



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Initial report of States parties due in 2004

BULGARIA*

[1 December 2006]

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Measures undertaken and progress made by Bulgaria as regards the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

I. INTRODUCTION

1. Bulgaria ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 2 November 2001. The present report refers to the measures undertaken as from the date of ratification of the Protocol until the beginning of 2006.
2. According to the Constitution of Bulgaria (art. 5, para. 4), all international treaties that have been ratified according to the procedure established by the Constitution and have entered into force for Bulgaria, constitute part of the domestic law. Any such treaty takes priority over any conflicting provisions of the domestic legislation. Furthermore, subsequent to the ratification of the Optional Protocol, Bulgaria took additional measures to bring domestic legislation into conformity with its requirements.
3. The main governmental body in Bulgaria with competencies on issues of child protection is the State Agency for Child Protection (hereinafter “the State Agency”), which was established by Decree No. 226 of the Council of Ministers of 30 October 2000 pursuant to the Child Protection Act (CPA). The Agency has been operational since 1 January 2001. The Chair of the Agency is an executive authority, as provided for by the Law on State Administration, and is appointed by the Prime Minister. According to CPA, the State Agency is a specialized body of the Council of Ministers for “governance, coordination and control in the field of child protection” (art. 17). As from 2004, following amendments to CPA (State Gazette, No. 36/2003) certain responsibilities regarding child protection are also assigned to the Ministry of the Interior.
4. The State Agency has the following functions: governance, coordination and control of the child protection activities for the purpose of ensuring a uniform State policy with regard to children in Bulgaria. The Agency provides methodological management and exercises control over the specialized departments for child protection within the directorates for social assistance in the country. The Agency also conducts research and educational activities, organizes specialized training, and participates in international cooperation in the field of child protection. The main principle in the work of the Agency is to cooperate closely with all State bodies entrusted with childcare, with non-governmental non-profit legal entities active in this field, with the business sector, as well as with the media.
5. Awareness-raising and dissemination of information about the measures envisaged by the Optional Protocol and in the Convention constitute an inherent part of state policy in this field, and the activities are directed to parents and children, to all professionals working for and with children and towards the general public (for details, please refer to chapter V of the present document). The strict observance of the provisions of the Protocol is subject to monitoring and evaluation by the same mechanism established with regard to the respect of the rights of the child under the Convention on the Rights of the Child.

6. The Constitution proclaims the right to life of all Bulgarian citizens. The principle of prohibition of discrimination, set forth in article 2 of the Constitution, has been fully implemented in the Bulgarian legislation related to child protection. According to article 2 of CPA, the State provides protection and guarantees for the basic rights of the child in all spheres of public life and for all groups of children, taking into account their age, social status, physical, health and mental condition, so as to provide everyone with the appropriate economic, cultural and social environment, education, freedom of expression and security. There are no limitations of rights, nor any privilege, on the grounds of race, nationality, ethnic background, sex, origin, property status, religion, education, convictions, or disability. Furthermore, with regard to the practical implementation of the principle of non-discrimination, the law provides for the special protection of children at risk, children with disabilities or children from other vulnerable groups, children belonging to minorities, as well as children with prominent talents. The principles of recognition of and respect for the personality of the child, together with the need to secure the interests of the child in the best possible way, are stipulated in article 3 of CPA.

7. The ratification of the Optional Protocol and the implementation of its provisions have further increased the commitment on behalf both of responsible institutions and society as a whole, regarding the protection of children from trafficking for the purpose of the sale of children, child prostitution and child pornography. Legislative measures for the protection of children from sexual abuse were undertaken in two directions. Firstly, relevant legislation was adopted (e.g. CPA, Combating the Illegal Trafficking in Persons Act) which led to the creation of a special mechanism for child protection and the enhancement of the administrative capacity of the system for protection. At the same time, amendments were made to the Penal Code which provide definitions for new offences and strengthen the sanctions with regard to offences committed against children. The definitions given by the Protocol to the terms “sale of children”, “child prostitution” and “child pornography” have been incorporated into Bulgarian legislation.

8. The measures provided for in the Optional Protocol are included as activities in several key national strategies and programmes, including the Action Plan against Sexual Exploitation of Children for Commercial Purposes (2003-2005); the National Programmes for Child Protection covering the years 2004, 2005 and 2006; the National Strategy for Child Protection (2004-2006); the National Programme for Prevention and Counteraction of the Trafficking in Persons and Protection of the Victims (2005), and the National Strategy and Action Plan for the Protection of the Rights of the Children in the Street.

9. The deficiencies identified in the existing system for child protection refer mainly to the lack of specialized courts for children and of specialized training for judges considering cases of children. The collection of data for the specified categories also needs improvement, and the establishment of a uniform information system becomes indispensable, since data are collected by various institutions. Thus, in 2006, the National Statistical Institute, with the assistance of UNICEF (United Nations Children’s Fund) Office in Bulgaria, launched a specialized data collection system, BULINFO, to gather information relevant to children’s welfare.

