under age, by means of coercion or deceit; by kidnapping or illegal deprivation of freedom; by abuse of a state of dependence; by misuse of power or

promising or providing benefit. In these instances, the sanction is imprisonment from three to 10 years and a fine from BGN 10,000 to BGN 20,000.

Article 192A of the Criminal Code protects children against labour exploitation. A person who, without a proper permit, employs a person under 18 years of age shall be punished by imprisonment of up to six months and a fine of BGN 1,000 to BGN 3,000. The same act committed with respect to a person below the age of 16 is more severely punishable, by up to one year of imprisonment and a fine of BGN 3,000 to BGN 5,000. Where the act is repeated, the punishment is imprisonment up to one year and a fine from BGN 2,000 to BGN 5,000 in case of minors above 16 years of age and imprisonment up to three years and a fine from BGN 3,000 to BGN 8,000 with respect to minors below the age of 16.

The Bulgarian Criminal Code further protects children who are foreign nationals and subjected to labour exploitation. Employment of an illegally residing minor shall be punishable by imprisonment for up to five years and a fine from BGN 3,000 to BGN 30,000 (Article 227, para. 3 of the Criminal Code).

### **3.3.3. *Deceptive recruiting for labor or services***

These cases are dealt with under Articles 159a to 159d, Section IX “Trafficking in Human Beings,” Chapter One or under Article 227, Section I, Chapter Six of the Criminal Code.

If those provisions do not apply under the circumstances, then the general fraud provisions of Article 209, paras. 1 and 2 of the Criminal Code may be considered instead. Criminal fraud requires proof of several elements: the perpetrator must act with the intent of acquiring another person’s property; the perpetrator must create or maintain a false belief with the victim, or abuse the victim’s inexperience or misbelief; and there must be property damage. Since in the case of deceptive recruitment there is not necessarily property damage sustained as a direct consequence of the false belief created or maintained with the injured party, it would often be difficult to prosecute the offence as fraud under Article 209, paras. 1 and 2 of the Criminal Code.

### **3.3.4. *Early and forced marriage***

Both acts are a crime under Bulgarian law. Pursuant to Article 177 of the Criminal Code, a person who compels somebody by force, threat, or misuse of power to marry shall be punished by imprisonment from one to six years. The same punishment applies to a person who kidnaps another person or deceives another person to go to another country with the purpose of compelling marriage. Likewise, the same punishment applies to a person who in any way induces another person who could not understand the nature or meaning of the act to marry or enter another country with the purpose of compelling matrimony. More severe punishments are imposed when a parent, another relative, or guardian have committed these criminal acts with respect to a minor, or when the perpetrator has committed these criminal acts to two or more persons or with the purpose of obtaining a benefit. In those cases, the punishment shall be from three to eight years of imprisonment.

The same punishment applies when a person commits the criminal acts for the purpose of compelling the victim to live together with the person as a spouse against the victim’s will (Article 190 of the Criminal Code).

### **3.3.5. *Debt bondage***

There is no individual crime of debt bondage in Bulgaria. In those cases, the offence of coercion under Article 143 of the Criminal Code applies.



### 3.3.6. *Any other relevant offenses*

Bulgarian law provides for other types of offences, which, without necessarily referring to human trafficking, are usually connected with it, forced labour, or other significant restrictions of human rights.

Article 190 of the Criminal Code makes it a crime to compel someone to start living as a spouse by use of force, threat, or misuse of power; or by kidnapping the person; or by deceiving the victim to enter another country; or by inducing a person who may not understand the nature and meaning of the act to live against the victim's will together with another person as a spouse.

Further, Article 178, para. 1 of the Criminal Code punishes a parent or another relative who receives a payment to allow the victim to marry with imprisonment of up to one year or with a fine from BGN 100 to BGN 300, as well as with public reprimand. The same punishment applies to those who give or mediate in the giving and receipt of such a payment. The victims of these offences may become victims of trafficking, forced labour, sexual exploitation, or abuse of their interests in general.<sup>19</sup>

Article 144, para. 1 of the Criminal Code also prohibits threatening to injure a person or next of kin or threatening to damage the property of a person or next of kin, where the threatened person justifiably fears that the threat will be carried out. It is punishable by imprisonment of up to three years. In some cases of human trafficking where elements of the crime cannot be proven, but there is such a threat for the purpose of compelling the person to be held in servitude or forced labour, the general offence under Article 144, para. 1 of the Criminal Code may be used.

