

Bulgaria

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Bulgaria is working with IOM to implement a public awareness campaign on the trafficking of women and children. IOM also operates a regional program that assists trafficked women and children to return to their home countries, including Bulgaria, and organizes regional forums to address the issue.³²² The government's Committee for Young People and Children implements legislation and measures protecting the rights of children, including those related to child labor.³²³ In 2001, the Government of Bulgaria produced the Strategy and Action Plan on Protecting the Rights of Children in Bulgaria that focuses on promoting the welfare of abandoned children.³²⁴ In addition, the Ministry of Education, Science and Technologies initiated programs to boost regular attendance rates and prevent dropouts among children, and to build awareness of labor rights for children.³²⁵

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14 percent of children between the ages of 5 and 17 in Bulgaria were working.³²⁶ Roma children are particularly susceptible to child labor.³²⁷ Children engaging in paid work outside of the home work in the trade and service sectors, transport and

³²² IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001 [hereinafter *IOM Counter Trafficking Strategy*], at http://www.iom.int/PDF_Files/Balkan_strategy.pdf on 9/28/01.

³²³ UN Committee on the Rights of the Child, *Summary Record of the 345th Meeting: Initial Report of Bulgaria*, CRC/C/SR.345, January 30, 1997.

³²⁴ The action plan was developed in 2000 and updated in the 2001 governmental program plan. See Government of Bulgaria Strategy and Action Plan on Protecting the Rights of Children in Bulgaria 2000-2003 [on file].

³²⁵ Some of the Ministry of Education's programs are being implemented in cooperation with UNESCO or NGOs. See UN Committee on the Rights of the Child, *Summary Record of the 347th Meeting, Consideration of Reports of States Parties (continued), Bulgaria*, CRC/C/SR.347, January 8, 1997. See also U.S. Embassy—Sofia, unclassified telegram no. 4519, June 2000 [hereinafter unclassified telegram 4519].

³²⁶ Six percent of children (83,000) work for payment, 32 percent (418,000) work on the household farm, and 47 percent (611,000) work in the household. Of the children performing paid labor, 94.1 percent do not have a contract. See ILO-IPEC, *Problems of Child Labor in the Conditions of Transition in Bulgaria*, study project (Sofia, 2000) [hereinafter *Problems of Child Labor*] at 13, 31, 32.

³²⁷ The Roma are an ethnic minority in Bulgaria, comprising between 3.5 and 7 percent of the total population. Approximately 85 percent of street children in Bulgaria are thought to be ethnic Roma. See UN Committee on the Rights of the Child, *Summary Record of the 345th Meeting, Consideration of Reports of States Parties—Bulgaria*, CRC/C/SR.345, January 8, 1997 [hereinafter *Reports of States Parties*]. See also *Country Reports on Human Rights Practices for 2000—Bulgaria* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/705.htm>.

communications, construction, agriculture, and forestry.³²⁸ Children also engage in unpaid work for family businesses or farms, and in their households.³²⁹ The prostitution of children often occurs through organized crime rings. The police estimate that 10 percent of prostitutes are minors, many as young as 14 years old.³³⁰ Trafficking in young girls is also a problem in Bulgaria. Girls as young as 14 years of age have been kidnapped and smuggled out of the country to destinations across Europe.³³¹

Education is compulsory up to the age of 16 under the National Education Act of 1991, with children typically starting school at the age of 6 or 7.³³² In 1996, the gross primary enrollment rate was 98.9 percent, and the net primary enrollment rate was 91.8 percent.³³³ Roma children have particularly low attendance and high dropout rates.³³⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Exceptions to the Labor Code stipulate that children under 16 can work in government-approved jobs with the consent of a parent and that children may not work in hazardous conditions until the age of 18 years.³³⁵ Children under 18 are required to work reduced hours and are prohibited from night work

³²⁸ The informal sector is also problematic. Young children work as panhandlers, particularly among the minority Roma population. Child labor has been reported by Trade Union Labor Inspectors in factories producing textiles and leatherwork, although this work generally involves older children age 16 or 17. See *Country Reports 2000* at Section 6d. See also *Problems of Child Labor* at 32-36.

³²⁹ *Problems of Child Labor* at 32-36.

³³⁰ *Ibid.* at 54. See also European Parliament, *Trafficking in Women*, working paper (Brussels, March 2000).