10. According to data available from the Ministry of Interior:

- In 2005, 501 juveniles and minors were registered in specialized child pedagogical facilities due to cases of prostitution: 14 (2 juveniles and 12 minors) were victims of

procuring and kidnapping for debauchery, 3 juveniles and 1 minor - victims of pornography and 8 juveniles - victims of trafficking for the purpose of sexual exploitation;

- In 2004, 510 juveniles and minors were registered in specialized child pedagogical facilities due to cases of prostitution: 43 (9 juveniles and 34 minors) were victims of procuring and kidnapping for debauchery, and 2 juveniles and 9 minors - victims of trafficking for the purpose of sexual exploitation;
- In 2003, 534 juveniles and minors were registered in specialized child pedagogical facilities owing to cases of prostitution: 61 (15 juveniles and 46 minors) were victims of procuring and kidnapping for debauchery.

II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

11. All activities listed in article 3, paragraph 1, of the Optional Protocol are criminalized by the Penal Code of Bulgaria.

12. Considering the protection of children-victims of sexual abuse and exploitation, amendments to the Penal Code were adopted, strengthening the sanctions for persons involved in the sexual exploitation of children and who resort to sexual violence against children. By the amendments to the Penal Code in 2002, the terms of deprivation of liberty were increased for offences committed against juveniles or minors, including:

- Persuading another to prostitute or acting as procurer or procuress for the performance of indecent touching or copulation is punishable by deprivation of liberty for 10 to 20 years and fines from 100,000 up to 300,000 BGL, when the person is a juvenile or a minor (art. 155, para. 5);
- A person who abducts a person of the female gender for the purpose debauching her, when such a female person is under 18 years of age, shall be punished by deprivation of liberty for 3 to 12 years and by a fine of up to 1,000 BGL. (art. 156, para. 2, item 1);
- A person who compels a minor or a juvenile to commit a crime or to engage in prostitution shall be punished by deprivation of liberty for up to five years (art. 188, para. 1).

13. The production, display, presentation, broadcasting, distribution, selling, renting or otherwise circulating of works with a pornographic content is also a crime, and the punishments are aggravated when a child has been used for these purposes (article 159 of the Penal Code). When such offences are committed against a person under 16 years of age, the punishment is deprivation of liberty for up to three years and a fine of up to 5, 000 BGL (article 159, paragraph 2, of Penal Code). Where a minor, juvenile or an individual presenting the appearance of such has been used in creating the above-said works, punishment is deprivation of liberty for up to five years and a fine of up to 8,000 BGL (article 159, paragraph 3, of the Penal Code). A person who possesses a pornographic work in the creation of which a minor or a juvenile or an individual presenting the appearance of such has been used is punished by deprivation of liberty

for up to one year or a fine of up to 2,000 BGL (article 159, paragraph 5, of the Penal Code). The object of the criminal activity is expropriated for the benefit of the State, and where it is not to be found or has been disposed of, its money equivalent is awarded (article 159, paragraph 6, of the Penal Code).

14. The Penal Code defines as a crime the kidnapping for the purpose of the person being taken across the borders of the country (art. 142, para. 2, item 7). The punishment is aggravated in cases of kidnapping of a person who is under 18 years of age - from 3 to 10 years' deprivation of liberty:

- A person who abducts a person of the female gender for the purpose of forcing her to enter into marriage, if the victim is not of full age, is punished by deprivation of liberty for up to five years (art. 177, para. 2);
- A person, who deliberately replaces, hides or abandons an infant, is punished by deprivation of liberty for up to two years (art. 184);
- A person who of his own accord takes or retains with him the child of another, such child being under 14 years of age, and fails to notify the authorities or the parents, is punished by deprivation of liberty for up to one year (art. 185, para. 1). The punishment is aggravated when this offence is committed with the use of force, threat or deceit, or with the intention to use the child for venal or immoral purposes - deprivation of liberty for up to three years and a fine of between 100 and 300 BGL (art. 185, para. 2);
- A person who takes a child abandoned at a doorstep or a lost child of less than 7 years of age is punished by corrective labour (art. 186);
- A person who takes abroad an individual under 16 years of age is punished by deprivation of liberty for 1 to 10 years, a fine of 1,000 to 3,000 BGL and confiscation of part of or the entire property of the offender (art. 280, para. 2).

