



ECPAT International
End Child Prostitution, Child Pornography and Trafficking of children for sexual purposes

& Neglected Children Society
ECPAT Affiliate in Bulgaria

**ALTERNATIVE REPORT ON 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**

Produced by ECPAT International and Neglected Children Society

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ALTERNATIVE REPORT

Based on the initial report made by the Republic of Bulgaria as regards the implementation of the Optional Protocol to the CRC on the Sale of children, Child Prostitution, child Pornography

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I. INTRODUCTION

This alternative report to the UN Committee on the Rights of the Child (hereafter: The Committee) has been prepared by **ECPAT International** in collaboration with **Neglected Children Society**, the ECPAT Affiliate member in Bulgaria. ECPAT International (EI), a network of over 80 organizations throughout the world, has specialized knowledge on the issue of commercial sexual exploitation of children, including child prostitution, child pornography and the trafficking of children for sexual purposes. Based on its specific expertise on the issue, ECPAT International has been instrumental in promoting, supporting and following up the implementation of the Agenda for Action adopted by governments at the First World Congress against Commercial Sexual Exploitation of Children (CSEC) in Stockholm, Sweden, in 1996. ECPAT International's work, based on the framework of the Agenda for Action, also seeks to contribute to other international mechanisms that exist to protect children's rights and especially the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Part of the information presented in this document is based on the *Global Monitoring Report on the status of action against commercial sexual exploitation of children*,¹ produced by ECPAT International in 2006 in order to provide, ten years after the First World Congress against Commercial Sexual Exploitation of Children, a baseline of information on actions taken and remaining gaps for addressing CSEC, based on the framework of the Agenda for Action. This report and all the other country reports where ECPAT has member groups can be found on the ECPAT website at www.ecpat.net, *Who is doing what to protect children from sexual exploitation*.

¹ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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This report is the result of close collaboration between ECPAT International and the ECPAT affiliate member in Bulgaria, Neglected Children Society.

The **Neglected Children Society (NCS)** was founded in 1997 in Sofia, Bulgaria, and became an affiliate member of the ECPAT network in 2002. NCS members, working on a voluntary basis, are experts on the prevention of juvenile delinquency, the judicial system and the police, and specialists in research, psychology, sociology, social work and publishing. The aims of NCS include prevention of violence against children, child prostitution, child sexual trafficking and all forms of child sexual exploitation; support to children at social and criminal risk and reintegration and rehabilitation of neglected children and victims of CSEC. NCS conducts various activities in relation to awareness-raising, research, training of child protection stakeholders, including social workers and police officers. NCS also participates in an inter-institutional working group of the State Agency for Child Protection and other institutions to develop national documents and programs against CSEC and lobbies at national level for strengthening the efforts of different stakeholders combating this problem. NCS has been involved in a number of national and international projects for sociological research, preventive and educational campaigns, creating information materials and a directory against CSEC, developing manuals and training work on the problems of child prostitution and trafficking in children for sexual purposes.

ECPAT International would also like to thank those who participated in the work and contributed their input, in particular the “Animus Association” Foundation and ILO/IPEC in Bulgaria who provided valuable information.

The “**Animus Association**” Foundation (AAF) works in support of survivors of violence and develops care programmes for victims of domestic violence, sexual violence and survivors of trafficking. It was founded in 1994 as a women’s non-governmental organization but is the Bulgarian partner and co-founder of “La Strada” International program for the prevention of trafficking in women in Central and Eastern Europe. Animus/La Strada BG has a team of professional social workers, psychologists and psychotherapists trained to work with people suffering from severe violence-related psychological trauma and it has been recognized as a leading organization in the field of victim support.

GENERAL OBSERVATIONS

According to information collected by ECPAT², Bulgaria is mainly a transit country in terms of trafficking in children for sexual purposes. Foreign children are primarily trafficked from Ukraine, Romania, Moldova, Russia and Central Asia through Bulgaria, into western, southern and Eastern Europe. They are usually approached by individuals (such as a young women, acquaintances or persons introduced by mutual friends) who gain their trust and describe glamorous work opportunities abroad. Organised crime groups are mainly responsible for human trafficking, often posing as employment agencies or tour operators.³

Bulgaria is also, to a lesser extent, a country of origin and destination of child trafficking. The average age at which Bulgarian children are internally trafficked for sexual exploitation is

² ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

³ Crime and Society. *Comparative Criminology Europe: Bulgaria*. Accessed from: <http://www-rohan.sdsu.edu/faculty/rwinslow/europe/bulgaria.html>.



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between 14 and 18.⁴ According to the Ministry of the Interior, girls under the age of 14 have been found to be victims of trafficking within Bulgaria and also in Italy.⁵ Bulgarian children are usually lured into prostitution due to poor living conditions and lack of education.⁶

The Neglected Children Society notes that child trafficking is currently undergoing changes due to the free movement of Bulgarian citizens to European Union (EU) member countries (exempted of visas) as a result of the accession of Bulgaria to the EU in January 2007. Whereas Bulgaria benefits from this new accession, the ease in travelling throughout Europe with only an ID card provides new opportunities to traffickers to lure and abuse vulnerable children such as unaccompanied minors into sexual exploitation.

Roma children continue to be disproportionately represented among the victims of sexual exploitation, and are being increasingly targeted by child prostitution rings.⁷

Although up until now, hosting child pornography on Bulgarian websites has been limited, there is evidence that it is gradually increasing. In most cases the pornographic materials featured on such websites had been produced abroad, but in at least two cases the participation of Bulgarian children was confirmed.⁸

Child pornography cases have thus involved mainly the downloading of child pornography from foreign websites, with no indication of distribution, although possession of large amounts of child pornography has been detected. It is possible that certain Bulgarian websites are making available the material produced abroad while trying to become part of an international network.⁹ In most of the recorded cases, the authors of the produced and distributed pornographic films and images with children via Internet were foreign citizens living in Bulgaria. According to the Neglected Children Society, the Ministry of the Interior and especially its specialized unit General Directorate for Combating Organized Crimes, realized a number of special operations to investigate the premises, organized groups and channels of production and distribution of pornographic materials, including child pornography. In many cases, these operations were announced by national TV channels, which widely popularized the cases afterwards.

There is little evidence to show that child sex tourism is a problem in Bulgaria. However, this may simply indicate the difficulty of detecting the crime or the lack of attention given to it by authorities since many children, especially girls, are exploited in the sex industry and the incidence of children trafficked to, within and through Bulgaria for sexual exploitation.¹⁰

There is no evidence of organised child sex tourism in Bulgaria, according to official data provided by the Government. A few isolated cases involving underage girls have been reported by the media, but cannot be considered evidence of a child sex tourism industry. Nonetheless,

⁴ Vassilev, Rossen. "The Roma of Bulgaria: A Pariah Minority." *The Global Review of Ethno politics*. Volume 3, No 2, January 2004, pp.40-51.