³³¹ Bulgaria is both a source and a transit country for human trafficking. No official statistics on trafficking of children are available. Bulgarian women are trafficked to Poland, the Netherlands, the Czech Republic, Germany, Belgium, France, Canada, the Federal Republic of Yugoslavia (including Kosovo), Romania, Hungary, Macedonia, Italy, Greece, Cyprus, and Turkey. In addition to trafficking out of Bulgaria, women have been trafficked into Bulgaria from the former Soviet Union and Macedonia for the purpose of prostitution. See *Country Reports 2000* at Section 6f and *IOM Counter Trafficking Strategy*.

³³² Parents are responsible for ensuring that their children attend school. Failure to comply warrants a fine. See National Education Act, 1991, Articles 6, 7 (*State Gazette*, No. 86/18.10.1991), at <http://www.bild.net/legislation/> on 9/28/01.

³³³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

³³⁴ *Problems of Child Labor*.

³³⁵ Children under age 16 may also be employed within the “sphere of culture,” including film, theater, or entertainment. Comprehensive Bulgarian legislation pertaining to child labor can be found in the Labor Code, Chapter 15, Section I, “Special Protection of Children,” Articles 301-305, which were adopted after Bulgaria ratified ILO Conventions 138 and 182. See *Problems of Child Labor* at 59. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1993, Bulgaria*, CRC/C/8/Add.29, October 12, 1995 [hereinafter *Initial Reports of States Parties*].

and overtime.³³⁶ The Family Code establishes legal protections for children working in family businesses.³³⁷ In May 2000, the government passed the Child Protection Act, which prohibits the employment of children in begging and prostitution, among other potentially harmful acts.³³⁸ The Bulgarian Constitution prohibits forced labor.³³⁹ The Bulgarian Penal Code forbids procuring women for prostitution, abducting a woman for the purposes of sexual exploitation, and depriving any individual of his or her liberty.³⁴⁰

The Ministry of Labor and Social Policy is responsible for enforcing child labor laws, but inspection and monitoring is weak, particularly for the informal sector and for trafficking.³⁴¹ The Bulgarian Government ratified ILO Convention 138 on April 23, 1980 and ILO Convention 182 on July 28, 2000.³⁴²

³³⁶ Bulgarian Labor Code (*State Gazette*, No. 26 and 27/1986), Articles 137, 140, 147, at <http://www.bild.net/legislation/> on 9/28/01.

³³⁷ *Problems of Child Labor* at 60.

³³⁸ *Problems of Child Labor* at 59. See also “Parliament Sets Up Child Protection Agency,” FBIS Report, Serial No. EU0005180273, May 2000.

³³⁹ Constitution of Bulgaria, 1991, Article 48 (4), at http://www.uni-wuerzburg.de/law/bu_indx.html on 9/28/01.

³⁴⁰ Article 142a prohibits trafficking by criminalizing the illegal deprivation of liberty of a person and, in cases involving minors, establishes a penalty of jail for three to 10 years. Articles 155 and 156 prohibit the abduction or persuasion of a female for prostitution, and Article 188 sets specific penalties of up to six years imprisonment for those who compel a minor to engage in prostitution. See *Human Rights Report on Trafficking of Women and Children: Bulgaria*, The Protection Project Database, at <http://www.protectionproject.org>.

³⁴¹ Employers and the Ministry of Labor and Social Policy are responsible for enforcing child labor laws. While inspectors are not reported to provide effective enforcement, Bulgaria’s trade unions have the right to inspect enterprises, and union inspectors have been known to report incidents of child labor. Enforcement of trafficking laws is particularly weak, however. There are unconfirmed reports that local police are involved in trafficking, that no suspected traffickers have been brought to trial, and that judges and prosecutors fear reprisals from organized crime figures should they pursue trafficking charges. In 2000, the Ministry of Labor Inspectorate conducted checks on 5.7 percent of all enterprises, or 57 percent of all employees, in Bulgaria. In the first six months of 2001, the Inspectorate detected 473 violations of child labor laws. See unclassified telegram 4519;z U.S. Embassy—Sofia, unclassified telegram no. 5059, October 2001; and *Country Reports 2000*.

³⁴² ILOLEX database at <http://ilolex.ilo.ch:1567/english/> on 9/28/01.

NOTE: Hard copies of all Web citations are on file.