15. With the amendments to the Penal Code in 2002, a special new section was included - "Trafficking in Persons". Recruiting, transporting, hiding or admitting individuals or groups of people for the purposes of using them for debauchery activities, forced labour, dispossession of bodily organs or of holding them in forced subjection, regardless of their consent, is defined clearly as a crime. When the victim of the offence is a person under 18 years of age, the punishment is deprivation of liberty for 2 to 10 years and a fine of up to 10,000 BGL (art.159 (a), para. 2, item 1).

16. In its General Part, the Penal Code refers also to activities, such as preparation, attempt or complicity in the commitment of a crime. Preparatory activities are subject to punishment in the specific cases, explicitly provided for by the law. In cases of attempt, the offender is subject to the punishment for the crime itself, and the court takes into account the extent of implementation of the intent, and the reasons due to which the crime was not fully committed. In case of complicity, all accomplices are subject to the punishment provided for the crime committed,

taking into consideration the nature and extent of their participation. The Penal Code also introduces specific rules for exclusion of punishment for attempt and complicity in explicitly determined cases.

17. According to the definition given in the Bulgarian legislation, a child is every natural person who is under 18 years of age (article 2 of CPA). This definition is applied in all cases of violation of the law listed above. Criminal liability may be borne by any natural person who is at least 18 years of age and is in a sound state of mind. The Penal Code does not provide for criminal liability for legal entities. Provisions related to legal entities exist in the Commerce Act and in the Non-Profit Legal Entities Act.

18. Bulgaria ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and appointed the Ministry of Justice as the Central Authority for the Convention. The domestic legal framework for admission of adoptions and regulation of the adopter-adoptee relations is contained in the Family Code, CPA, Ordinance No. 4 on the Conditions and Procedure for Keeping and Maintenance of the Register of Children available for full adoption. The amendments introduced to the Family Code with regard to the regulation of pre-adoption relations are harmonized with the Hague Convention.

19. CPA has provided for several important changes in the regime for national adoptions, introducing a new philosophy in this field, namely:

- Maintaining a centralized collection of information on the children suitable for adoption, so as to guarantee the respect of the child's rights upon adoption, to enhance protection of children from trafficking or sale, and to better implement the principle of subsidiarity of international adoptions. The national information system is established and maintained by the State Agency for Children, and the Directorate for Social Assistance establishes and maintains up-to-date registers of children that can be adopted;
- In the period preceding the authorization of the adoption, the qualities of the candidate adopters are thoroughly examined by the local department for child protection, which also submits written conclusions before the court in the form of a social report on the suitability of the candidates as adopters;
- The social report, accompanied by the opinion of the body that has composed it, is considered as evidence by the court when deciding upon authorizing the adoption in the interest of the child;
- An adoption is allowed after the selection of a suitable adopter for the child, and not a suitable child for the adopter;
- The measures for protection of the child in a family environment include providing assistance to the adopters as in preparing them for performing parental functions, during the process of adoption itself, and with regard to the protection of the child's rights upon termination of an adoption.

III. CRIMINAL PROCEDURES

20. Bulgaria's criminal law framework is fully harmonized with the international legal standards in the field of child protection, and in particular with CRC and the Optional Protocols thereto. The general provisions for applicability of the Penal Code are set forth in section II of the General Part of the Code.

21. Progress has been made in the field of justice and cooperation in criminal and civil matters. The amendments to the Penal Code, adopted in May 2003, enable Bulgaria to adopt the Convention on Simplified Extradition Procedures between the member States of the EU:

- In June 2003, Bulgaria deposited the instruments of ratification of the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children. The Convention entered into force in October 2003;
- In May 2003, Bulgaria deposited the ratification instrument for the Hague Convention on the Civil Aspects of International Child Abduction;
- The National Assembly adopted specific amendments to the Family Code with regard to the ratification of the two conventions in July 2003;
- In September 2003, amendments to the Civil Procedure Code were introduced;
- The amendments to the Penal Code in October 2002 include provisions continuing the process of harmonization with the Convention on Protection of the European Communities Financial Interests.

22. In January-February 2004, the National Assembly ratified the following four instruments of the Council of Europe:

- Second additional protocol to the European Convention on Mutual Assistance in Criminal Matters;
- Additional protocol to the Convention on the Transfer of Sentenced Persons;
- European Convention on the Transfer of Proceedings in Criminal Matters;
- European Convention on the International Validity of Criminal Judgments (1970).

23. Bulgaria is ready to join, as from the date of its accession to the European Union, the Convention between the Member States of the European Communities on the Enforcement of Foreign Criminal Sentences and the Convention on Simplified Extradition Procedures between the Member States of the European Union. The necessary prerequisites are already in place.

24. As regards cooperation at European Union level, common points for cooperation with the European Judicial Network (EJN) have been set, and Bulgaria maintains regular contacts with the Network, which provides support for the establishment of effective legal cooperation.

