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SUMMARY RECORD OF THE 1267th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 24 September 2007, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Bulgaria under the Optional Protocol on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/BGR/1; CRC/C/OPSC/BGR/Q/1 and Add.1; HRI/CORE/1/Add.81)

1. At the invitation of the Chairperson, the members of the delegation of Bulgaria resumed places at the Committee table.
2. Ms. BANOVA (Bulgaria) said that the so-called “BBC scandal” had involved the closing down of a specialized institution for mentally handicapped children in a remote village in Bulgaria following two separate evaluations carried out by the State Agency for Child Protection. According to the evaluations, the institution had not met quality standards and criteria for the respect of children’s rights and had been ordered to cease its operations. However, given the serious disabilities of the 75 children affected by the order, a decision had been made to find individual solutions for each of the institution’s 75 inmates before the end of 2007. Fortunately the case in question was not representative of all institutions in Bulgaria for children with disabilities but had resulted from the decentralization of the institution’s management. The case had, however, brought to light the need for a legislative amendment to require the licensing of institutions for children with disabilities.
3. The reason the relevant law was referred to as the Child Protection Act, and not the children’s rights act, was a reflection of the political climate in Bulgaria at the time of its enactment. At the end of the 1990s, there had been no real public discourse in Bulgaria on improving children’s rights. The Child Protection Act had been adopted in order to serve as a basis for the development of a specialized system for the protection of children and children’s rights. It had led to the rapid development of social services for children at risk and their families. The Act had been amended several times, including in 2003, when major amendments had included regulations on, inter alia, foster care, social services and social reintegration. As a result of those amendments, a 10-year national child protection strategy had been developed. Moreover, public awareness concerning child protection issues had been raised and people were now identifying problems and reporting them. For example, in 2006, over 2,800 complaints of violence against children had been reported, as compared with only 75 such complaints in 2001.
4. The Action Plan against Sexual Exploitation of Children for Commercial Purposes (2003-2005) had been incorporated into the most recent annual national programmes for child protection. With the assistance of the United Nations Children’s Fund (UNICEF) Office in Bulgaria, under the 2007 national programme, indicators were being established for measuring and monitoring the results obtained. The State Agency for Child Protection also collected national statistical data. A National Information System for children at risk covered by protection measures had been introduced in three regions. That system allowed for monitoring the development of particular cases and provided a common base for all data and indicators.
5. Mr. FILALI asked whether one institution centralized statistical data from the various ministries and what mechanism was used to process the data collected.

6. Ms. BANOVA (Bulgaria) said that the State Agency for Child Protection collected a wide variety of data on children at risk, but that the National Statistics Institute was the central data-collection agency for statistics from the other ministries and institutions in Bulgaria.
7. Ms. ATANASSOVA (Bulgaria) said that the State Agency for Child Protection collected data from over 200 institutions working in the area of child protection. It then disaggregated those data on the basis of such factors as age, ethnicity, family situation and health. The processed data were used as a basis for formulating national programmes and for making recommendations to relevant institutions. The State Agency for Child Protection also collected information from other ministries and government bodies on children at risk, but was not the central government data-collection agency.
8. Ms. HERCZOG, Alternate Country Rapporteur, asked what steps were being taken to identify and protect children who were at risk of being exploited.
9. Ms. NESTOROVA (Bulgaria) said that the National Programme for Preventing and Combating Trafficking in Persons and for Protecting Victims (2005) prescribed specific prevention activities for groups considered to be at risk, such as women, children and members of ethnic minorities. It also prescribed specific measures for the protection of victims, including their reintegration into society. A number of non-governmental organizations (NGOs) in Bulgaria were actively involved in the protection, repatriation, rehabilitation and reintegration of victims of trafficking.
10. Ms. HERCZOG asked whether there was any legal basis for the identification of ethnic minorities in Bulgaria.
11. Mr. TEHOV (Bulgaria) said that, with regard to the wording used for the title of the Child Protection Act, the policy of the Bulgarian Government had always been to take a rights-based approach, in spite of the fact that it had not used the word “rights” in the title of the Act. Bearing in mind that the Convention and the Protocols thereto formed part of internal Bulgarian legislation, it had been felt that the concept of protection encompassed that of the realization of rights and was therefore more comprehensive.
12. He recalled that there was no definition in international law of what constituted an ethnic or national minority, or of what the difference was between the two concepts. With regard to minority group status, Bulgaria’s census-taking methods were based on a system of self-identification. However, a basic right of any person who identified him or herself as belonging to a particular minority was the right not to be treated as belonging to that minority.
13. Ms. HERCZOG, Alternate Country Rapporteur, said that, in all countries, exercising the option of self-identification as a member of a minority depended on the perceived advantages or disadvantages of such a declaration. There had been many examples in the past where self-identification had had disastrous consequences for the minorities concerned. For that reason, many persons belonging to minorities were fearful of identifying themselves as such. Moreover, most children were not in a position to identify themselves as belonging to a minority. She wondered, therefore, on what basis the Government identified vulnerable ethnic minorities and whether any data-protection legislation had been enacted in Bulgaria for protecting the rights of children belonging to such groups.