⁵ Crime and Society. *Comparative Criminology Europe: Bulgaria*. Accessed from: <http://www-rohan.sdsu.edu/faculty/rwinslow/europe/bulgaria.html>.

⁶ Ibid.

⁷ Save the Children, Italy (European Network Against Child Trafficking). *Bulgarian Socio-Economic Context*. Accessed on 26 July 2005 from: http://www.savethechildren.it/enact/view_news.asp?id=162.

⁸ Bulgarian ICT policy monitor. *Bulgaria: Facing the Problem of Child Pornography on the Internet*, 8 February 2006. Accessed on 23 April 2006 from: http://www.bluelink.net/wsis/e_news.shtml?x=8112.

⁹ ECPAT International, Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA, 2006, accessed from www.ecpat.net

¹⁰ ECPAT UK, *Child sex tourism in Bulgaria*, Briefing papers, updated in December 2005, accessed from <http://www.ecpat.org.uk/downloads/Bulgaria05.pdf>



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there is a danger that this phenomenon will develop rapidly, as Bulgaria is a growing tourist destination. Law enforcement authorities and other stakeholders are aware of the risk and have started working on prevention.¹¹

There is very little documentation on the characteristics of foreign child sex abusers entering Bulgaria. Greater evidence exists of children within the sex industry being abused by local men. However, given the international dimension of child sex tourism and some incipient reports it is probable that Bulgarian children are also exposed to this form of abuse.¹²

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

The Government of Bulgaria conduct a specific and comprehensive research on commercial sexual exploitation of children in the country, considering the limited information available, to assess the situation of children in relation to prostitution, pornography, sale and trafficking, including as well other manifestations of CSEC (such as child sex tourism) and their evolution, in order to provide for a concrete ground to plan interventions based on an in-depth understanding of the issue.

As mentioned in *paragraph 8* of the State report, according to ECPAT information¹³ the National Action Plan against the Commercial Sexual Exploitation of Children (2003 - 2005) was adopted by the State Agency for Child Protection (SACP). The Plan envisaged activities in the five main areas of prevention, protection, rehabilitation and reintegration, child participation and “Provision of Information and International Cooperation”.¹⁴ The Minister of the Interior and the SACP Chairperson were jointly responsible for coordinating its implementation. This National Action Plan was comprehensive in the way it addressed the various manifestations of CSEC, identifying clear goals, assigning the responsible actors and allocating reasonable funds to its various activities. Its implementation seems to have been effective and has led to a number of significant developments.¹⁵

An evaluation of the implementation of the Plan was conducted, and has led to the incorporation of a set of rehabilitation, support and protection measures in the ‘National Integrated Plan for the Protection of the Rights of the Child’ passed by the Government in December 2006. These are based on an integrated approach to children’s rights, and also include research and the provision of more shelters and care programmes. A new National Action Plan is expected to be developed.¹⁶

¹¹ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

¹² ECPAT UK, *Child sex tourism in Bulgaria*, Briefing papers, updated in December 2005, accessed from <http://www.ecpat.org.uk/downloads/Bulgaria05.pdf>

¹³ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

¹⁴ SACP, *National Action Plan against the Commercial Sexual Exploitation of Children*. Accessed from: <http://www.stopech.sacp.government.bg/file.php?fid=136>.

¹⁵ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

¹⁶ Ibid.



ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

In light of the progress in implementing the National Plan of Action against commercial sexual exploitation of children adopted for 2003-2005, a new National Plan of Action specific to CSEC should be adopted, based on an evaluation of the previous one and a detailed assessment of the situation of children vulnerable or victims of CSEC in the country.

Resources should be allocated for complete implementation of the Plan and the new challenges and developments affecting CSEC, especially in relation to the European Union accession and the development of new Information and Communication Technologies, should be properly assessed and included in this new Plan.

The Plan should also include a monitoring and evaluation system and clearly define the roles and responsibilities attached to the various institutions and organizations in charge of its implementation.

In relation to *paragraph 10* of the State report, the data provided by the Government concerns only children identified by the Police, who often represent a limited part of the actual victims. So far, there is no specialized system for registration of cases of CSEC victims in Bulgaria. Actually, the data available is limited to statistical information based on existing provisions of the *Penal Code* which do not reflect all forms of CSEC. Besides, the police only collects information about children who have been passed on to the child pedagogical services and homes for temporary stay of children

Some data is also reported by the Local Commissions for the prevention of juvenile delinquency and then analyzed and published by the Central Commission for the prevention of juvenile delinquency in its Annual Report. Local NGOs and IOM-Bulgaria also collect information including the number of trafficking cases they handle through repatriation processes and support activities and services, but this is limited to international trafficking and does not include internal trafficking or victims repatriated through other channels.

According to ILO/IPEC in Bulgaria, under the project “Piloting a Child Labour Monitoring System (CLMS) in Bulgaria” implemented for 1.5 years by Care International, the institutional framework for the CLMS at central and local level (in four pilot regions in Sofia and in Kurdjali) has been set up. At national level, a National Steering Committee was set up in 2006 as an advisory body to the Minister of Labour and Social Policy to deal with the worst forms of child labour including trafficking in children.¹⁷ A similar system could be developed to assess all forms of sexual exploitation of children, such as child prostitution, child pornography, the sale or transfer of children for purposes of sexual exploitation, including any harmful traditional practices.

Below are some additional data – extracts from the Statistics of National statistical institute, provided by the Neglected Children Society, data for 2006 are not yet available.

¹⁷ Information provided by ILO/IPEC in Bulgaria



**Number of Minors and juvenile persons, victims of crimes
by sex and age¹⁸ - data extract**

Kind of crimes	2004				2005				2006			
	Total	of which: girls	Minors (8 - 14)	Juveniles (14 -18)	Total	of which: girls	Minors (8 - 14)	Juveniles (14 -18)	Total	of which: girls:	Minors (8 – 14)	Juveniles (14 – 18)
Rape	83	80	25	58	85	82	19	66	99	98	28	71
Debauchery	153	104	110	43	162	113	116	46	196	147	147	49
Kidnapping	23	22	8	15	27	20	9	18	-	-	-	-
of which: with aim to submit for debauchery action	4	4	1	3	1	1	-	1	-	-	-	-
Forcing to engage in prostitution	60	57	7	53	31	25	9	22	42	36	6	36
Forcing to engage in homosexual acts	8	-	6	2	6	-	4	2	22	2	18	4
Trafficking of persons	2	2	-	2	12	12	8	4	14	14	3	11
Child pornography	3	3	3	-	1	1	-	1	-	-	-	-

Number of Children passed on to Child pedagogic rooms and children perpetrators of crimes¹⁹ - data extract