IV. PROTECTION OF THE RIGHTS OF THE CHILDREN-VICTIMS

25. CPA expressly provides for the right of expression of the child: “Every child has the right to express freely his or her opinion on all issues affecting his or her interests. He or she may seek the assistance of the bodies and persons, to whom his/her protection pursuant to this Law has been assigned” (art. 12).

26. Article 15 of CPA contains special provisions for the participation of children in administrative and court procedures. In such cases, when the child is 10 years of age or older, he/she is entitled to be heard by the Court. The child is to be given all the necessary information beforehand, in order to form an opinion as well as to be notified of the probable consequences of the child’s wishes or opinions and of the decisions of the respective State authorities. The appropriate environment is to be ensured for the hearing, which takes place in the presence of social workers and other appropriate specialists, with the imperative presence of a representative of the Directorate for Social Assistance, which is the main child protection authority within the meaning of article 6 of CPA.

27. The child is entitled to legal aid and appeal in all procedures affecting the child’s rights or interests. The provisions of CPA are general and apply to all cases that might affect a child’s rights or interests. In this sense, they also apply to measures for further improvement of legislation, to practices at central, regional and local level, to all immigration procedures (including cases of children seeking refuge) and to the adoption procedures. In conformity with CRC, special provisions for children witnesses in civil and criminal cases are also being developed.

28. With the adoption of the new Criminal Procedure Code (SG, No. 86/28 October 2005, in force as from 29 April 2006) the procedural rules for hearing of cases concerning crimes committed by minors were improved.

29. The 2003-2005 National Action Plan against Sexual Exploitation of Children for Commercial Purposes adopted by the Council of Ministers provides for further strengthening the legal framework by introducing additional provisions in the Criminal Procedure Code with regard to ensuring better protection of the child-victim. For example, the child is to undergo only one interrogation, video records of the interrogation are to be provided, the child is to be placed in special premises fit for his/her needs, and indirect participation in the interrogation is to be allowed to the other party and the other party’s legal counsel. All these are aimed at ensuring full respect for the child’s dignity and reducing to the possible minimum any additional harm that might be caused to the victims, witnesses or their families. The suggested measures are also believed to increase the reliability of the child’s testimonies.

30. In 2004, a special working group was established in the Ministry of Justice with the task of drawing up a National Action Plan for the Implementation of the Framework Decision of the Council of the European Union on the status of victims in the criminal procedure (see also the information provided in paragraph 57).

31. On 9 November 2004, a special Law was adopted on the Protection of Persons Endangered in Relation to Criminal Procedures. The Law regulates the conditions and procedures for ensuring special protection to persons endangered in relation to criminal procedures for grave intentional crimes (including crimes related to sexual exploitation) as well as to individuals directly related to persons whose life, health or property are truly endangered in relation to the process and who cannot be protected by the means provided for in the Criminal Procedure Code.

32. Furthermore, article 20 of the Combating Trafficking of Persons Act (SG, No. 46/20 May 2003) provides guarantees of anonymity and identity protection of the victims of trafficking for the purpose of sexual exploitation.

V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

33. CPA stipulates the rights, the principles and the specific measures for child protection. It specifies the State and municipal authorities and the ways in which they interact in carrying out child protection activities, as well as the ways in which non-profit legal entities and natural persons can participate in such activities.

34. As mentioned above, within the meaning of CPA, a child is every natural person who is under 18 years of age. A key principle of the law is the understanding that special protection is to be provided to children at risk, including children-victims of abuse, violence, exploitation or any other cruel and degrading treatment or punishment in or outside the child's family. Article 11, paragraph 3, of CPA stipulates the right of every child to protection against being used for begging, prostitution, distribution of pornographic materials and receipt of illegal incomes as well as against sexual violence.

35. The measures for protection of a child at risk are enumerated in article 4: assistance, support and family environment services; placement in the family of relatives or in the close family; adoption in accordance with the provisions of the Family Code; placement in a foster family; placement in a specialized institution; police protection; specialized protection at public places; information with regard to the child's and parents' rights and obligations; preventive measures for ensuring the security and protection of the child; provision of legal assistance by the State.

36. Several statutory instruments have been adopted so as to ensure the effective practical implementation of CPA. These include the Ordinance on the Specialized Protection of Children at Public Places (SG, No. 86/2003), the Ordinance on the Conditions and Procedure for Implementation of Measures for Prevention of the Abandoning of Children and their Placement in an Institution, as well as for their Reintegration (SG, No. 74/2004), Ordinance No. I-51 of 12.03.2001 on the Conditions and Procedure for Provision of Police Protection to the Child (SG, No. 30/2001), Ordinance on the Criteria and Standards of Social Services for Children (SG, No. 102/2003), etc.