14. Ms. AIDOO suggested that the question might better be phrased in terms of what means the Government used to identify children who were vulnerable to trafficking and sexual exploitation owing to prevailing conditions such as ethnic origin, geographical location, family income status or educational background, in order to formulate appropriate measures for them.
15. Mr. TEHOV (Bulgaria) said that a 10-year programme on addressing the special problems faced by the Roma in Bulgaria was based on the vulnerability, not the ethnic origin, of such people. Since not all Roma were in a vulnerable situation, the Government had decided to take a practical approach to dealing with the problems faced by some Roma by adopting measures in the areas of education, housing, employment and health for those who needed them.
16. The Personal Data Protection Act of 2002 contained a provision that expressly forbade the processing of personal data that revealed racial or ethnic origin. The data could be used for a particular purpose by an institution, provided that they were not disclosed to a third party without the express consent of the individual to whom they related. That did not imply, therefore, that institutions such as the State Agency for Child Protection did not possess such sensitive data, but rather that their use was restricted to internal purposes.
17. Mr. SIDDIQUI said that he had no objection to such data protection laws but that it was essential, for planning purposes, for States to have aggregated statistics on the number of people included in vulnerable groups in order to allocate resources to them.
18. The CHAIRPERSON asked whether there was a budget line that corresponded to the specific provisions of the Optional Protocol.
19. Mr. TEHOV (Bulgaria) said that the right of the Roma not to be identified as such was respected. According to data from the census there were around 370,000 Roma in Bulgaria. Those who had not identified themselves as Roma could not be treated as such against their will.
20. Ms. HERCZOG, Alternate Country Rapporteur, asked whether files compiled on the basis of data collection contained information on the ethnic origin of children, and if so, who was responsible for identifying a child's ethnic origin.
21. The CHAIRPERSON asked how the ethnic origin of abandoned children was identified.
22. Mr. TEHOV (Bulgaria) said that if a child was abandoned it was particularly difficult to establish his or her ethnic origin. Data on children's ethnic origin were entered into a file for internal use only in the institutions in which they were kept. If a child could not indicate his or her ethnic origin, the will of the parents was taken into consideration. The relevant institutions dealing with children's issues had access to statistical information, and the National Statistics Institute had access to all statistical information. Impersonal aggregated data were available for public consultation.
23. Ms. BANOVA (Bulgaria) said that if a child was identified as a victim of sexual exploitation or trafficking, a detailed examination was conducted of his or her family background, on the basis of which social workers could take legal action. New problems had arisen with regard to measures to protect unaccompanied minors who had been victims of trafficking. The database kept by the State Agency for Child Protection included information on

all children placed in institutions in Bulgaria, the majority of whom had families who were responsible for registering the children's ethnic origin. Very few children were abandoned and had no identity documents. An in-depth evaluation was conducted of the social situation of all children in institutions, in order to establish which protection measures were required. Marginalization, poverty and in particular sexual abuse in early childhood were the major factors that increased vulnerability to trafficking and sexual exploitation. Particular efforts were therefore being made at the national and local levels alike to reduce sexual abuse and violence against young children in the family. Manuals had been published on working with children who were victims of sexual violence, and on ways of detecting domestic violence.

24. Ms. ATANASSOVA (Bulgaria) said that the State had a number of programmes in place to promote social inclusion and education for specific vulnerable groups, including the Roma. Such programmes were not only in place for children, but also for adults from those groups. A centre for educational integration of minority children had recently opened, and received a specific budget allocation.

