

REPUBLIC OF BULGARIA

NATIONAL ASSEMBLY

COMBATING TRAFFICKING IN HUMAN BEINGS ACT

Promulgated, The State Gazette, No. 46/20.05.2003

[Legislationline Note: *This Act is of 2003 (year of promulgation and coming into force). Only the date of coming into force of the budget provision is extended 01/01/2004. This law has been amended:*

in 2005 - amend. SG. 86/28 Oct 2005 - in order to reflect changes in the numeration of articles in the new Bulgarian Criminal Procedural Code of 2005, to which article 31 of the law refers

in 2008 - amend. SG. 33/28 March 2008 – in order to include the membership of the commission the State Agency for National Security]

Chapter One

GENERAL PROVISIONS

Article 1

(1) This Law shall provide for:

1. The powers and objectives of the state authorities involved in combating trafficking in human beings, as well as the relations between them;
2. The status and objectives of the shelters, centres and commissions established under this Act for protection and support of the victims of human trafficking;
3. The measures to prevent and defy trafficking in human beings;
4. The measures aimed at protecting and supporting the victims of human trafficking, especially women and children;
5. Placing trafficking victims who collaborate with the investigation under special protection.

(2) This Act is intended to ensure co-operation and co-ordination between the bodies of state and the municipalities, as well as between them and the non-governmental organisations (NGOs), with a view to preventing and defying trafficking in human beings, and developing the national policy in that area.

Article 2

The following units shall be set up to accomplish the activities and objectives in Article 1:

1. National and local commissions for combating trafficking in human beings;
2. Shelters for temporary housing of victims of trafficking;
3. Centres for protection and support of victims of trafficking.

Article 3

(1) The Council of Ministers shall allocate resources in the national budget for establishment and maintenance of the shelters, centres and commissions in Article 2.

(2) NGOs may assist the activity in Paragraph 1 within their available resources.

Chapter Two

COMMISSIONS FOR COMBATING TRAFFICKING IN HUMAN BEINGS

Article 4

(1) A National Commission for Combating Trafficking in Human Beings, hereinafter referred to as "National Commission", shall be established with the Council of Ministers.

(2) The National Commission shall be chaired by a Deputy Prime Minister, as designated by the Council of Ministers. The Commission shall include a deputy minister of foreign affairs, a deputy minister of labour and social policy, a deputy minister of the interior; a deputy minister of justice, a deputy minister of health, a deputy minister of education and science, a vice president of the State Agency for Child Protection, a deputy chairperson of the Central Enforcement Commission for Anti-Social Behaviour of Juveniles and Minors, as designated by the respective ministers, presidents and chairpersons.

(3) The National Commission shall include representatives of the President of the Supreme Court of Cassation, the Prosecutor General and the Director of the National Investigation Service.

(4) The meetings of the National Commission may be attended by representatives of non-profit legal entities and international organisations with country offices that operate in the area of determent of the trafficking in human beings and protection of the victims of trafficking.

(5) The National Commission shall be assisted in its operation by administration managed by a Secretary appointed by the Chairperson of the National Commission.

(6) The Council of Ministers shall adopt Rules of Procedure of the National Commission.

Article 5

(1) The National Commission shall establish under certain municipalities throughout the country Local Commissions for Combating Trafficking in Human Beings, hereinafter referred to as "Local Commissions". Their locations shall be determined by a decision of the National Commission.

(2) The Local Commissions in Paragraph 1 shall consist of 3 to 7 members, and their exact number shall be subject to regulation by the Mayor. They shall be chaired by a deputy mayor. The Local Commissions shall include representatives of the local government competent in the area of education, health care and social policy, representatives of the Local Enforcement Commission for Anti-social Behaviour of Juveniles and Minors, the child protection departments with the Social Support Directorates, the police, non-governmental organisations, as well as teachers, psychologists, lawyers, physicians, and others. The meetings of the Local Commissions shall be attended by a regional prosecutor.

(3) If necessary, Local Commissions shall appoint a Secretary. The payment of the Secretary shall be determined by the Mayor.

(4) Local Commissions shall be funded by the National Commission budget.

Article 6

The Chairperson of the National Commission shall present an annual report of its activity to the Council of Ministers. The Local Commissions shall present annual reports of their activities to the respective mayors and the National Commission.

Article 7

The National Commission shall:

1. Organise and co-ordinate the co-operation between the relevant agencies and organisations for implementation of this Act;
2. Determine and administer the implementation of the national policy and strategy in the area of combating trafficking in human beings;
3. Develop on an annual basis a national programme for prevention and countering of trafficking in human beings and protection of victims of trafficking, which shall be presented to the Council of Ministers for approval;
4. Promote the research, analysis and statistical reporting of human trafficking data;

5. Contribute to the international co-operation for prevention and countering of trafficking in human beings;
6. Carry out information, awareness and educational campaigns aimed at potential victims of trafficking;
7. Develop training programmes for officials working in the area of prevention and countering of trafficking in human beings;
8. Manage and supervise the activities of the Local Commissions and the centres for protection and support of victims of trafficking;
9. Register individuals and non-profit legal entities who provide shelter to victims of trafficking.