37. The Combating the Trafficking of Persons Act adopted in 2003 regulates the interaction, powers and tasks of the State authorities performing activities in the fight against the trafficking of persons. It defines the status and tasks of the asylums, the centres and the commissions for providing protection and assistance to the victims of trafficking. The Act also stipulates the

measures for preventing and combating the trafficking of persons, the measures for protection of and assistance to the victims of trafficking, especially women and children, and the measures aimed at providing special protection status to the victims of trafficking who collaborate with the investigation.

38. The objective of the Act is to ensure effective interaction and coordination among the competent State and municipal authorities, as well as between them and the non-governmental organizations active in the prevention of and fight against trafficking. To this aim, various new structures are being established, inter alia:

- National and local commissions on combating trafficking of persons;
- Asylums for temporary accommodation of victims of trafficking;
- Centres for providing support and assistance to victims of trafficking.

39. According to the most recent amendments to the Bulgarian Identity Documents Act, in cases when information is received on a Bulgarian national from a foreign authority that a certain minor during his/her stay abroad has been engaged in or used for illegal activities, as enlisted in article 11 of CPA, the authorities may resort to measures such as: prohibition to leave the country, non-issuance of passports or substituting documents or confiscation of such documents from the minor in question.

40. According to the Instruction on Implementation of the Measures under article 76a, paragraph 1, of the Bulgarian Identity Documents Act, the Chair of the State Agency on Child Protection, after examining the facts and circumstances, shall prepare a motivated proposal or opinion to the Minister of Interior as to the implementation of the measures under the above-mentioned provision. Between the entry into force of the Instruction until mid-2006, compulsory administrative measures were imposed in respect of 89 children.

41. The operational and search activities, performed by the Ministry of Interior, are regulated in the Ministry of Interior Act. According to article 160, the objective is to:

- Reveal, prevent and neutralize crimes and other offences related to national security and public order;
- Find and identify persons who prepare, perform or have performed criminal activities;
- Search for persons hiding from the preliminary investigation authorities and the court, persons who have evaded serving punishment under general criminal cases, as well as for missing persons;
- Acquire information on activities threatening national interests, military, economic or environmental safety;
- Collect and keep material evidence and present it before the judicial authorities.

42. The Ministry of Interior is working on the improvement of the legal framework on the search for persons, in particular for missing juveniles and minors. A draft Instruction on the Search Activity of the Ministry of Interior has been drawn up, and an automated information system for the persons sought is being developed.
43. Protection of children from violence, abuse and other forms of exploitation is considered as a key priority in the State policy for providing childcare. This is defined as a main goal in the National Programme for Child Protection, developed and adopted by the Council of Ministers every year pursuant to article 1, paragraph 3, of CPA.
44. The 2003-2005 National Action Plan against Sexual Exploitation of Children for Commercial Purposes provides for specific measures directed at the prevention, protection, recovery and reintegration of the victims. It ensures also the participation of children in drawing up additional measures, information sharing and international cooperation in the field.
45. The main goals of the plan are:
- Awareness-raising among children about the issue of sexual exploitation;
 - Creation of additional specific prevention mechanisms;
 - Further harmonization of domestic legislation with international standards with regard to the protection of the rights of the children-victims;
 - Improvement of the qualifications of the professionals working with children;
 - Recovery and reintegration of victims of sexual exploitation;
 - Increased participation of children in the development of appropriate measures for the practical implementation of all activities against sexual exploitation of children;
 - Enhancement of the public-relations policies of the relevant institutions, so as to increase awareness-raising among the general public about the issue of sexual exploitation of children, foster “zero tolerance” behaviour with regard to violence against and exploitation of children;
 - Establishment of a national mechanism for exchange of information among the relevant institutions and organizations.
46. The Action Plan provides also for special measures, directed at children belonging to vulnerable groups, such as school dropouts, children in the street, and certain minority groups. Pursuant to the Plan, the State educational requirements regarding civic education in all disciplines and subjects are made more precise. These requirements refer also to the study of all relevant international documents on human rights, including the rights of the child, in the school system.

47. A series of international and national conferences, seminars, etc. has been organized, regarding civic education, human rights education, including knowledge of CRC. The Bulgarian translation of the Convention and the Optional Protocols has been published several times, and distributed to all schools in the country. Furthermore, various training manuals for teaching human rights in elementary and secondary schools were published as well, and the Ministry of Education and Science has been developing specific training programmes in order to facilitate the access of children to information concerning their rights and the various forms of defence in situations of potential risk. At the initiative of the State Agency and the Ministry of Education and Science, every year a special lesson is dedicated to the rights of the child, and carried out simultaneously in all schools in the country.

48. In addition, awareness-raising about the measures set forth in the two Optional Protocols to CRC is pursued also by the distribution of leaflets and brochures published at the initiative of the State Agency; through the official Bulletin of the Agency published every two months, as well as through the three Internet pages supported by the Agency.