### 3.3.7. *Extraterritorial application of the offenses*

Refer to Section 3.2.2.

## 3.4. Human Trafficking/Smuggling-Related Criminal Offenses

### 3.4.1. *International and domestic trafficking/smuggling of people*

Smuggling people across the state border is punishable under Article 280 of the Criminal Code. The offence involves acts of taking individuals or groups of people across the state border without leave by the competent authorities or through a permit but not at the places determined for that purpose. The punishment is imprisonment from one to six years and a fine from BGN 5,000 to BGN 20,000. The court may impose more severe punishment where the person smuggled across the border is a minor; or the smuggling has been carried out without the knowledge of the person being smuggled; or the person being smuggled is not a Bulgarian national; or motor, air, or other vehicle has been used; or a group or an organization has organized the smuggling; or the smuggling risks the life of the person smuggled. In those cases, the punishment shall be imprisonment from one to 10 years, a fine from BGN 10,000 to BGN 30,000, and confiscation of the perpetrator's property in part or in whole.

Persons who, with the purpose of obtaining a benefit for themselves or another, unlawfully help a foreigner to reside in or cross the country in violation of the law shall be punished by imprisonment of up to five years and a fine from BGN 3,000 to BGN 10,000. If the act has been committed by using motor, air, or other vehicle; or has been organized by a group or an organization; or endangers a life; or the person is a minor below the age of 16; or involves more than one person, the punishment is imprisonment from one to six years and a fine of BGN 5,000 to BGN 20,000 (Article 281 of the Criminal Code).

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<sup>19</sup> Joint presentation of the Crime Prevention Fund and the Centre for the Study of Democracy.

### **3.4.2. *International and domestic trafficking in children***

The Bulgarian Criminal Code protects children by providing for more severe punishment in cases involving human trafficking of children. Article 159b, para. 2 of the Criminal Code defines a child as a person under 18 years of age.

Pursuant to Article 159a, para. 2, item 1 of the Criminal Code, where the victim of the general offence of human trafficking is a person under the age of 18, the punishment shall be imprisonment from three to 10 years and a fine from BGN 10,000 to BGN 20,000 (compared with the punishment of two to eight years of imprisonment and a fine from BGN 3,000 to BGN 12,000 where the victims are adults).

Accomplices of traffickers of children also face more severe punishment of imprisonment from five to 12 years and a fine from BGN 10,000 to BGN 50,000 (for adult victims, the sentence is three to 12 years of imprisonment and a fine from BGN 10,000 to BGN 20,000).

The Criminal Code provides a specific criminal offence for employing an illegally residing foreigner below the age of 18 (Article 227, para. 3 of the Criminal Code). The punishment for this offence is imprisonment of up to five years and a fine from BGN 3,000 to BGN 30,000.

Article 182b, Chapter Four “Crime against the Marriage, Family and Youth” of the Criminal Code provides that a female person who gives her consent for the sale of her child in the country or abroad shall be punished by imprisonment of one to six years and a fine of BGN 5,000 to BGN 15,000. The same punishment applies to a pregnant female who consents to the sale of her baby prior to the baby’s birth. It should be noted that it is the mother who is subject to prosecution; there are no special provisions with respect to the father. However, those who induce parents to abandon or sell their children or mediate in the course of the act are subject to punishment.

Article 182a of the Criminal Code also provides for imprisonment of up to three years and a fine of up to BGN 2,000 for those who, for the purpose of procuring an economic benefit, persuade a parent, through a donation, promise, threat, or misuse of power, to abandon a child or consent to the child’s adoption. Likewise, interceding, for the purpose of procuring an unauthorized economic benefit, between a person or a family wishing to adopt a child and a parent wishing to abandon, or a woman agreeing to carry in her womb, a child for the purpose of giving the child for adoption, shall be punishable by imprisonment of up to two years and a fine of up to BGN 3,000.

### **3.4.3. *Victim harboring***

Pursuant to Article 20, para. 4 of the Criminal Code, accessories are those persons who have facilitated the commitment of the criminal offence through advice, explanations, promise to provide assistance after the act, removal of obstacles, providing resources, or any other way.