25. Ms. BANOVA (Bulgaria) said that as a result of cooperation with UNICEF, specific modules on sexual health had been developed for teaching in schools. The modules had not, however, become a compulsory element of the school curriculum. An Internet site had been launched to provide advice on sexual and reproductive health for teenagers, and a team of psychologists, paediatricians and legal experts were available for confidential online consultations.

26. Turning to the issue of professional training, she said that specific training programmes existed for nursery schoolteachers, which focussed on the prevention of sexual abuse of young children. A system was in place for training judges, and for the past three years annual seminars in six Bulgarian towns had been conducted by a judge from the family proceedings court in London, with the participation of judges, social workers, police officers and school psychologists. The seminars dealt with issues covered by the Optional Protocol.

27. Ms. NESTOROVA (Bulgaria) said that a national programme was in place to promote police work in schools, based on 36 topics, including human rights, children's rights, child safety and crimes against children. In the context of that programme, during the academic year 2006/07 over 8,000 lectures had been given in over 1,000 schools across Bulgaria. In March 2006 an information campaign on the activities of the Bulgarian Border Police had covered such topics as sexual exploitation of children, trafficking in children and sexual education. The police academy under the aegis of the Ministry of the Interior provided specific training on work with children, including follow-up training for qualified officers and a curriculum for police cadets. Two manuals had been published for police investigators working with children who were victims of sexual exploitation, one of which described the particularities of questioning children and other procedures for the investigation of crimes involving children, while the second described police activities to limit the sexual exploitation of children, as a complement to crime prevention and detection. A resource book had been compiled in association with the Austrian Ministry of the Interior on best practices for combating trafficking in children.

28. The CHAIRPERSON asked whether any data were available on the number of convictions for sexual exploitation and trafficking in children.

29. Ms. VASSILEVA (Bulgaria) said that the National Commission for Combating Trafficking in Human Beings was a national coordinating body, in which many ministries and government institutions were involved. Turning to the issue of baby trafficking between Bulgaria and Greece, she said that poverty and lack of education and employment opportunities had been identified as the main reasons for Bulgarian women wanting to sell their babies. The town of Kameno in the Burgas region was the centre of that illegal activity, and had been targeted by projects run by the International Organization for Migration (IOM) and the United States Agency for International Development (USAID) on issues such as sexual health education and family planning, in order to prevent unwanted pregnancies, and to provide professional training for women who had been identified as victims of that type of trafficking. In 2006, measures had been taken to deal with baby trafficking into Greece, and no further cases of such trafficking had been reported in 2007.

30. Ms. HERCZOG, Alternate Country Rapporteur, asked whether the organizers of baby-trafficking networks had been tried and punished, and whether the mothers who had sold their babies had been brought before the courts.

31. Mr. FILALI said that he had been informed that babies had also been trafficked between Bulgaria and France. He wished to know how such organized crime was tackled and what follow-up measures were taken. He wondered whether Bulgaria requested the extradition of criminals. He also wished to know what had become of the babies that had been sold.

32. Ms. NESTOROVA (Bulgaria) said that the Ministry of the Interior was doing its utmost to dismantle organized groups involved in trafficking in persons. There had been cases of Bulgarian babies having been sold to families in Greece, France and Portugal. Such illegal adoptions must be tackled not only by the Bulgarian authorities, but also by those in the destination countries. The Bulgarian Ministry of the Interior was cooperating with its partners in those countries. In 2006, a group that had sold 14 babies to Greece had been dismantled. The majority of the victims had been from the town of Kameno. A permanent exchange of information had been established between Greece and Bulgaria through the use of police liaison officers in the two countries. A total of nine members of organized groups had been charged and in six other cases individuals had been identified as mediators between Greek families and Bulgarian women who had been persuaded to sell their babies. More than 10 people had also been arrested in Greece. All of the police investigation work in such cases was conducted on the basis of the greatest possible exchange of information and, where possible, mirror investigations, with the police in the destination country. Experts were exchanged between the two countries, in order to ensure maximum coherence between investigations, and to ensure that those being questioned, in particular victims, could be heard in their native language. Bulgaria was party to a number of bilateral and multilateral agreements for the prevention of trafficking in persons, and was involved in the Southeast European Cooperative Initiative (SECI), as well as having recently acquired full membership of the European Police Office (EUROPOL). Bulgarian police liaison officers were present in over 15 countries.