49. The Sofia Office of the International Organization for Migration supports six information centres on migration issues (in the towns of Burgas, Sliven, Russe, Plovdiv, Blagoevgrad and Vidin). These centres operate on a permanent basis, carrying out specific projects in schools and specialized educational institutions on trafficking in persons, including children. The projects include organizing special lessons, video and film presentations, discussions with young people, with the participation of children-victims of trafficking, especially girls.

50. The State Agency implemented also a specific project “Internet and the Rights of Children”, and most of the activities were related to the prevention of violence on the Internet; restriction and prevention of abuse and crimes against children in cyberspace. Additionally, a special Regulation on the Safe Work of Students in the School Network and in Internet was developed and adopted by Order of the Minister of Education and Science.

51. As mentioned above, the State maintains specialized Internet pages on counteracting the sexual exploitation of children for commercial purposes and implementation of the Convention on the Rights of the Child. These aim at providing information for the children themselves, for professionals working with and for children, and for the general public. The first Internet page (www.stopech.sacp.government.bg) contains information on all international and national legal acts concerning the sale of children, child prostitution and child pornography. The page allows for sending alert messages in cases of harmful and illegal content on the Internet, free distribution and sale of pornographic materials, sexual abuse, etc. The second page is intended to promote the rights of the child. It provides exhaustive information on the progress in the implementation of the Convention on the Rights of the Child in Bulgaria, as well as on the monitoring system regarding the respect of the rights of the child.

52. Various non-profit legal entities carry out projects directed towards education in the field of the rights of the child and the prevention of the sexual exploitation of children for commercial purposes; and distribution of stickers, brochures, posters, advertising materials, video materials.

53. Training seminars are being conducted for all professional groups in order to improve the qualification of professionals working with children. A manual of best practices in the conduct of criminal proceedings involving child-victims of sexual exploitation was published and distributed for policemen and investigators. The manual is based on the best practices in the European Union.

54. Knowledge of the domestic and international legal framework for the protection of children is a requirement included as an indispensable part of the job description of all professionals working with and for children. In this context, additional measures are to be considered, so as to ensure continuity in the training on the further implementation of the Optional Protocol by all professional groups working with and for children, as well as other relevant groups.

55. In order to encourage children to participate in the development of policies affecting them, a Public Children's Council has been established at the State Agency. The children who are members of the Council participate regularly in the sessions of the National Council on Child Protection, as well as in the organized conferences, round tables and discussions. The proposals of the children are taken into consideration in the maintenance of the specialized Internet page on counteracting the sexual exploitation of children for commercial purposes.

56. At the end of 2005, a special Coordination Mechanism for Referring to and Handling of Cases of Unaccompanied Bulgarian Children Abroad was developed, aimed at guaranteeing the best interest of the child-victim and taking appropriate measures for his/her full recovery and social reintegration. The mechanism regulates the specific responsibilities and commitments of all relevant State institutions.

57. Upon a Ministry of Justice proposal, a National Action Plan was developed on the Legal Status of the Victims in Criminal Procedure. It provides for the establishment of a central authority in charge of the issues related to compensation for the victims of crimes, together with the creation of a special fund for these purposes. This is considered to be an urgent task, so as to put in place an effective victim-protection mechanism.

58. While considering the Decision of the Council of the European Union with regard to the legal status of the victims of crimes in the criminal procedure and the Recommendation for a Directive of the Council for compensation of the victims of crimes, the Action Plan mentioned above envisages a comprehensive review of the conformity of the Bulgarian legislation, together with the elaboration of respective amendments to be introduced in the existing legal framework. In this process, due attention is being paid to all pieces of legislation already effective in the field of child protection, and in particular to those provisions of CPA which concern the participation of children in judicial and administrative procedures affecting their rights and interests.

VI. PROTECTION OF THE RIGHTS OF REFUGEE CHILDREN

59. There is a developed legal framework, as well as an institutional mechanism for the protection of unaccompanied children seeking refuge or having refugee status in Bulgaria. The State policy with regard to such children is implemented by the State Agency for

Refugees at the Council of Ministers in conformity with the Asylum and Refugees Act (in force since 1 December 2002). Bulgaria is a party to the 1951 Convention Relating to the Status of Refugees (SG, No. 88/15 October 1993).

60. The measures taken with regard to unaccompanied children refugees are in compliance with the international criteria for best practice. The main governing principles are: the best interest of the child; non-discrimination; timeliness; cooperation among the relevant organizations which strictly abide by the EU principles of best practice for work with unaccompanied children.

61. The following principles are applied during the procedure for providing protection: access to the territory of the Republic of Bulgaria (“non-refoulement”); provision of translation; non-application of the accelerated procedure. The procedure is carried out as follows: early identification; accurate registration; interviewing in the presence of a representative of the relevant department for child protection at the Directorate for Social Assistance; evaluation of the age; appointment of a custodian/guardian and legal representative; collection of data and humane and expeditious search of the family.