All accomplices shall be punished by the penalty set for the crime, taking into account the nature and degree of their involvement. Accessories are responsible only for what they deliberately helped the perpetrator to do. In principle, accessories will not be punished if they stop their participation and impede the commission of the criminal act or prevent the criminal consequences, unless their acts qualify as another crime.

In the cases of offences of human trafficking, the Criminal Code imposes the same liability on the accessories as on the perpetrators.

### **3.4.4. *Extraterritorial application of human trafficking and smuggling offenses***

Refer to Section 3.2.2.

### 3.4.5. *International and domestic organ trafficking*

Recruitment, transportation, harbouring or receipt of individuals or groups of people with the purpose of seizure of body organs, tissue, cell or body fluid (trafficking in organs) is a punishable criminal offence pursuant to Article 159a, para. 1 of the Criminal Code. Further on, Article 159a, para 2, item 1 of the Criminal Code provides that where the general offence of trafficking in human beings as referred to in paragraph 1 of the same Article has been committed with respect to a person under the age of 18, the punishment shall be imprisonment from 3 to 10 years and a fine of BGN 10,000 to BGN 20,000, while the punishment provided for under paragraph 1 is imprisonment from 2 to 8 years and a fine from BGN 3,000 to BGN 12,000.

The same applies to the punishments envisaged for human traffickers' accomplices if the victim is below 18, that is a child within the meaning of the law (Article 159b, para. 2 of the Criminal Code). In the latter case the punishment shall be imprisonment from 5 to 12 years and a fine of BGN 10,000 to BGN 50,000 (compared with the general offence where the punishments are respectively 3 to 12 years of imprisonment and a fine from BGN 10,000 to BGN 20,000).

## 3.5. Online Exploitation of Children Offenses

The Criminal Code provides specific offences related to sexual exploitation of children online. Article 2 of the Child Protection Act defines a child as any person who has not reached the age of 18. The Persons and Family Act further distinguishes between minors below the age of 14 and those between 14 and 18 years old for purposes of exercising their individual rights and the need for statutory protection. The law provides much more severe punishments for crimes committed against children.

Pursuant to Article 155, para. 1 of the Criminal Code, providing or collecting information about a person below the age of 18, with the purpose of establishing contact with this person for performing fornication, copulation, sexual intercourse, or prostitution; creating pornographic materials; or participating in pornographic performance, is a criminal offence punishable by imprisonment from one to six years and a fine of BGN 5,000 to BGN 10,000. The same punishment shall be imposed on anybody who contacts a person below the age of 14 by using information or communication technology in order to perform fornication, copulation, or sexual intercourse; create pornographic materials; or participate in pornographic performance.

It is a crime under Article 155b, para. 1 of the Criminal Code punishable by imprisonment up to five years to persuade a minor below the age of 14 to participate or witness online or simulated sexual intercourse between persons of identical or different gender, or lustful display of human genitals, sodomy, masturbation, sexual sadism, or masochism. The punishment is more severe when the criminal offence is committed by means of force or threat, by abusing a position of dependence or supervision, or by two or more persons who have conspired in advance or repeatedly; in those cases the punishment is imprisonment from two to 10 years.

Persuading a minor aged 14 to 18 years to participate in online or simulated fornication, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism, or masochism, as well as lustful display of human genitals by the use of force or threat, or by abusing a position of dependence or supervision, is punishable by imprisonment up to five years pursuant to Article 155c of the Criminal Code.

## 3.6. Child Sex Tourism Offenses

Bulgaria is not a typical destination for child sex tourism. Nevertheless, children have been used or forced to have sex with foreigners who have visited the country for tourism. In those cases, the Criminal Code offences related to sexual exploitation of children apply. Perpetrators of sexual abuse against children and the persons who provided the child for sexual exploitation or otherwise aided the commission of the crime are both subject to punishment.