	2000	2001	2002	2003	2004	2005
Children passed on to Child pedagogic rooms - total	10 305	10 322	11 070	13 196	13 343	12 407
Of which for: Prostitution /incl. homosexual prostitution	413	420	501	601	486	501
Children perpetrators of crimes – total	7 356	8 662	8 653	9 607	10 146	9 720
Of which for: Rape	71	90	79	70	26	18
Debauchery	92	121	118	109	79	80

¹⁸ National Statistical Institute, Social Statistics, Criminology, Anti-social acts committed by minor and juvenile persons and minor and juvenile persons, victims of crimes – Annual data, Accessed from: http://www.nsi.bg/SocialActivities_e/Crime_e.htm

¹⁹ National Statistical Institute, Social Statistics, Criminology, Anti-social acts committed by minor and juvenile persons and minor and juvenile persons, victims of crimes – Annual data, Accessed from: http://www.nsi.bg/SocialActivities_e/Crime_e.htm



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“Child prostitution” and “homosexual prostitution” are categorized as antisocial acts whereas specialists working with children understand these categories as: “children – victims of forced prostitution” and “children – victims of forced homosexual prostitution”. As noted in by the National Statistic Institute, according to the Combating Anti-social Acts of Minors and Juveniles Act “Antisocial act is a deed which is antisocial and anti-legislative, and against the law and contradicts morality and good manners. Educative measures are imposed upon the offenders of such acts according to the Combating Anti-social Acts of Minors and Juveniles Act”. The police inspectors collect data about homosexual and heterosexual prostituted children who are referred to the child pedagogical rooms. The data is then sent to the National Statistic Institute. These indicators referring to children exploited in prostitution as antisocial acts are outdated and do not reflect the severity of the crime of child prostitution as reflected in the Optional Protocol. New statistical indicators should be developed in reference to the international standards and the Bulgarian legislation and specialized data concerning children victims of different forms of CSEC should be collected.

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

A national and unified system be established for collecting disaggregated data on children victims of sexual exploitation, detailing the sex, region, age, nationality and/or ethnicity, the whole in order to gain a deep understanding of the situation in the country, its evolution, to guide intervention and identify gaps and challenges.

Specific criteria for children victims of sexual exploitation should be developed and protocols established and implemented to guide the procedures in identifying victims, collecting information and providing protection, support and assistance.

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

The *paragraph 7* of the initial State report mentions that definitions given by the Optional Protocol to the terms “child prostitution” have been incorporated in Bulgarian legislation. The ECPAT International Global Monitoring Report²⁰ and the Neglected Children Society however note that no specific definition of child prostitution exists yet in Bulgaria. The existence of provisions against forced prostitution is not sufficient, and fails to address child prostitution as a distinct issue. Furthermore the use of force should never be an essential element of child-prostitution related offences.

With reference to *paragraph 12* of the State report on legislation on child prostitution, according to the information collected by ECPAT²¹, prostitution in itself is not illegal *per se* in Bulgaria, but the law punishes procurers and pimps. As such, Article 155 of the *Penal Code* provides that “A person who persuades an individual to practice prostitution or acts as procurer or procuress for the performance of indecent touching or copulation, shall be punished by deprivation of liberty of up to three years and by a fine of BGN 1,000 to BGN 3,000” – when this offence is committed against “a minor or underage (juvenile)” it is punishable with ten to twenty years’ imprisonment

²⁰ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

²¹ Ibid.



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and a fine of one hundred thousand to three hundred thousand BGL.²² Under Article 192 of the Code, a “minor” is defined as a person who has not accomplished 14 years of age. A juvenile is a person between the age of 14 and 18.²³

According to the information collected by ECPAT, Bulgarian law does not offer a clear definition for the prostitution of children, it is therefore unclear whether it addresses all of the acts listed in the *Optional Protocol*, namely obtaining, offering, procuring or providing a child for prostitution.²⁴

In relation to the *paragraph 12* of the State report, one worrisome development must be pointed out. In October 2006, there was an amendment to Article 155 of the *Penal Code*. This amendment provides that the penalty of 5-10 years’ imprisonment shall be applied only if : “A person who persuades or forces another person to using drugs or analogues thereof for the purposes of practicing prostitution, to performing copulation, indecent assault, intercourse or any other acts of sexual gratification with a person of the same sex, shall be punished by deprivation of liberty for five to fifteen years and by a fine from BGN 10,000 to BGN 50,000. In cases, that the act under par.4 has been committed:

1. (amended, SG No. 92/2002) by an individual acting at the orders or in implementing a decision of an organized criminal group;
2. with regard to a minor, underage or insane person;
3. with regard to more than two persons;
4. Repeatedly;

the punishment shall be deprivation of liberty for ten to twenty years and a fine from BGN one hundred thousand up to three hundred thousand.²⁵

In other cases – even if minors have been involved, even if there is more than one victim or the perpetrator is a recidivist, the offender shall be punished with imprisonment for a maximum of six years only.

While in other countries around the world penalties for similar crimes are much heavier it is of serious concern that the applicable penalty in Bulgaria should be decreased in such a significant way. This amendment was widely discussed in the media. Professionals who work for counteracting trafficking and sexual exploitation have also expressed profound dissatisfaction with this amendment and hope it will be changed soon.

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

Bulgarian law be amended to:

²² Penal Code, Art. 155(1). As amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002 - SG No. 26/2004, effective 1.01.2004, SG No. 75/2006). See also: Legislation of Interpol member states on sexual offences against children. Bulgaria. Updated Spring 2006. Accessed from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBulgaria.asp>

²³ Legislation of Interpol member states on sexual offences against children. Bulgaria. Updated Spring 2006. Accessed from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBulgaria.asp>

²⁴ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

²⁵ Penal Code, accessed from: <http://lex.bg/laws/ldoc.php?IDNA=1589654529>

²⁵ Art.155. par.4 (New - SG No. 21/2000, amended, SG No. 75/2006). See ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



Reflect the provisions of the *Optional Protocol* and specifically define child prostitution and criminalise all acts of obtaining, offering, procuring or providing a child for prostitution;

Apply the highest penalties to all cases of child prostitution, regardless of the use of drugs or any other means.

As regards the legislation on child pornography mentioned at *paragraph 13*, ECPAT notes that Bulgarian legislation offers inadequate protection against child pornography and requires further reform and strengthening to meet international standards.²⁶ At present, it does not specifically define child pornography, and it is unclear whether it considers all of the broad elements described in the *Optional Protocol* as child pornography. At present the *Penal Code* is limited to prohibiting a number of acts related to pornography – but there is no provision specific to child pornography with the exception of “works of pornographic contents” when they are created using a “minor underage or a person with such an appearance”²⁷ However, this reference is quite vague and Bulgarian law still lacks a clear definition of child pornography.