33. Mr. FILALI asked for information on extradition agreements with non-European countries.

34. Mr. TEHOV (Bulgaria) said that the Optional Protocol took precedence over national legislation, and in the event of a discrepancy between the two, the Optional Protocol would be applied.

35. Ms. SMITH said that the provisions of the Optional Protocol must be incorporated into national criminal law, in order for prosecutions to take place and for punishments to be handed down.
36. Mr. KOTRANE, supporting Ms. Smith, said that while the Committee understood that the Convention and its Optional Protocols took precedence over domestic law in the State party, offences must be criminalized under domestic criminal legislation.
37. Ms. VUCKOVIC-SAHOVIC, Country Rapporteur, asked whether there was any record of the number of times that international law had been directly invoked in courts in the State party.
38. Mr. TEHOV (Bulgaria) said that although he did not have any precise figures at his disposal, he was aware of cases in which judges had invoked international law. The Criminal Code included some of the corpus delicti of the Optional Protocol. The Committee's concerns in that regard would be transmitted to the Government.
39. Ms. SMITH asked whether there was a clear definition of child prostitution in Bulgarian law and whether the sale of organs constituted a criminal offence.
40. Ms. BORISSOVA (Bulgaria) said that an amendment to the Bulgarian Criminal Code, adopted in 2006, had introduced a new corpus delicti that criminalized trafficking in babies by individuals or groups. Furthermore, mothers who gave consent for the sale of their babies in Bulgaria or abroad were liable to prosecution under article 182 (2) of the Criminal Code. The sale of bodily organs was not covered explicitly by the Code but was provided for in a separate law. She said that there was also a general provision criminalizing any person who persuaded or forced another person to use narcotic substances for the purpose of engaging in prostitution or homosexual practices. For the same offences committed against a person under the age of 18, the penalty was more severe. The Code also prohibited the display presentation, offer, sale, rental or distribution of pornographic material, including child pornography, to children under 16 years of age.
41. Ms. SMITH asked whether child pornography was prohibited and treated as a separate offence.
42. Ms. BORISSOVA (Bulgaria) said that child pornography was criminalized specifically under another statute.
43. The CHAIRPERSON requested clarification as to whether the use of children under 18 in pornographic material was criminalized, while the sale of pornographic material to a 17-year-old was not.
44. Ms. VUCKOVIC-SAHOVIC, (Country Rapporteur) said that Bulgarian legislation did not offer adequate protection against child pornography and required further reform. The Bulgarian authorities should ensure that all the provisions of the Optional Protocol were incorporated in Bulgarian legislation.
45. The CHAIRPERSON asked whether any data were available on the number of convictions for producing or selling child pornography and for forcing children into prostitution. She also asked which authority was responsible for hearing victims' complaints.

46. Ms. SMITH asked whether it was true that in October 2006 Bulgaria had reduced the length of criminal sentences in cases involving children under article 3, paragraph 4 of the Optional Protocol, but that the sentences had been increased again following an extensive debate on the issue in civil society.

47. Ms. NESTOROVA (Bulgaria) said that the Criminal Code had been amended in 2006 to reduce sentences. Following a heated public debate, however, they had been restored to their original length.

48. Ms. BORISSOVA (Bulgaria) said child pornography was clearly defined in the Optional Protocol and the Criminal Code had recently been amended to incorporate the provisions of the Protocol into Bulgarian legislation. For example, distributing pornographic material via the Internet had been criminalized, as had been the production, display, presentation, broadcasting, distribution, sale, rental or circulation of pornographic material by any other means. There was also the aforementioned corpus delicti, including a special provision prohibiting the use of a person under 18 in the creation of pornographic material and another criminalizing offences committed by, or on the order of, an organized criminal group.