Fornication with a child who has not reached 14 years of age is punishable under Article 149 of the Criminal Code. Pursuant to this provision, fornication is an act performed by a person for the purpose of arousing or satisfying sexual desire, without copulation; the punishment is imprisonment from one to six years. A more severe punishment of two to eight years of imprisonment is imposed when the act is committed by the use of force or threat; by reducing the victim to a helpless condition; or by abusing a position of dependence or supervision; or when the victim is involved in prostitution activities. Where the acts have been committed repeatedly, the punishment is enhanced to imprisonment from three to 10 years. The punishment for fornication is imprisonment from three to 15 years when it has been committed by two or more persons, or if it involves a person who does not understand the nature or meaning of the act. The punishment is further enhanced to imprisonment from five to 20 years when the act of fornication involved two or more minors, or caused grave bodily injury, or resulted in an attempted suicide, or constitutes dangerous recidivism, or is a particularly grave case.

Where the act of fornication with a minor child who has turned 14 years of age has been committed by the use of force or threat, by taking advantage of the minor's helpless condition or making the child helpless, or by the abuse of a position of dependence or supervision, the punishment is imprisonment from two to eight years (Article 150, para. 1 of the Criminal Code). When the minor has not reached 14 years of age, the act has been committed by abuse of a position of dependence or supervision, and the act involves prostitution or was committed by two or more persons, then the punishment shall be imprisonment from two to eight years. When the act of fornication has been committed by abuse of a position of dependence or supervision with respect to a minor who has reached 14 years of age, the punishment shall be imprisonment from one to five years.

Sexual intercourse with a minor who has not turned 14 years of age and does not understand the nature or meaning of the act is a crime under Article 150, para. 3 of the Criminal Code and is punishable by imprisonment of three to 10 years.

Rape of a female who has not turned 18 years of age is punishable by imprisonment of three to 10 years pursuant to Article 152, para. 2, item 1 of the Criminal Code, and by imprisonment of 10 to 20 years if she has not turned 14 years of age (Article 152, para. 4, item 1 of the Criminal Code). Depending on the aggravating circumstances, rape is punishable by imprisonment of three to 15 years if performed by two or more persons; or it causes moderate bodily injury or an attempt at suicide; or if it involves subsequent acts of debauchery or prostitution; or if it constitutes a dangerous recidivism. In cases where the act of rape has caused severe bodily injury or suicide, or the act qualifies as a particularly serious case, the punishment is from 10 to 20 years.

An act of fornication or copulation with a minor involved in prostitution is a criminal offence under Article 154a, para. 1 of the Criminal Code and is punishable by imprisonment from one to five years.

Persuading a minor below the age of 18 to practice prostitution or acting as a procurer of a minor for indecent touching or copulation, as well as systematically making premises available to different persons for the performance of these acts, is an offence under Article 155, para. 1, item 5 of the Criminal Code and is punishable by imprisonment of two to eight years and a fine of BGN 5,000 to BGN 15,000.

If the perpetrator has acted for their own benefit, the punishment shall be from three to 10 years of imprisonment and a fine from BGN 10,000 to BGN 25,000. In cases where the perpetrator has persuaded or forced another person to use drugs or analogues thereof for the purposes of practicing prostitution or to perform copulation, indecent assault, intercourse, or any other acts of sexual gratification with a person of the same sex, the punishment is imprisonment of 10 to 20 years and a fine of BGN 100,000 to BGN 300,000.

A person who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using for that purpose force or threat, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility of self-defense, commits the offence of homosexual rape

under Article 157, para. 1 of the Criminal Code, which is punishable by imprisonment for two to eight years. In cases where the victims are children, the punishments are considerably graver. When the act has been performed with a minor involved in prostitution, the punishment is imprisonment of three to 10 years. When the act has been committed with a person who has not turned 14 years of age, the punishment is imprisonment of three to 12 years. Even if there has not been any compulsion of the victim, it is a crime under Article 157, para. 4 of the Criminal Code to commit fornication or copulation with a minor child who has not reached the age of 14 years. Pursuant to that provision, a person who performs sexual intercourse or acts of sexual gratification with a person of the same sex below the age of 14 can be punished by imprisonment for two to six years. If the act has been performed with a person who is below the age of 14 and involved in prostitution, the punishment is two to eight years.