62. The temporary care measures taken during the procedure for providing protection include:

- Placement under safe conditions in refugee registration and reception centres;
- Providing social assistance in the scope envisaged for an adult foreigner in the form of monetary aid for food and food packages;
- Providing health insurance, directing the person to a general practitioner, carrying out examinations and treatment as provided for Bulgarian citizens;
- Consultations with a psychologist;
- Access to Bulgarian language courses and providing opportunities to join the educational system up to secondary education in State and municipal schools, art schools, ancient languages schools and the Italian Lyceum in the city of Sofia.

63. Upon the delivery of the decision on the request for asylum, permanent solution measures are to be taken, such as: search for the family of the child with the aim of reuniting them, placement in institutions for bringing up and educating children deprived of parental care (under the supervision of the Ministry of Education and Science) - after a court decision upon request by the relevant department for child protection at the Directorate for Social Assistance; and integration in Bulgaria.

64. Under the programme “Separated Children in Bulgaria”, a joint initiative of members of the “Save the Children” international alliance in Europe and the United Nations High Commissioner for Refugees, special guides on good practice have been published and distributed. The guides aim at describing in an articulate and distinct manner policies and practices necessary to secure and protect the rights of unaccompanied children in Europe. These guides are used by interviewing authorities, lawyers, social workers, psychologists, teachers and other professional groups in their daily work.

VII. INTERNATIONAL SUPPORT AND COOPERATION

65. The international cooperation on cases involving the sale of children, child prostitution and child pornography is carried out within the framework of police cooperation. Currently police cooperation is based on:

- The Ministry of Interior Act;
- The Customs Act;
- The Penal Code;
- Bilateral and international agreements.

66. So far, Bulgaria has signed 33 bilateral agreements on police cooperation with various European States (including EU member States, candidates for EU membership and others), 2 trilateral and 2 multilateral agreements in this field. Bulgaria has signed specific agreements for cooperation in the fight against trans-border and organized crime, terrorism, illegal migration, sale of people and illegal traffic of drug substances with Cyprus, Hungary, Kazakhstan, Moldova, Croatia, Serbia, The former Yugoslav Republic of Macedonia, Slovenia and Romania.

67. The signing of a cooperation agreement between Bulgaria and Europol in June 2003 is considered a major achievement in this field. The agreement facilitates the expansion of the contacts of the Bulgarian police forces with the law-enforcement agencies in all EU member States, and supports the efficiency of the police work.

68. The Ministry of Interior has established a network of liaison officers by posting police attachés in Rome, Prague, Skopje, Moscow, Madrid, Berlin, Warsaw, Paris, the European Police Office (Europol), as well as at the Bucharest Centre of the Initiative for Cooperation in Central and Eastern Europe. In 2002, a special service for international operational police cooperation was established, and it functions as a National Contact Point in this field. The service operates through emergency teams which maintain 24-hour contact with the national contact points of all EU member States, with the Secretariat of Europol and with all law-protection agencies in Bulgaria.

69. Under the PHARE programme, the Ministry of Interior has carried out various projects, including:

(a) “Mobile Groups along the Green Border” project (2003). This project which included material investments, led to the further strengthening of the governance of the international borders of Bulgaria, through implementing the work standards and requirements of the EU on border control, as well as through modernization of the equipment in accordance with the European standards for external borders. Special monitoring equipment is being used in the border areas of Elhovo (the border with Turkey) and Burgas (the Black Sea coast), thus contributing to the efficient fight against all forms of crime along the Bulgarian State borders. The project is the first phase of anticipated multi-annual investments under the PHARE programme;

(b) “Implementation of the National Action Plan in Relation to the Schengen Treaty” project (2002). Aiming at assisting the implementation of elements of the Convention on Implementation of the Schengen Treaty, the project has been directed at the development and practical implementation of an automated information system for the search for persons compatible with the Schengen Information System (SIS), together with the improvement of the system for criminal analysis and development of software applications for distance training of the officers in the Ministry of Interior. It is expected to contribute to the achievement of improved border control and internal security and also to intensifying the information exchange with the EU member States and Europol, which, in turn, should enhance the efficiency of the fight against organized and trans-border crime;

(c) “Strengthening of Border Control and Governance” project (2002). The implementation of the project aims at strengthening the governance of the Bulgarian borders through the implementation of operational standards and practices for the main border governing authority, the Bulgarian Border Police. It also applies the best practices of the European Union in the field of border control through the modernization of the equipment in accordance with the standards of the European Union for external border control. This project is a continuation of the PHARE Multi-annual Programme, which supports the National Operational Strategy of the Bulgarian Border Police. It is directed to the regions along the Bulgarian Black Sea coastline and the Danube River, through establishing regional Command, Control and Communication (CCC) centres, which are supplied with patrol vessels designed for round-the-year patrolling. The latter are tasked, inter alia, to substantially facilitate the more systematic monitoring of the territorial sea and domestic coastal waters, and significantly assist the fight against all forms of crimes committed beyond the State borders of Bulgaria.