49. Bulgarian law protected child witnesses under both the Criminal Code and the Child Protection Act. The Criminal Code provided that a witness under the age of 14 should be questioned in the presence of a teacher and a psychologist and, if necessary, a parent or guardian. A juvenile witness, i.e. a child aged between 14 and 18 years, should be questioned in the presence of a teacher and a psychologist if deemed necessary, who could also put questions to the witness. The body conducting the interview should explain to the witness the need to give true testimony, without warning him/her of his/her legal liability. The Child Protection Act stipulated that the interview should be conducted in the presence of professionals in a child-friendly environment, and that it should be in the best interests of the child. In all cases of administrative and judicial proceedings affecting the rights and interests of a child, it was mandatory to interview the child, provided that he/she had reached the age of 10 and unless it would prove harmful to his/her interests. Children under the age of 10 could be interviewed in certain circumstances, depending on the level of their development. Before the interview, the court or administrative body concerned should provide them with all necessary information to help them to form an opinion and to make them aware of the possible consequences. The interview should take place in appropriate surroundings and in the presence of a social worker from the Social Assistance Directorate and a parent, guardian or person close to the child, except where that would not be in the child's interests, for example in cases of domestic violence. If deemed necessary, the interview could also be conducted in the presence of another appropriate specialist. The court or administrative body should notify the Social Assistance Directorate for the current area of residence of the child, which could represent the child, and every child had the right to free legal aid.

50. Ms. SMITH asked whether the aforementioned provisions also applied to a child witness who had been trafficked and if he/she was also entitled to legal representation.

51. Ms. BORISSOVA (Bulgaria) said that child victims of trafficking were not only protected under the provisions of specific laws, such as the Law on the Protection of Persons Endangered in Relation to Criminal Procedures, but were also assisted by trained professionals from a specialized unit under the auspices of the Ministry of Justice.

52. Ms. NESTOROVA (Bulgaria) said that 67 cases of human trafficking had been brought before the courts in 2004, resulting in 35 indictments and 3 convictions. In 2005, 82 sets of proceedings had resulted in 32 indictments and 33 convictions, as compared with 155 sets of proceedings, 73 indictments and 71 convictions in 2006.
53. The CHAIRPERSON asked whether any data were available on the number of convictions for child prostitution.
54. Mr. ZERMATTEN asked whether any data were available on the number of victims who had benefited from rehabilitation programmes and on those who had received financial compensation.
55. Ms. BORISSOVA (Bulgaria) said that a new law had come into force in 2007 which envisaged financial compensation for victims of human trafficking, sexual harassment or rape resulting in serious damage to health. The Ministry of Justice had provided a budget of 1 million Bulgarian leva in 2007, 70 per cent of which had been earmarked for financial compensation for crime victims and 30 per cent for other assistance, including medical treatment, psychological counselling and free legal aid.
56. Ms. AIDOO asked whether the compensation system made a distinction between child and adult victims.
57. Mr. PARFITT wished to know whether the payment of compensation was dependent on a successful conviction, as not all cases brought before the courts resulted in convictions.
58. Ms. HERCZOG Alternate Country Rapporteur, asked whether there was a restorative justice mechanism for the compensation of victims by the Government or State as intermediary, or by the offender. She also asked whether Bulgaria had a programme for offenders to help reduce recidivism.
59. Ms. BORISSOVA (Bulgaria) said that there was no specific procedure for paying compensation to child victims under the provisions of the law but assistance to relatives in applying for compensation was available. Financial compensation was payable when a guilty verdict had been returned, including in cases tried in the defendant's absence; when criminal proceedings were discontinued; and when criminal proceedings were dismissed on the grounds of failure to identify the perpetrators of the crime.
60. Ms. NESTOROVA (Bulgaria) said that in 2006 there had been 201 convictions for crimes against children, including 151 convictions for lewdness, 29 for rape and 17 for homosexual violence against children. In 2005, there had been 177 convictions, including 80 for lewdness, 36 for rape and 31 for homosexual violence against children.
61. Mr. PARFITT asked whether any data were available on convictions for child pornography.
62. Ms. NESTOROVA (Bulgaria) said that statistics on the number of persons convicted for child pornography were not available. However, 2 police actions in 2004, 3 in 2005 and 12 in 2006 had led to pretrial proceedings. In 2007, to date 3 police actions had led to pretrial proceedings.