Recruiting, facilitating, using, or forcing a person below the age of 18 to participate in a pornographic performance is a crime under Article 158a, paras. 1 and 2 of the Criminal Code and is punishable by imprisonment for up to six years. The punishment becomes two to eight years of imprisonment in cases where the victim is below 14 years of age. Cases involving an economic benefit are punished more severely. In those cases, the punishment is imprisonment of two to eight years and a fine of BGN 10,000 to BGN 20,000 if the victim is above the age of 14, and imprisonment of three to 10 years and a fine of BGN 20,000 to BGN 50,000 if the victim is below the age of 14.

## 4. BULGARIA'S SUPPLY CHAIN REPORTING LEGISLATION

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There is no supply chain reporting legislation in Bulgaria. Nevertheless, according to Directive 2014/95/EU regarding disclosure of non-financial and diversity information by certain large undertakings<sup>20</sup> (implemented in Bulgaria in 2016), some large companies must include in their management report a non-financial statement containing information relating, among other things, to their respect for human rights, specifically, information on the prevention of human rights abuses.

## 5. FORCED LABOR: OVERVIEW OF BULGARIA'S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

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### 5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

Bulgarian employment laws do not explicitly mention forced labour as a result of human trafficking. However, general contract law and criminal law provide for a number of civil and criminal mechanisms through which victims of forced labor and trafficking can seek remedies.

The employment and criminal laws in Bulgaria are mainly focused on the protection of minors from unlawful exploitation. The legal regime of employment of minors is established and regulated in the Labor Code,<sup>21</sup> the Child Protection Act, Ordinance No. 4 of 1999 on works that are prohibited for persons aged between 15 to 18,<sup>22</sup> and Ordinance No. 6 on employing persons under the age of 18 years.<sup>23</sup> The Child Protection Act protects and guarantees the fundamental rights of children taking into account their age, social status, physical health, and mental condition.

<sup>20</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0095>.

<sup>21</sup> <https://www.lex.bg/laws/ldoc/1594373121>.

<sup>22</sup> <https://www.ciela.net/svobodna-zona-darjaven-vestnik/document/-552839166/issue/260/naredba-%E2%84%96-4-za-rabotite-koito-sa-zabraneni-za-litsa-ot-15--do-18-godishna-vazrast>.

<sup>23</sup> <https://www.lex.bg/laws/ldoc/2135533303>.

The minimum age for employment is 16 years, and employment is prohibited for persons under 16. Ordinance No. 4 of 1999 lists the jobs and industries where the employment of minors is prohibited, and Ordinance No. 6 regulates the terms and conditions for granting employment work permits for children under 18. Such a work permit is issued from the relevant regional labor inspectorate. Hiring minors without such a permit is a crime.

The civil claims for forced labour can be combined with the criminal proceedings, so that the outcome of the criminal trial can be used in the civil claim.

## 5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

Pursuant to Article 10 of the Labour Code, except as otherwise provided by law or a treaty in force for Bulgaria, the Code applies to (1) Bulgarian employers (incorporated in Bulgaria) of Bulgarian citizens and nationals of Member States of the EU, states-parties to the Agreement on the European Economic Area, or the Swiss Confederation, whether the employees are working in Bulgaria or sent by Bulgarian employers (incorporated in Bulgaria) to work in a foreign country or in a foreign or mixed enterprise; (2) Bulgarian employers abroad; and (3) foreign nationals working in Bulgaria.

The Labour Code does not apply to employment relationships with an international component, if the parties have chosen the legislation of another country to regulate their employment relationship. These rules do not deprive the employee of the protections granted by the legislation of a Member State of the European Union, a state-party to the Agreement on the European Economic Area, or the Swiss Confederation, if they are more favourable for the employee and apply to the place in which the labour was performed.

Victims of trafficking rarely have valid employment contracts. Consequently, the Obligations and Contracts Act, discussed in Section 1.2 above, determines the civil liability of the person who has benefited from the work of a victim of trafficking.

In the event there is a valid employment contract, the general terms and procedure set forth in the Labour Code govern the employer's liability, and the person who has provided the service is entitled to all types of actions available to employees.

## 5.3. Statutory Rights

### 5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

Articles 242 et seq. of the Labour Code establish the right to remuneration. The Code provides the main, applicable rules: service provided under an employment relationship shall be paid; women and men shall be entitled to equal pay for the same work or work of equivalent value; the Council of Ministers shall determine the minimum salary nationwide; employees who perform their duties in good faith shall be guaranteed payment of 60% of their gross salaries but not less than the minimum salary for the country, while the unpaid amount of the remuneration shall remain due and shall be paid together with the statutory interest.