A more positive aspect of current Bulgarian legislation is that it criminalises the mere possession of pornographic material involving children, and not only the possession of such material for the purpose of distribution.²⁸ However, as noted above Bulgarian law fails to specifically define child pornography, and this specific provision is limited to punishing “who[ever] keeps a pornographic work for whose creation a minor, underage or a person with appearance of a minor or underage has been used shall be punished by imprisonment of up to one year or a fine of up to two thousand BGL”.²⁹

A recent amendment to article 159, par.3 of the the *Penal Code*³⁰ must be mentioned as a positive development: “For offences under Article 159 Par.1 and 2, punishment is up to six years’ imprisonment and a fine up to eight thousand leva, if the creation for the pornographic there has been used a minor, underage or a person with appearance of a minor or underage.”³¹

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

Bulgarian law be amended to include a clear definition of child pornography consistent with that of the *Optional Protocol* and criminalise all acts of producing, distributing, disseminating, importing, exporting, offering, selling and possessing child pornography.

²⁶ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

²⁷ Art. 159 of the Penal Code, available on Legislation of Interpol member states on sexual offences against children. Bulgaria. Updated Spring 2006. Accessed from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBulgaria.asp>

²⁸ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

²⁹ Art. 159 of the Penal Code, available on Legislation of Interpol member states on sexual offences against children. Bulgaria. Updated Spring 2006. Accessed from: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBulgaria.asp>

³⁰ Published in SG, № 75 – 2006 and in force from 13.10.2006.

³¹ Art. 159 of the Penal Code, accessed from: <http://lex.bg/laws/ldoc.php?IDNA=1589654529>



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In relation to the new section entitled “trafficking in persons” introduced in the *Penal Code* and mentioned at *paragraph 15* of the State report, a new amendment of the *Penal Code*, article 159, par.3³² should be mentioned. When the act under Par.1 has been accomplished in relation to a pregnant woman with the aim of selling her child, penalty is imprisonment for 3 to 10 years and a fine from 5000 to 15 000 leva.

There is no provision in the *Penal Code* for trafficking in children for sexual purposes but Article 159A, Par.2 reads that a higher penalty shall be imposed for cases in which trafficking has been accomplished against a person under 18. A new amendment from 13.10.2006 provides for imprisonment ranging from 3 to 10 years and a fine from 5 000 -15 000 leva.³³

III. CRIMINAL PROCEDURES

As mentioned in *paragraph 22* of the State report, Bulgaria has ratified various instruments from the Council of Europe. The Council of Europe’s Convention on Action against Trafficking in Human Beings has been signed in November 2006, but is not yet ratified.³⁴

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

Bulgaria ratify the Council of Europe’s Convention on Action against Trafficking in Human Beings.

IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS

The protection of child victims of sexual exploitation has recently been improved, especially by the implementation of the National Plan of Action against the commercial sexual exploitation of children and the establishment of the ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian unaccompanied minors and children victims of trafficking returning from abroad’. Experts on combating the commercial sexual exploitation of children have also been placed in a number of special police departments that deal with prostitution and related cases. However, a lot of these new measures focus essentially on the trafficking of children, and special attention should be granted to victims of sexual exploitation, in particular child prostitution but also child pornography.

In reference *paragraphs 26 and 27* on the participation of children in administrative and court procedures and child witnesses, according to information received from “Animus Association” Foundation, there are no specialized child courts or specialized child judicial bodies dealing with cases involving children. However, the number of cases involving crimes against children requires that specialized child courts be established as a matter of priority. In the past there used to be specialized judges and prosecutors who worked on cases with minors, but at present

³² Published in SG, № 75 – 2006 and in force from 13.10.2006.

³³ Penal Code, accessed from: <http://lex.bg/laws/ldoc.php?IDNA=1589654529>

³⁴ Council of Europe Convention on Action against Trafficking in Human Beings, CETS n°197, accessed from <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=8&DF=3/8/2007&CL=ENG>



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magistrates take on all types of cases and do not necessarily have the specialized knowledge or enough practice and experience to relate with and interview children.

In reference to the provisions mentioned in *paragraph 29* of the State report, to ensure better protection of the child victim, the ECPAT International report³⁵ mentioned that “in the course of legal proceedings, child victims are questioned in the presence of a pedagogue or psychologist, and sometimes also in the presence of a parent or legal guardian. The ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad’ has helped to ensure that either social workers, or a representative of the Local Commissions, are present to assist the child during the proceedings. The same rule applies to young person witnesses, when deemed necessary.³⁶ Every police station has a special facility for children, and video recording is used so that the child does not need to testify repeatedly.”

IT IS RECOMMENDED THAT THE COMMITTEE ASK THE FOLLOWING QUESTIONS TO THE GOVERNMENT:

- **Could the Government provide detailed information on the concrete measures that have been implemented so far to hear child victims or witnesses in courts?**
- **What type of “appropriate environment” has been created for the hearing of children in courts? What is the extent of availability of these structures throughout the country?**
- **Are the social workers or other appropriate specialists present at the hearings, specifically trained on interviewing children who have been victims of sexual exploitation?**
- **What type of specialized training is received by police officers in charge of interviewing child victims of sexual exploitation? And, how are the special needs of specific victims addressed? (for example, problems of translation in cases of trafficking victims).**

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

Standard “child friendly” procedures for all cases involving children who are sexually exploited and victims of trafficking be developed and implemented, including mandatory *in camera* hearings for all testimony by children, and facilitating the collection of evidence and testimony from children. ,

Specialized training for law enforcement officers (including police, judges and prosecutors) be conducted on a regular basis to strengthen the implementation of child protection procedures and ensure the best interest of child victims is a primary consideration throughout all stages of the criminal process.

³⁵ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

³⁶ OHCHR. *United Nations Study on Violence against Children: Response to questionnaire received from the Government of the Republic of BULGARIA* at para. 23. Accessed from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/Bulgaria.pdf>.



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Based on information collected by ECPAT³⁷, the Combating the Trafficking of Human Beings Act, which came into force in 2003, is a comprehensive piece of legislation setting out the obligations of the state and assisting agencies towards trafficking victims. For example, it stipulates that child victims are to be accommodated in separate premises, granted education and the possibility of seeking their family or having guardianship established. It also allows more time for investigation, which gives the child the right to stay longer in the shelter, to have contact with the State Agency for Child Protection and to receive treatment according to the Child Protection Act.³⁸

The ECPAT International report also points out that support services for child victims of trafficking have been improved by the establishment of the ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad’. Also, a range of local NGOs and IOM provide helplines and services to assist victims of sexual violence and trafficking.³⁹ For instance, “Animus Association” Foundation/La Strada Bulgaria runs a 24-hour Help-line for victims of violence. Through this 24-hour Help-line people can receive information about the risks of getting involved in trafficking and the places, services and institutions where they can turn for help in case of need. Since 2000, the 24-hour Help-line is opened to children, victims or witnesses of violence and others. The volunteers at the 24-hour Help-Line are especially trained to consult children, victims or witnesses of violence.⁴⁰

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

According to information collected by ECPAT, an active partnership has been established between State agencies, NGOs and other stakeholders and the State Agency for Child Protection is playing an important role in promoting prevention initiatives. At the same time, many of these successful cooperation efforts are in their early stages and need appropriate follow-up to ensure sustainability. Besides, most of the training programmes and public awareness campaigns have been carried out by NGOs, in several cities and schools throughout the country. The majority of such initiatives focus on trafficking in children and the number of projects to promote child safety online is increasing.