63. Ms. BORISSOVA (Bulgaria) said that 24 cases of child pornography in regional courts had led to convictions in 2006 and for the first half of 2007 there had been 17 newly-initiated court proceedings, 6 which had already ended in conviction since the introduction of the amendments to the Criminal Code.
64. Ms. AIDOO said that a future report should provide additional information on whether courts had cited specific provisions of the Optional Protocol in the cases that had led to successful convictions.
65. Ms. VUCKOVIC-SAHOVIC, Country Rapporteur, referring to the issue of specialized courts, said that experience had shown that providing courses for judges was not enough. It was necessary to have judges who dealt solely with children's issues, whether the children were the perpetrators or the victims of an offence. She asked when it was planned to introduce that practice in Bulgaria.
66. Ms. HERCZOG, Alternate Country Rapporteur, asked whether Bulgaria had introduced measures for restorative justice as an alternative means of handling cases involving children as perpetrators or victims of an offence, as required by the European Union.
67. Ms. BORISSOVA (Bulgaria) acknowledged that there were no specialized courts in Bulgaria dealing with underage children. Only the established courts had jurisdiction. There were two different means of addressing the issue: firstly, through specialized courts, second, through specialized, trained magistrates dealing with minors. Having qualified, well-trained judges was tantamount to having specialized courts. The National Justice Institute provided initial and continuous training for magistrates; the former for beginning magistrates, and the latter, for acting magistrates. During the first half of 2007, the National Justice Institute and the Fund for Crime Prevention, in partnership with the Union of Judges in Bulgaria and the Court Psychiatry and Court Psychology Clinic, had held three seminars on juveniles and justice. The aim of the seminars had been to establish conditions for improved implementation of international justice standards in relation to juvenile delinquency issues. The National Justice Institute had trained 59 judges and prosecutors during the first half of 2007. It planned to conduct further seminars during the year and to include similar training courses in the 2008 curriculum, especially since such courses had won the approval of magistrates and were considered to be of excellent quality.
68. Ms. BANOVA (Bulgaria) said that two new practices were being implemented in Bulgaria. The first was in the context of a project called Listen to the Children that was carried out in three Bulgarian cities by an NGO, the Institute for Social Practices, with the participation of various institutions. As a result, a mechanism for listening to children had been established, appropriate spaces designed for listening to children, especially child victims, had been set up; a manual providing guidelines for judges on the art of listening effectively to child victims had been prepared; and a space for the verification of children's statements had been provided. The second practice entailed the use by regional court judges of specialized spaces located in a social services complex where children could be heard. Anti-delinquency measures included the Law for Combating Antisocial Behaviour of Juveniles and Minors, which had been amended several times, a national delinquency prevention programme and a violence prevention centre. Further, the 2007-2017 strategy for the child proposed the drafting of a new juvenile justice act.

69. Ms. BORISSOVA (Bulgaria) said that national legislative provisions on extradition were envisaged by the Bulgarian Extradition Law, in force since 2005, and the European Arrest Warrant, in force since January 2007. The Extradition Law defined extradition as the handing over of a person located in the territory of one country under the following circumstances: proceedings initiated in another country or before an international court against the person to be extradited; a custodial sentence imposed by the judicial authorities of another country or an international court; or a detention order issued by the judicial authorities of another country or an international court. The law's scope of application extended to any international treaty to which Bulgaria was a party. In the absence of an international treaty, the law would be applied under conditions of reciprocity, as determined by the Ministry of Justice, or in response to an Interpol warrant. The law also covered grounds for refusal to grant extradition. Extradition was admitted only if an act constituted a criminal offence for which the sentence was not less than one year and if measures requiring detention of the person had been imposed by the applying country for sentences of more than four months.

70. Ms. BANOVA (Bulgaria) said that 8,000 - not 29,000 - children had been placed in specialized institutions in Bulgaria. The findings of a study conducted by a Bulgarian children's rights monitoring unit showed that some 4 to 5 per cent of the children who had been placed in specialized schools for the mentally handicapped were not themselves mentally handicapped. This had led to a nationwide movement calling for the integration of children with special needs into regular schools and the establishment of an evaluation centre for those children. The centre supervised specialized teachers, who accompanied and assisted those children in the public schools. National programmes were budgeted at the ministry and municipality levels. A municipality could establish or request social services for children subjected to trafficking or sexual exploitation and obtain State funding therefor. The only situation in which children were placed with adults was in the Mother and Baby Unit, where newborns were placed for 6 to 12 months with their mothers, who had been victims of trafficking or sexual exploitation. Under a pilot project, a child helpline promoted by the State Agency for Child Protection, with the support of UNICEF, would become operational in October 2007 under the management of an NGO, Nadia Centre, with State funding budgeted for the next three years. The term "pilot project" had been used because it was an experiment involving private and public partners.