### 5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

Persons who fall victim to fraud related to their labour rights have several options. First, they can be civil claimants in criminal proceedings against human traffickers. In this case, they shall not pay the statutory fee or costs for the trial, save for the fees of any attorney they have engaged. The victims may use all evidence collected in the course of the criminal proceedings to prove their claims. Another option is to bring

a civil lawsuit. In the event of a regularly signed contract, even where the victim has been persuaded by fraud or force to sign it, the victim must bring a civil lawsuit in accordance with the Labour Code. In this case, the claimant will not have to pay the statutory fee but will have to pay for attorney fees. However, the relatively tight deadlines for bringing some of the lawsuits pose certain restrictions. The third option is for the victim to bring a lawsuit under the general civil procedure route to seek compensation for tort or unjust enrichment. The problem for this route is that the claimant must bear in advance the financial burden of the proceedings, and victims of trafficking or forced labour rarely have the financial means to sustain trials.

### **5.3.3. Claims available in relation to unlawful deductions, loans, and debt bondage**

Refer to Section 3.3.5.

### **5.3.4. Remedies**

The main principle under Bulgarian law is that the victim may recover compensation for all damages that are a direct and immediate consequence of the tort. In certain cases, the victim also may recover compensation for loss of earnings.

### **5.3.5. The well-being of workers: Preventing work-related psychosocial risks**

The Bulgarian Ministry of Labour and Social Policy encourages employers to use measures for stress and psychosocial risk management as recommended by the European Agency for safety and Health at Work (EU-OSHA).<sup>24</sup> Occupations that have increased levels of employee stress are encouraged to reduce working time and extend paid annual leave, among other measures.

### **5.3.6. The well-being of workers: Promotion of workers' health**

The “General Labour Inspectorate,” an executive agency of the Ministry of Labour and Social Policy, has regulatory control over working conditions as well as administrative criminal liability.<sup>25</sup> The employer’s duties with regard to ensuring safe and healthy working conditions are set forth in the Labour Code (Chapter XIII) and the Safety and Health at Work Act (Chapter III).

The employer is obliged to provide all employees with appropriate training and instruction on safety and health at work, taking into account the potential dangers of the work and workplace. The terms and procedure for conducting training and providing instruction on safety and health at work are set forth in Ordinance No. RD-07-2 of 16 December 2019.<sup>26</sup>

### **5.3.7. The well-being of workers: Rest time**

The Labour Code regulates the employee’s right to different types of leave: basic and additional paid leave; unpaid leave for the purpose of training, pregnancy, birth, and maternity; and temporary incapacity to work, among others. Pursuant to Article 155, para. 1 of the Labour Code, every employee has the right to an annual paid leave. To exercise this right, an employee must have acquired at least eight months of work experience, regardless of whether it is with one or more employers. Once acquired, the right to paid leave is preserved for the full duration of the employee’s working activity.

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<sup>24</sup> [www.mlsp.government.bg](http://www.mlsp.government.bg).

<sup>25</sup> *Id.*

<sup>26</sup> <https://www.lex.bg/laws/ldoc/2135655309>.

Pursuant to Article 160, para. 1 of the Labour Code, upon request, the employer may permit an employee an unpaid leave, regardless of whether the employee has used the annual paid leave, and irrespective of the employee's length of service. Other types of leave are envisioned in the Labour Code, including temporary incapacity to work, pregnancy, birth, child-raising, and performance of civil or public duties.

Pursuant to Article 155, para. 4 Labour Code, the duration of the regular annual paid leave shall be no less than 20 working days.

### **5.3.8. *The well-being of workers: Freedom to change jobs and right to leave***

Article 326 of the Labour Code gives employees the right to terminate their contract of employment. The employee is not obliged to give reasons for terminating the contract of employment. Employees may terminate any contract of employment, irrespective of whether it is for an indefinite or a fixed term. Terminating a contract on this ground does not require the employer's consent, but the employee must provide 30 days prior notice.