Article 8

Local Commissions shall:

1. Organise and co-ordinate the co-operation between the relevant regional agencies and organisations for implementation of this Act;
2. Implement the national policy and strategy for combating trafficking in human beings at a regional level;
3. Implement the national programme for prevention and countering of trafficking in human beings and protection of victims of trafficking at a regional level;
4. Assist in the process of research, analysis and statistical reporting of human trafficking data;
5. Contribute to the international co-operation for prevention and countering of trafficking in human beings;
6. Carry out information, awareness and educational campaigns aimed at potential victims of trafficking at a regional level;
7. Implement training programmes for regional-level officials working in the area of prevention and countering of trafficking in human beings.

Chapter Three

SHELTERS FOR TEMPORARY HOUSING AND CENTRES FOR PROTECTION AND SUPPORT OF VICTIMS OF TRAFFICKING

Article 9

(1) The Shelters for Temporary Housing of Victims of Trafficking shall be set up:

1. By the National Commission based on a proposal made by the Local Commissions or the municipalities;
2. By individuals and non-profit legal entities who provide shelter to victims of trafficking and who have been entered into a National Commission Register under terms and conditions determined by the regulations in Article 12.

(2) The Shelters shall accommodate persons who claim to be victims of trafficking. They shall be accommodated for up to 10 days by their personal request under terms and conditions determined by the regulations in Article 12.

(3) The accommodation period in Paragraph 2 may be extended by another 30 days based on a proposal by the Local Commissions, the pre-trial proceedings authorities or the court, as requested by the sheltered individual.

Article 10

The Shelters for Temporary Housing shall:

1. Ensure standard living and sanitary conditions;
2. Provide sheltered persons with food and medications;

3. Make available emergency medical and psychological services;
4. Assist the sheltered persons in establishing contact with their relatives as well as with the competent agencies and organisations.

Article 11

(1) The Local Commissions shall set up Centres for Protection and Support of Victims of Trafficking, hereinafter referred to as "Centres".

(2) The Centres shall:

1. Provide simple-language information regarding the administrative and judicial procedures that administer victim support and protection;
2. Ensure specialised psychological and medical services;
3. Facilitate victims' re-integration in the family and the social environment.

(3) The necessary funds for operation of the Centres shall be provided by the National Commission budget.

Article 12

(1) The terms for setting up Shelters under Article 9, Paragraph 1, and Centres under Article 11, the organisation of their work, their management and control shall be subject to regulations adopted by the Council of Ministers.

(2) The necessary funds for operation of the Shelters in Article 9, Paragraph 1(1) shall be provided from the National Commission budget.

Chapter Four

PREVENTION AND COUNTERING OF TRAFFICKING IN HUMAN BEINGS

Article 13

The National Commission shall organise and co-ordinate the relevant agencies and organisations involved in the prevention and countering of trafficking in human beings, based on the national programme approved by the Council of Ministers, as under Article 7(3).

Article 14

In order to implement the objectives in Article 13, the National Commission shall:

1. Initiate and take part in the development and implementation of measures aimed at creating equal social and economic opportunities for the risk groups, including:

- a) Conditions for integration of the individuals from risk regions and risk groups into the labour market;
- b) Micro-crediting programs;
- c) Programmes inciting employers to hire individuals from risk groups;

2. Ensure public awareness of:

- a) Situations where citizens are at risk of becoming victims of trafficking;
- b) The protection to the victims of trafficking provided by the state and the specialised organisations;
- c) The penal and administrative measures taken by the state to combat trafficking in human beings;

3. Initiate and take part in the development and implementation of:

- a) General education school programmes designed for parents and students;
- b) General education programmes for unemployed and illiterate citizens;
- c) Education programmes for risk groups and risk regions;
- d) Education programmes for victims of trafficking.

Chapter Five

PROTECTION AND SUPPORT OF VICTIMS OF TRAFFICKING

Article 15

The bodies of state, the commissions, centres and shelters, within their competencies, are obliged to provide protection and support to the individuals who have become victims of trafficking.

Article 16

The diplomatic and consular missions of the Republic of Bulgaria abroad shall support and assist the Bulgarian nationals who have become victims of trafficking to return to Bulgaria.

Article 17

Consular offices with the Bulgarian Embassies abroad, in co-operation with Ministry of the Interior authorities, shall assist for speedy and timely issuance of identity documents to Bulgarian nationals who have become victims of trafficking.

Article 18

(1) The diplomatic and consular missions of the Republic of Bulgaria abroad shall distribute amongst interested individuals and risk groups information materials about the rights of the victims of trafficking.