As mentioned at *paragraph 33* of the State report, the *Child Protection Act* specifies the interaction between state and municipal authorities. The State Agency for Child Protection was established in 2001 under the *Child Protection Act* to provide guidance, coordination and control in the area of child protection activities. The Chairperson, with the cooperation of ministries, implements childcare activities; develops the state policy for child protection; develops and controls national and regional child protection programs implementation; licenses natural persons and legal entities; supplies child care services; controls child rights protection etc. The Agency

³⁷ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

³⁸ Seerights.Org. *South East European Regional Initiative against Human Trafficking*. Accessed from: <http://www.seerights.org/main.php?val=308>.

³⁹ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

⁴⁰ Information provided by “Animus Association” Foundation



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acts in cooperation with ministries, agencies and NGOs, working in the child rights protection sector.⁴¹

The National Council for Child Protection (NCCP) was also established in 2001 as a forum in which to discuss strategies and plan measures to protect children. It comprises of representatives from various ministries, members of Parliament, NGOs, child experts and the media.⁴²

In reference to *paragraphs 34 and 35* of the State report on the special protection provided to children at risk, and the emphasis required by the Optional Protocol in Article 9.1 to pay “particular attention” to the protection of children who are “especially vulnerable”:

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTIONS TO THE GOVERNMENT:

- **Could the Government provide information on the methods used to identify children who are especially vulnerable to prostitution, pornography, sale and trafficking?**
- **Could the Government describe the programmes and policies implemented to protect children, as enumerated in *paragraph 35* of the report?**
- **Could the Government provide any data on the impact of these measures?**

The *paragraphs 37 and 38* refer to the measures adopted under the *Combating the Trafficking of Persons Act* of 2003. ECPAT notes⁴³ that, although this Act is not directly focused on trafficking in children for sexual purposes, it led to the creation of the ‘National Programme for the Prevention and Counteraction of Trafficking in Human Beings and the Protection of Victims’, designed by the Council of Ministers⁴⁴ and carried out by the State Agency for Child Protection, the Ministries of the Interior, Education and Science, international governmental organizations and other institutions working with children. It involves public awareness-raising; targeting children at risk in existing prevention programmes; developing measures to reduce involvement in trafficking through the Internet; improving support to child victims; training for social workers who work directly with child victims; and implementing the ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad’.

The National Commission for Combating Trafficking in Human Beings⁴⁵ is responsible for the implementation of this Act and to support such work at the local level ‘Local Commissions for Combating Trafficking in Human Beings’ are being established in all major cities across the country, to coordinate planned activities, including the establishment of support centres to

⁴¹ State Agency for Child Protection and Child Protection Policy, accessed from: http://www.sacp.government.bg/index_en.htm

⁴² ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

⁴³ Ibid.

⁴⁴ SACP. 2005 *National Programme for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims*. Accessed from: <http://stopech.sacp.government.bg/file.php?fid=192>.

⁴⁵ Members of the Commission include representatives of all relevant Ministries at the level of Deputy Minister, as well as deputies of the Chair of the Supreme Court of Cassation, of the Prosecutor General and of the Director of the National Investigative Service, as well as representatives of Bulgarian NGOs and international organisations working in the area of preventing and combating human trafficking.



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provide victims with specialised psychological and medical services; and to work with relevant departments of child protection state agencies already in place in several towns.⁴⁶ According to the Neglected Children Society, the provisions listed above have to be implemented as soon as possible and effective collaboration between several stakeholders should be established through such a dynamic structure which has to be based on a strong multi-stakeholder approach.

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTIONS TO THE GOVERNMENT:

- **Could the Government describe the programmes and policies implemented to combat and prevent child trafficking and to protect children victims of trafficking, as enumerated in *paragraph 37* of the report?**
- **Could the Government provide any data on measures and activities undertaken by the National Commission for Combating Trafficking in Human Beings and Local Commissions related to child trafficking?**

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

The National Commission for Combating Trafficking in Human Beings should ensure structural and human resources for effective realization of the responsibilities following the international and national engagements of the Bulgarian government, concerning trafficking in children for sexual purposes.

There is an urgent need to speed up the implementation of a process of multi-stakeholder and international cooperation and coordination for counteracting and preventing child trafficking for sexual purposes.

A unified information system with relevant indicators should be established for collecting data about children victims of commercial sexual exploitation, including specific data on victims of trafficking for sexual purposes.

The process of establishment of Local Commissions for Combating Trafficking in Human Beings should be accelerated in order to facilitate the coordination of activities on child trafficking for sexual purposes at local level.

In reference to the new structures established, the ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian unaccompanied minors and children – victims of trafficking returning from abroad’ has been jointly developed by the State Agency for Child Protection, the International Organization for Migration (IOM) in 2005, including a system of inter-institutional referral to facilitate and speed up the follow-up of cases (reported either from abroad or from within the country). Different institutions are involved in the identification, removal, rehabilitation and reintegration of the child, namely state child protection agencies, the Ministry of the Interior, the National Commission for Combating Trafficking in Human Beings and NGOs. In addition, multidisciplinary teams are being created within the child protection departments to include representatives of the Police Child Pedagogical Services, the Police Homes for

⁴⁶ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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Temporary Accommodation of Minors, the Regional Inspectorate of Education, the Regional Health Centre, the Agency for Employment, child rights NGOs, and providers of social services to social assistance and child protection departments. Whenever a case involves a foreign trafficked victim, a representative of the State Agency of Refugees is also involved.⁴⁷

The effectiveness of this new system should be ensured by regular training of experts as well as by the dissemination of manuals for action. As the system is new, it will need to be regularly evaluated and further enhanced if necessary, following reporting on achieved results by the Coordinating Expert Council, the State Agency for Child Protection and the Ministry of the Interior.⁴⁸ No updated information on the implementation of these measures has been provided.

Children victims of trafficking who have been repatriated from abroad are initially sent to one of the five homes for temporary accommodation, administered by the Ministry of Interior, located in Sofia and in four other towns. Others are placed in municipal facilities provided by local governments, which shows a positive commitment from the local authorities.⁴⁹

According to information collected by Neglected Children Society, “Animus Association” Foundation/La Strada Bulgaria and ILO/IPEC - Bulgaria there are three crisis centres for children victims of trafficking in Bulgaria: Balvan (district of Veliko Tarnovo), Pazardjik and Dragoman, which already operate. A special document is issued by Child Protection Departments to accompany children – victims of trafficking for receiving social services there. Children receive assistance and specialised treatment by social workers and psychologists, working in the crisis centres.