The grounds for an employee to terminate a contract of employment without notice are set out in Article 327, para. 1 of the Labour Code. Employees may exercise their right to terminate only in the circumstances exhaustively listed in para. 1 (items 1 to 12). Both contracts of employment concluded for indefinite and for fixed term may be terminated on these grounds. The employee's right is to be exercised by a unilateral statement of intent made in writing. Since the termination is without notice, the contract is terminated as of the moment the employer receives the written statement of termination from the employee (Article 335, para. 2, item 3 of the Labour Code).

## **5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness**

The employer owes several obligations to employees:

- Follow the minimum requirements for occupational safety and health, labour process, and use of work equipment. The obligations are set forth in detail in Ordinance No. 7/1999 of the Ministry of Labour and Social Policy and the Ministry of Health on the minimum requirements for safe and healthy working conditions and use of work equipment (SG No. 88/1999);<sup>27</sup>
- Assess the safety and health risks and provide information to employees about the risks (the risk assessment is made in relation to labour processes and work equipment, premises, working places, and other factors of the work environment). The requirements are set forth in Regulation No. 5/1999 of the Ministry of Labour and Social Policy and the Ministry of Health on the procedure, manner and frequency of conducting risk assessment (SG No. 47/1999);<sup>28</sup>
- Provide employees with medical care from an occupational medicine service. The terms and procedure for the provision of occupational medicine services are set forth in Ordinance No. 3/2008 of the Ministry of Labour and Social Policy and the Ministry of Health on the terms and procedure for the provision of occupational medicine services (SG No. 14/2008);<sup>29</sup> and
- Provide adequate training and occupational safety and health instruction to every employee. The terms and procedure for conducting such training and instruction are set forth in Ordinance No. RD-07-2 of 16 December 2009 on the terms and procedure for conducting regular on-the-spot training

<sup>27</sup> <https://lex.bg/bg/laws/ldoc/-549670400>.

<sup>28</sup> <https://lex.bg/bg/laws/ldoc/-549691391>.

<sup>29</sup> <https://www.lex.bg/laws/ldoc/2135579273>.



and instruction of employees with regard to the rules to ensure occupational safety and health (SG No. 102/2009).<sup>30</sup>

## 5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

In case the employer violates the labour rights, employees have the right to seek judicial protection. Proceedings in labour disputes are free of charge for the employees, who do not have to pay fees and costs. They only pay the attorney fees. Employees may request the trade union to represent them in court.

## 5.6. Interaction Between Employment Law and Migration

### 5.6.1. *Employment rights affected where employment is unlawful under migration law*

Victims of forced labour have the right to bring claims in Bulgarian courts and in general seek protection of their rights, regardless of whether they reside legally or illegally in Bulgaria.

Pursuant to Article 16a of the Criminal Code, a victim of trafficking is not culpable for acts that the victim was forced to commit as a victim of trafficking. According to the principles of criminal law, criminal liability may only be incurred if an act has been committed culpably. Therefore, victims of forced labour as a result of human trafficking are not criminally liable.

### 5.6.2. *Rights/remedies available under applicable migration law and regulations*

Refer to Section 7.

## 5.7. Employment Laws and Child Labor

Article 192a of the Criminal Code protects children from labour exploitation. Admitting to work an individual, who has not turned 18 years of age, in the absence of a permit, is punishable by imprisonment for up to six months and a fine of BGN 3,000 to BGN 5,000. If the act has been committed with respect to a person below the age of 16 years, the punishment is imprisonment up to one year and a fine of BGN 3,000 to BGN 5,000. If the employer has committed the act repeatedly, the punishment is imprisonment up to one year and a fine of BGN 2,000 to BGN 5,000 if the minor is above 16 years of age, and imprisonment up to three years and a fine of BGN 3,000 to BGN 8,000 if the minor is below 16 years of age.

The Bulgarian Criminal Code protects children who are foreign nationals and subjected to labour exploitation. Pursuant to Article 227, para. 3, item 3 of the Criminal Code, the employment of a foreigner who is below the age of 18 years and illegally residing in Bulgaria is punishable by imprisonment up to five years and a fine of BGN 3,000 to BGN 30,000.

Forced labour performed by children is not typical for Bulgarian society. It usually arises from children being forced to beg, prostitute, or commit other crimes.