(2) The diplomatic and consular missions of the Republic of Bulgaria abroad shall provide information to the bodies of the host country regarding the Bulgarian legislation in the area of trafficking in human beings.

Article 19

Information exchange and co-operation with the competent authorities of foreign countries and the international organisations shall be implemented in compliance with the national legislation and the international treaties signed by the Republic of Bulgaria.

Article 20

The victims of trafficking shall be guaranteed confidentiality and protection of personal data.

Article 21

Upon receipt of information about a child who has become a victim of trafficking, the bodies in Article 2 shall inform immediately the State Agency for Child Protection, which shall take the relevant measures under the Child Protection Act.

Article 22

Children who have become victims of trafficking shall be accommodated in separate premises from adults.

Article 23

Children who have become victims of trafficking shall be provided with education in state or municipal schools in the country, in compliance with the Public Education Act.

Article 24

(1) The bodies, shelters and centres in Article 2 shall take prompt measures to search the families of the children who have become victims of trafficking.

(2) In the cases in Paragraph 1, the specialised bodies under the Child Protection Act shall take measures to ensure legal representation.

Article 25

Individuals who have become victims of trafficking and have declared their willingness to collaborate for disclosure of the trafficking offenders shall be granted special protection status for the time of the criminal proceedings, including:

1. Permission to foreign nationals for long-term stay in the country;
2. Extension of the accommodation period in the shelters.

Article 26

(1) Pre-trial proceedings authorities shall promptly inform the individuals who have become victims of human trafficking, upon identification thereof, about the possibility to receive special protection if within one month the victims declare their consent to collaborate with the investigation.

(2) The timescale in Paragraph 1 may be extended up to two months based on a proposal by the State Agency for Child Protection when the victim of trafficking is a child.

Article 27

(1) Within three days of the filing of the request of the victim of human trafficking, the Prosecutor shall issue a writ granting the individual a special protection status.

(2) Denial of the status in Paragraph 1 may be appealed within three days before a higher-level Prosecutor, who must pronounce promptly on the complaint.

Article 28

(1) Long-term stay permissions shall be issued in accordance with the Foreign Nationals Act by the competent administrative control services with the Ministry of the Interior, based on the writ in Article 27 hereof.

(2) During their stay in the country, the individuals who have obtained permissions under Paragraph 1 shall be entitled to rights of permanent residents in the country within the meaning of the Foreign Nationals Act, barring the right under Article 35, Paragraph 2 thereof.

(3) Permissions under Paragraph 1 shall not be granted to individuals who do not possess identity documents and refuse to cooperate with their identification.

Article 29

The period for accommodation in shelters shall be extended in accordance with the timescale determined in the writ under Article 27 hereof, and it may not exceed the deadline of the criminal proceedings.

Article 30

(1) The special protection status shall be terminated by the authorities in Article 27 prior to the expiration of the term indicated therein, when:

1. The victim has renewed their contacts with the perpetrators of the crime the investigation of which they have declared to support;
2. The authority in Article 27 finds that the consent declared by the victim was fictitious;

3. There is a danger to public order and the national security.

(2) In the cases in Paragraph 1, the Prosecutor shall issue a writ, which is subject to appeal within three days before a higher-level Prosecutor, who shall pronounce promptly on the complaint.

Article 31

The witness protection provision under Article 97a of the Penal Procedure Code shall not block the provision of special protection status to victims of trafficking in human beings by virtue of this Act.

ADDITIONAL PROVISION

§ 1. For the purpose of this Act:

1. "Trafficking in human beings" means the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, by means of coercion, abduction, deprivation of liberty, fraud, abuse of power, abuse of a state of dependence, or by means of giving, receiving or promising benefits to obtain the consent of a person who has control over another person, when it is carried out for the purpose of exploitation;

2. "Exploitation" means the illegal use of human beings for debauchery, removal of physical organs, forced labour, slavery or servitude;

3. The recruitment, transportation, transfer, concealment or acceptance of children for the purpose of exploitation shall be considered an act of trafficking in human beings, regardless of whether they have been carried out by the means in §1 above.

4. "Child" means any individual who is less than 18 years of age;

5. "Victim" means any person who has become a subject of trafficking in human beings;

6. "Risk group" means a group of individuals who due to their age, sex, social status or the geographical location of the region where they reside pose potential victims of the acts in §1 above.

7. "Risk region" means a region inhabited by groups as in §6 above.

FINAL PROVISIONS

§ 2. The implementation of this Act is assigned to the Council of Ministers.

§ 3. The provision of Article 3, Paragraph 1 shall enter into force from 1 January 2004.

This Act was adopted by the 39th National Assembly on 7 May 2003 and has been affixed the official seal of the National Assembly.

President of the National Assembly: Ognyan Gerdjikov