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTIONS TO THE GOVERNMENT:

- **Could the Government provide details on the measures implemented so far in relation to the temporary asylums and the support centres for children victims of trafficking?**
- **What protocols have been established for identification, assistance and intervention with children victims of CSEC and how are they implemented?**
- **How is the staff working with children victims of trafficking for sexual purposes specially trained and supported?**

Several activities were planned in the National Action Plan against the Commercial Sexual Exploitation of Children (2003 - 2005) as mentioned in *paragraphs 44 and 45* of the State report. According to ECPAT’s information⁵⁰, it was noted that the Plan provided for the participation of children and young people in developing national programmes undertaken by the National Child

⁴⁷ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

⁴⁸ Ibid.

⁴⁹ Regional Clearing Point. *First Annual Report on Victims of Trafficking in South Eastern Europe*. IOM, ICMC, Stability Pact for South Eastern Europe. 2003.

⁵⁰ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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Protection Council,⁵¹ whereby they took part in the work of the Council and advised on policy making.

In terms of protection, the National Action Plan against CSEC has been successful in pushing forward the harmonization of national legislation with international standards, and encouraging public discussion between law enforcers, the judiciary, prosecution offices, and others, for the effective punishment of perpetrators; establishing hotlines for reporting sexual crimes against children; and creating the ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian unaccompanied minors (UAM) and children – victims of trafficking returning from abroad’ mentioned above.⁵² The National Action Plan also outlined a series of activities to improve support for victims; the establishment of a national hotline to provide psychological assistance to children; improvement in the existing temporary homes for minors in difficult situations and the construction of three crisis centres with special arrangements for trafficked children.

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTION TO THE GOVERNMENT:

- **Could the Government describe the practical implementation of the goals mentioned and their impact on protecting children?**
- **How were children and young people involved in policy development and implementation of programmes? How effective has this child and youth participation strategy been?**
- **Which measures specifically address the needs of children victims of prostitution or pornography?**
- **How is the Government planning to ensure sustainability in the implementation of new measures to prevent CSEC and protect children now that this National Plan has expired?**

As mentioned in *paragraph 46* of the State report, children belonging to vulnerable groups include school drop-outs, children in the street, certain minority groups. According to ECPAT’s information⁵³, ethnic minorities and especially Roma children seem to be particularly vulnerable to child prostitution as “Roma children continue to be disproportionately represented among the victims, and are being increasingly targeted by child prostitution rings.”⁵⁴

Based on the survey conducted in 2003 by the ECPAT Affiliate Neglected Children Society, the data analysis obtained through the survey and some specific attitudes of the students from Ruse

⁵¹ SACP. *Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children – Victims of Trafficking Returning from Abroad*. Accessed from: http://www.stopech.sacp.government.bg/?sid=professional_eng&pid=0000000046

⁵² SACP. *Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children – Victims of Trafficking Returning from Abroad*. Accessed on 2 August 2005 from: http://www.stopech.sacp.government.bg/?sid=professional_eng&pid=0000000046.

⁵³ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

⁵⁴ Save the Children, Italy (European Network Against Child Trafficking). *Bulgarian Socio-Economic Context*. Accessed from: http://www.savethechildren.it/enact/view_news.asp?id=162.



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shows that the risk groups of children who could become potential victims of prostitution and trafficking account for about 10-15% of children living in Ruse.⁵⁵

Especially vulnerable are girls aged 13-15 years, left without constant parental care and supervision, and girls from non-Bulgarian ethnic groups, who are often trafficked abroad for sexual exploitation (especially girls of Roma origin). This target group requires specialized informational, educational and preventive measures, not only within the framework of projects and temporary campaigns, but also as part of permanent social and educational policies inside and outside schools; efforts that must involve also the families of children at risk.⁵⁶

The “Animus Association” Foundation conducts several programmes on preventing trafficking among children without parental care. In the framework of the Project “Child Trafficking Response Programme” they implemented, a research on “Developing effective response to child trafficking through the study of trafficking mechanisms and the needs of the most vulnerable groups” was conducted to increase understanding of the phenomenon and assist the elaboration of adequate policies for combating it (this research is not yet available). One of the guiding principles of their intervention is the need to empower children as social agents. The “Animus Association” Foundation /La Strada Bulgaria has been conducting empowerment trainings on the prevention of violence and trafficking for 158 children deprived of parental care and high schools, Socio-Pedagogical Boarding School, Correctional Boarding Schools. Besides, a team of specialists from 10 orphanages in the country were supported to develop and implement small prevention projects for their institutions and 151 children and adolescents from 10 to 18 participated in 14 empowerment and prevention trainings designed by their teachers and supervised and funded by AAF.⁵⁷

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTIONS TO THE GOVERNMENT:

- **Could the Government provide details on the specifically-tailored preventive measures that have been put in place to target the particularly vulnerable children?**
- **What interventions have been developed to address the vulnerability factors of the populations identified as at-risk of being sexually exploited?**
- **Most of the preventive measures developed seem to target child trafficking, could the Government describe specific programmes to address children especially vulnerable to prostitution?**

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

Prevention activities be developed and tailored to address especially vulnerable children not only to trafficking, but to all forms of sexual exploitation.

⁵⁵ Neglected Children Society, *Report for the main results from the comparative empirical sociological research and realization of the activities included in the public awareness raising campaign against child prostitution and child sexual trafficking in Ruse*, 22 December 2003

⁵⁶ Neglected Children Society, *Report for the main results from the comparative empirical sociological research and realization of the activities included in the public awareness raising campaign against child prostitution and child sexual trafficking in Ruse*, 22 December 2003

⁵⁷ Information provided by “Animus Association” Foundation



In this regard, information, education and prevention programmes to prevent child prostitution seem to be limited and should be conducted through out the country in various settings and addressing different target groups.

Vulnerable minorities and especially Roma populations should receive particular attention in the prevention and protection programmes.

Many prevention activities have started to be implemented recently and should be carefully followed-up, monitored and evaluated to assess their impact and ensure best protection of children.

Sustainability and coordination of the prevention and protection programmes would be best ensured through the adoption of a new National Plan of Action specifically addressing commercial sexual exploitation of children.