70. Bulgaria is a member of IOM as from November 1994. In 1996, an Office of IOM was opened in Sofia. The State Agency for Child Protection maintains permanent cooperation with IOM, regarding in particular the prevention of trafficking of children from Bulgaria, exchange of information in this field, coordination among all relevant mechanisms in the fight against the sexual exploitation of children for commercial purposes. The cooperation also aims at assisting child-victims in their physical and mental recovery, social reintegration, as well as repatriation, as a significant number of the unaccompanied children abroad, who are Bulgarian citizens, return to their country of origin with the financial support of IOM. IOM provided financial assistance for the elaboration of the Coordination Mechanism of Referring to and Handling of Cases of Unaccompanied Bulgarian Children and Child Victims of Trafficking Returning from Abroad.

71. In 2005, a Memorandum of Cooperation was signed between the State Agency and the United Nations Resident Coordinator in Bulgaria, in pursuance of particular engagements under projects approved and funded by the UNICEF (United Nations Children’s Fund) Permanent Representation. Some of these projects aim at increasing the efficiency of the measures for prevention of sexual exploitation and violence against children, as well as at enhancing the institutional capacity for the implementation of the Convention on the Rights of the Child at national and local level.

72. In 2005, the State Agency concluded a cooperation agreement with the British Embassy in Sofia, which provided the necessary framework for future cooperation activities, including those related to the further development of the “Child in Internet” project. These envisage mainly activities as regards counteracting the involvement of children in sexual and labour exploitation. In line with this, joint training seminars for policemen and social workers in Bulgaria are forthcoming.

73. The international cooperation in this field also includes mutual projects and activities carried out with international governmental and non-governmental organizations, among them:

(a) “Pilot Construction of a System for Monitoring of the Child Labour in Bulgaria” project (ongoing). The project is being implemented by Care International - Bulgaria, funded under the International Programme on the Elimination of Child Labour of the International Labour Organization. The main objectives of the project are: establishment of an institutional framework to pilot the system for the monitoring of child labour; strengthening the capacity of all structures involved in the monitoring of child labour; development of a system for referring every particular case of a child participating in the worst forms of labour; approbation of the model developed for the monitoring of child labour for the purpose of its implementation in other fields. According to the project, the State Agency shall perform monitoring functions with regard to the worst forms of child labour, and share its experience in the implementation of the Plan for work with begging children, in particular in the identification, interviewing and assistance to the children;

(b) “Code of Ethics for the Prevention of Trafficking and Sexual Exploitation of Children in the Sphere of Tourism” project (2003). The project was implemented by the competent State authorities, together with the Organization for Security and Cooperation in Europe and the Austrian NGO “Respect”. The aim is fostering a new approach to combating trafficking of children by motivating the private sector and especially the representatives of the tourism industry to implement measures for the prevention of the sexual exploitation of children by Bulgarians and foreign visitors. An important part of the project was the development of a special Code of Ethics for the prevention of trafficking and sexual exploitation of children in the sphere of tourism, which was adopted and signed on 11 May 2005 by leading organizations and companies in the tourism trade. Under the project, a specific poll was conducted as to the predisposition and knowledge of those who work in the field of tourism about the issue of sexual exploitation of children for commercial purposes. Furthermore, training seminars were carried out for representatives of the tourist industry, and awareness-raising materials - posters and brochures - were published and distributed.

74. As evident from the above, all financial and technical assistance is provided with respect to specific thematic projects, implemented by the relevant State institutions and their international partners, which makes it difficult to provide an exhaustive summary on the issue.

VIII. LEGAL FRAMEWORK

75. The domestic legal framework is as follows:

- Constitution of the Republic of Bulgaria;

- Penal Code;
- Criminal Procedure Code;
- Child Protection Act;
- Combating Trafficking of Persons Act;
- Bulgarian Identity Documents Act;
- Protection of Persons Endangered in Relation to the Criminal Procedure Act;
- Foreigners in the Republic of Bulgaria Act;
- Social Assistance Act;
- Fighting Anti-social Actions of Juveniles and Minors Act;
- Asylum and Refugees Act;
- Ministry of Interior Act.

76. The international legal instruments include the following:

- Convention on the Rights of the Child;
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- Convention No. 182 of the International Labour Organization concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;
- Council of Europe Convention on Cybercrime.