## 6. GOVERNMENT PROCUREMENT RULES

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Bulgaria has adopted a series of legal acts related to combatting trafficking in human beings. The Action Plan is part of the 2019 National Programme for Preventing and Combatting Trafficking in Human Beings

<sup>30</sup> <https://www.lex.bg/laws/ldoc/2135655309>.

and Protecting Victims of Trafficking,<sup>31</sup> which the National Commission for Combatting Trafficking in Human Beings (NCCTHB) adopted to implement at the Combatting Trafficking in Human Beings Act and the National Strategy for Combatting Trafficking in Human Beings 2017–2021. It provides measures in accordance with current concepts to prevent human trafficking.

The strategic goal of this document is to establish effective working mechanisms at the national and local level for institutional support and development of the administrative structures provided in the Combatting Trafficking in Human Beings Act.

In 2019, prevention was once again set as a priority in the National Programme. On 8 October 18, which was the European Anti-trafficking day, three annual national campaigns were carried out to prevent human trafficking for the purpose of labour and sexual exploitation, and to focus on the new threats and realities of human trafficking. Over the years, the three campaigns have successfully informed the general public about the crime of human trafficking.<sup>32</sup>

National, regional, and local training has enhanced specialists' capacity for detecting and identifying potential risks of trafficking and for referring victims of trafficking. Prosecutors and Ministry of Interior officials received specialized training, in cooperation with public institutions and non-governmental organizations. Some training was done together with the 10 local Anti-trafficking Commissions.

In 2019, the focus was on strengthening the working mechanisms for institutional support and developing the structures on national and local levels to ensure their effective functioning.

The protection, recovery, and reintegration of victims of trafficking continue to be main priorities of the National Programme. In 2019, the National Anti-Trafficking Commission continued to provide specialized support and services for victims of trafficking. A total of 29 persons, including seven children, were supported by these services in 2018. At present, victims of trafficking receive medical, psychological, legal, and social support in the shelters run by the NCCTHB. In addition to psychological support to cope with and overcome the crisis, victims receive psychosocial support for reintegration into society. Some 70% of the victims who received support in the shelters with the NCCTHB assist the law enforcement authorities in investigating the crime, which means that the effective protection and support for the victims has a positive effect on the prosecution and punishment of the perpetrators.

In 2019, targeted activities for combatting trafficking in human beings were developed on the basis of current trends and statistical data; guidelines also were developed for investigation, analyses, and studies of risky economic sectors and the practical identification of cases in those sectors. Improving national legislation for combatting human trafficking and protecting the victims of trafficking through the adoption of up-to-date amendments and supplements to the Combatting Trafficking in Human Beings Act and its Implementing Rules, in line with European legislation, is always on the agenda of the Bulgarian public institutions.

## 7. RESTITUTION AND VICTIM COMPENSATION

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In Bulgaria, several remedies enable victims of human trafficking to obtain compensation for their injuries and economic damage. The first remedy is to institute civil proceedings before the criminal court during the trial of the presumed perpetrator of the trafficking offence (Article 84, para. 1 of the Criminal Code). In order to secure payment of the compensation, the prosecutor and the victim have the right to request the freezing of the perpetrator's assets (Article 73, para. 2 of the Criminal Code).

<sup>31</sup> [www.strategy.bg](http://www.strategy.bg).

<sup>32</sup> <https://antitraffic.government.bg/>.

Victims instead may pursue a separate civil claim requesting the perpetrator to pay compensation for pecuniary and non-pecuniary damages pursuant to the Obligations and Contracts Act. This remedy is the only possibility for victims of crime to seek compensation for non-pecuniary damage, if criminal proceedings ended with an agreement between the prosecutor and the accused.

A relatively limited group of victims of human trafficking can receive compensation (but only pecuniary damages) under the Assistance and Compensation for Victims of Crime Act. Victims of human trafficking can benefit from this administrative procedure only after completion of the criminal proceeding or its suspension because the perpetrator of the crime could not be identified in the criminal proceedings/investigation (Article 12). The financial compensation includes the costs of treatment (not covered by the National Health Insurance Fund), transportation costs, (*e.g.*, to appear in court), legal fees, lost income, and other expenses. The fund compensates pecuniary damages of up to BGN 10,000.

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