In relation to *paragraph 47* of the State report where preventive measures in schools are mentioned, Neglected Children Society also stressed that “it is necessary that the school, as the main socio-pedagogical factor in the preventive system, be more effectively involved – not only as an institution, but also as a territory for mobilization of professional resources, such as the school’s consulting office for early prevention, pedagogical councillors and the class managers, in educating children about the problems of prostitution and trafficking. For this purpose it is necessary to implement a Training of Trainers Program, as a follow-up to the specialized training sessions provided by Neglected Children Society to pedagogues, psychologists and children in the schools. Simultaneously, it is necessary to continue the media campaign in order to inform the public about the problems of child prostitution and trafficking for sexual purposes by suitable attractive information materials.”⁵⁸

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTION TO THE GOVERNMENT:

- **How is sexual exploitation of children, child prostitution, child pornography included in general child rights awareness programmes in schools?**
- **How are children involved in developing and conducting such programmes?**

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

A specific module on child prostitution, child pornography and the trafficking of children be introduced in the general training manuals for teachers in the course of human rights.

⁵⁸ Neglected Children Society, *Report for the main results from the comparative empirical sociological research and realization of the activities included in the public awareness raising campaign against child prostitution and child sexual trafficking in Ruse*, 22 December 2003



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In relation to the general awareness raising measures mentioned in the *paragraph 48*, several training programmes and public awareness campaigns are conducted mostly by NGOs.

The “Animus Association” Foundation (AAF)/La Strada Bulgaria is aware of the importance of raising awareness about the phenomenon of trafficking among the broad public, including parents, professionals, etc. In this regard, a film festival “Beyond the obvious – Trafficking in women and world cinema” was organized by AAF and Sofia International Film Fest on the occasion of 25th November, the international day against violence against women. It was organized in the House of Cinema from 24th to 26th November 2006. The festival was realized with the financial support of various institutions and some media partners. Seven feature films which present different situations and stories related to trafficking, including trafficking in children, and modern exploitation were shown during the three-day festival. All screenings were free for the audience.

However, it is important to stress that, while educational campaigns all contribute to raising awareness on closely-related issues such as domestic violence or trafficking, they are not specifically addressing children involved in prostitution or trafficked for sexual purposes and the Government has not been instrumental in developing these. ECPAT would also like to raise the fact that specific groups do not seem to be targeted adequately, such as the consumers of child pornography for instance.

The importance of informing parents on the risks of prostitution, trafficking or the use of the Internet for children, is stressed in the survey conducted by Neglected Children Society. “While the children interviewed through the Neglected Children Society’s survey got information on child trafficking mainly from their parents, the parents interviewed were not really well acquainted with the issue. They generally obtained information on the subject from the media, which is often inaccurate. Some children were tempted to work abroad even when they did not have much information about the potential job. It thus appears that children are not properly informed about the real risks of being trafficked.”⁵⁹

The “Animus Association” Foundation also notes that there are great needs to educate parents and strengthen their parental skills and capacities to inform children about the various forms and effects of violence and its consequences. The trainings conducted by the team of Animus for professionals from the Child Protection Departments, Child Delinquency Departments also aim at supporting them in identifying early signs of domestic violence and working with parents.

In terms of the role played by the media, according to information received from ILO/IPEC, ProMedia Foundation completed and published 500 copies of a Handbook for journalists to address the worst forms of child labour including trafficking in children. The handbook is being disseminated to central and local media and faculties on journalism in Sofia.

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTION TO THE GOVERNMENT:

- **Could the Government describe sustainable measures it implemented to educate and train the public on child prostitution and how the participation of the community, especially parents and children, was encouraged in such programmes?**

⁵⁹ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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- **What specific programmes have been developed to target specific groups such as the tourism and travel industry, adult sex workers, members of the armed forces?**

Some prevention activities about trafficking conducted by IOM are mentioned in *paragraph 49* of the State report. On February 2007, the International Organization for Migration (IOM) in Bulgaria launched an informational campaign for the prevention of trafficking in human beings to the United Kingdom as a joint initiative with the UK government. The motto of the campaign is “Open your eyes!” and the purpose is to provide more information and to protect the Bulgarian citizens from the dangers, which trafficking in human beings for sexual exploitation conceals as a form of modern-day slavery. The project will be carried out simultaneously in Bulgaria and Romania, in order to minimize the potential risk of increase in number of victims from both newly-joined members of the European Union. The International Organization for Migration in Bulgaria has opened a dedicated hotline - 02/93-94-777 - for the campaign, giving information and advice on the prevention of human trafficking, as well as receiving calls, and reporting on cases of human trafficking in the UK. 400 000 brochures will be distributed and 6000 posters will be put up in all Bulgarian Border Controls, at the airports, in passport sections, Labour Offices, the Central and Local Commissions for prevention of the juvenile delinquency, etc. Materials specially created for the campaign radio and television clips will be broadcast on the Bulgarian National Radio and Bulgarian National Television and the regional electronic media⁶⁰.

In relation to the prevention of violence on the Internet referred to in *paragraphs 50 and 51* of the State report, some new initiatives have been developed. The Neglected Children Society mentions that according to the national survey “Children in the Net” conducted in March 2006 by the National Center for Studying Public Opinion (a project and informational campaign under the theme “You don’t know who is on the other side” realized in partnership by the State Agency for Child Protection, the Embassy of Great Britain and Partners Bulgaria Foundation) 52.6% of all 800 interviewed children stated they have been approached by strangers who have insisted on talking about sex and 18.7% of them confirmed that these strangers have sent them pornographic materials with nude persons and people having sexual intercourse. It also shows that many children do not know or do not follow basic safety rules on surfing on the Internet, such as displaying personal details or being aware that it can be dangerous to meet in person an Internet acquaintance (in about 20% of cases where children met in person their “virtual” friend appeared to be much older than presented during their Internet conversations).⁶¹

According to Neglected Children Society, in spite of some efforts undertaken, there still lacks coordination and cooperation on a large scale between law enforcement, Internet service providers, and other stakeholders to protect children from various risks on the Internet and notably from accessing child pornographic materials.

Based on information collected by ECPAT⁶², the Safer Internet Public Council to regulate safe internet use, composed of government representatives, major Internet service providers (ISPs) and NGOs was established in 2003. It provides a coordination platform for various stakeholders involved in combating the distribution of harmful and illegal content and protecting the rights

²⁹ Joint initiative of the Government of UK and the International Organization for Migration, accessed from <http://www.iom.bg/Indexen.htm>

⁶¹ National Center for Studying Public Opinion, project “the Child in the Net–informational campaign under the theme “You don’t know who is on the other side”. Accessed from: <http://www.stopech.sacp.government.bg/file.php?fid=227>

³⁶ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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of users, particularly children. The Public Council also supervises the SAFE-NET Bulgaria hotline,⁶³ managed by the Applied Research and Communications Fund in partnership with the State Agency for Information Technologies and Communications, the State Agency for Child Protection, the Ministry of Interior, the Ministry of Education and Science.