71. Mr. TEHOV (Bulgaria) said that, under Bulgarian legislation, minors were defined as persons up to 14 years of age, while juveniles were persons between the ages of 14 and 18. Both categories were covered by the Optional Protocol on the sale of children, child prostitution and child pornography. With regard to Bulgarian travel regulations regarding children, children under 18 were not allowed to cross borders unless accompanied by an adult. For a child to be allowed to leave the country with only one parent, the written consent of the other parent was required. There were very few cases in which children were permitted to travel without either parent. Any suspicion or indication of child trafficking would be grounds for holding a child at a border, even if the child presented the necessary authorizations.

72. Ms. ATANASSOVA (Bulgaria) added that an amendment to the Bulgarian Identity Papers Act provided for a mechanism whereby the Chairperson of the State Agency for Child Protection made reasoned proposals to the Ministry of the Interior regarding children who might be involved in illegal activities abroad. Since March 2006, 124 such proposals had resulted in 122 administrative measures being implemented to protect both victims of child trafficking and children at risk of being trafficked.

73. Ms. NESTOROVA (Bulgaria) said that documents authorizing children to leave the country without their parents or with only one parent had to be notarized by a notary public. The falsification of signatures on such documents was punishable by law.

74. Ms. ATANASSOVA (Bulgaria) said that the protective mechanism worked well for Bulgarian children, but that it was difficult to implement protective measures for foreign children who left Bulgaria, particularly when their parents were of different nationalities.

75. Mr. FILALI asked whether an authorization was required for non-resident Bulgarian children to leave Bulgaria in order to return to their country of residence abroad.

76. Ms. NESTOROVA (Bulgaria) said that such children would need an authorization to leave Bulgaria, although entering the country would pose no problem.

77. Mr. PARFITT asked whether travel authorization issues were addressed in multilateral or bilateral agreements between Bulgaria and neighbouring countries concerning services for children who might be trafficked.

78. Ms. ATANASSOVA (Bulgaria) said that, as was the case in many other countries, there was no legal mechanism whereby foreign nationals could be prevented from leaving Bulgaria with their own or even with other foreign children, provided their papers were in order, but the authorities were seeking a solution to the problem. As to the protection of foreign children who were victims of trafficking, Bulgarian law covered all children, regardless of nationality. No child would be repatriated unless the authorities were satisfied that the child concerned would receive proper care in his/her country of origin. Cooperation was maintained with the relevant ministries and agencies in other countries, as well as with the International Organization for Migration, international social services and international agencies, in order to follow up on repatriation cases.

79. Mr. FILALI asked whether a parent could be charged with kidnapping if he or she travelled with a child without the other parent's written consent.

80. Ms. ATANASSOVA (Bulgaria) said that children could not leave the country without an authorization. If one parent did not provide written consent, he or she could file a form with the police stating his or her objection to such travel arrangements. Children travelling abroad to attend school were required to have an authorization from both parents. The authorities worked closely with Interpol where illegal activities were concerned.

81. Ms. BORISSOVA (Bulgaria) said that child testimonies were verified by psychologists and educators, and certified witnesses provided a psychological assessment of the child. Children had the right to be informed at all times of the grounds for and status of the criminal or administrative proceedings in which they were involved.

82. The CHAIRPERSON said that, according to data contained in a UNICEF report, the number of children in institutional care in Bulgaria was in fact 29,000.

83. Ms. VUCKOVIC-SAHOVIC, Country Rapporteur, commended the delegation for the abundance of information it had provided. Progress had clearly been made in many areas of implementation of the Optional Protocol, although there was still room for improvement. The Committee's recommendations on further implementation of the Protocol by Bulgaria would focus on areas such as legislation, data collection, prevention and the protection of victims' rights, not all of which had been fully addressed during the discussions. It would have been useful to have more information on international cooperation and assistance, as well as information concerning experience with practical problems.

84. Ms. BANOVA (Bulgaria) said that her Government had the highest regard for the Committee, and the Committee members' questions, comments and recommendations could opportunely be integrated into the ongoing work of devising a national strategy for children in Bulgaria.

85. The CHAIRPERSON thanked the delegation for contributing to a fruitful dialogue with the Committee. She looked forward to reviewing the State party report the following year and was confident that the Bulgarian delegation, armed with its broad expertise and political will, would successfully carry forward the children's issues that had been discussed.

The meeting rose at 6 p.m.