This national hotline <http://web112.net> was launched in May 2006 by the Applied Research and Communications Fund in the framework of the SAFE-NET BG project supported by the European Commission. Its goal is to enable local Internet users to report incidences of harmful and illegal content disseminated over the Internet, with a special focus on child pornography. In this initial stage, the hotline is primarily concerned with issues of child pornography on the Internet but, as it gains experience and public recognition, the scope of activity will be extended to cover also other forms of harmful content and conduct, as well as other interactive technologies (incl. mobile, online games, chat channels, etc.).⁶⁴

From May 9, 2006 where the hotline was launched until November 30, 2006 a total of 75 reports were filed online of which over half (43) failed to provide any information that would allow hotline operators to trace the content. But among traceable sources and content examined at the hotline, one concerned a Bulgarian website procuring underage girls and of the ones (eight) transmitted to other INHOPE hotlines, one was sent to the Cyprus hotline concerning child pornography; seven to the USA hotline as five were about sites containing underage pornography and two about other pornographic sites containing links to child pornography web-sites.⁶⁵

However, there is still a need for all Public Council member organizations and their partner institutions to focus their efforts on strengthening and extending the scope of Hotline promotion activities.⁶⁶

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

The Government should develop a national global programme to fight against child pornography and prevent the risks of violence against children through the Internet and the new information and communication technologies.

This program should include specific education and awareness programmes, especially addressing children and involving them in the development of such programmes, but also targeting parents, teachers and the wider community. It should also include capacity-building and training activities for the different partners, especially based on established protocols between ISPs and law enforcement stakeholders to ensure their implementation at various levels.

The multi-sectoral Public Council established should also assess existing measures and policies related to ICT in order to recommend comprehensive policies and programmatic interventions at national level for protection of children.

⁶³ EUROPA-Europe's Information Society Thematic Portal. *Hotline for Bulgaria*. Accessed from: http://europa.eu.int/information_society/activities/sip/projects/hotlines/index_en.htm.

⁶⁴ Public Report of the Bulgarian Hotline for Fighting Illegal and Harmful Content in Internet, September 2005 – December 2006, accessed from: <http://web112.net/>

⁶⁵ Ibid.

⁶⁶ Ibid.



The reporting hotline should be assessed and reviewed to ensure effective use of the reporting mechanism to contribute to the protection of children and to fighting child pornography.

In relation to the training of professionals working with children mentioned in *paragraphs 53 and 54* of the State report, according to the information collected by ECPAT,⁶⁷ initiatives to provide training for law enforcers on issues related to the commercial sexual exploitation of children have intensified in the last few years. However, specific training and skills of other professionals working directly with children, especially in rehabilitation services still needs to be developed and strengthened.⁶⁸

Under the ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad’, a Manual of Good Practices for Police Officers and Investigators on legal procedures related to child victims was circulated.⁶⁹

The Neglected Children Society develops methodologies and training on rehabilitation, working with NGOs that provide psychological assistance in shelters to underage girls who have been victims of prostitution and trafficking.⁷⁰ Also, training sessions for professionals working with children - police inspectors, secretaries of Local Commissions for Combating Anti-social acts of Minors and Juveniles, social workers, teachers, school councillors, etc - on strategies to prevent and combat child sexual exploitation and trafficking have been conducted by the Neglected Children Society, within the framework of the “Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes”, implemented by the ECPAT Europe Law Enforcement Group. The project was realized in twin partnership between ECPAT groups from 22 European countries from 2004 to 2006. During the project, three trainings have been conducted in Bulgaria under the leadership of ECPAT Netherlands and the Neglected Children Society - ECPAT Bulgaria Affiliate, and 100 police officers and social workers have been trained. On the basis of the Bulgarian adaptation of the project’s training manual and training guide, training modules were created for students at Sofia University, the Police Academy, police inspectors from the Police Child Pedagogical Offices and social workers from child protection departments.⁷¹ In 2007, the follow-up Project “Implementing Multistakeholder Training on Trafficking in Children for Sexual Purposes” will further implement the training material in twelve Central and Eastern European countries A TOT will be provided where Bulgaria will send four selected professionals - law enforcement officers and caregivers /social workers. The training guide will be adapted to the national situation and needs and will be published in Bulgarian language. Two national trainings will take place and more than forty professionals – caregivers, law enforcement officers and representatives of governmental and NGO. These trainings will take place in cooperation with ECPAT Netherlands and ECPAT Bulgaria Affiliate. The project will create a pool of national and international trainers on the issues of child trafficking where Bulgarian trainers will take part.

⁶⁷ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ UNHCR. *International Workshop on Policies to Combat Human Trafficking: Human Dignity, Refugee Protection and Gender Issues*, accessed from: http://www.unhcr.bg/events_records/2002/vipond_29_30/police_%20academy_en.pdf.

⁷¹ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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However, according to the Neglected Children Society, more specialists training is still needed to address the usually low levels of effective rehabilitation.⁷²

In 2006, the “Animus Association”/La Strada Bulgaria started a project “Improvement of the skills of judges, prosecutors and magistrates for work with juveniles and minors survivors or perpetrators of violence” to deliver specialized trainings on violence, its dynamics and consequences for the survivors with judges, prosecutors and magistrates from the Sofia Regional Court in charge of penal cases involving juveniles and minors, survivors of violence, witnesses of violence or perpetrators. The activities also included a research on the perceptions and needs of training of the judges, prosecutors and magistrates of the Sofia Regional Court and the elaboration of a collection of training materials for the judges, prosecutors and magistrates. Developing basic skills on interviewing children and understanding the consequences of the abuse and exploitation on the child were among the difficulties and needs for support identified by the prosecutors, judges and magistrates of the Sofia Regional Court.

The “Animus Association” Foundation/La Strada Bulgaria also conducts trainings to improve the quality of support provided to adolescents’ survivors of trafficking, domestic violence or sexual violence, to carers working in the homes for care and education of children deprived of parental care, specialists from the child protection departments and officers from the child delinquency departments of the police.

According to information provided by ILO/IPEC in Bulgaria, the staff of the three newly established Crisis Centers for children victims of street child labour and sexual exploitation in Balvan, Pazardjik and Dragoman will be trained on the Manual on Psychosocial Rehabilitation of Children Victims of Trafficking and other worst forms of child labour.⁷³ The “Animus Association” Foundation/La Strada Bulgaria has also been invited to conduct training and provide supervision for a limited period of time to the staff of the crisis unit in Balvan, based on its expertise in providing support and services to victims of trafficking.

The “Animus Association” Foundation/La Strada Bulgaria considers that there is a real need of more state subsidies (or ensuring alternative financial aid) for the staff and the children placed in the center as well as for the proper functioning, development and delivery of the services. The good practices also show that there is a need to provide constant support to the specialists who work with children victims of violence. This means that they should receive regular supervisions, debriefings and follow-up training.

The “Animus Association” Foundation/La Strada Bulgaria has also noted the need for providing the social institutions in the country with more information about the services available at such centers. Finally, the overall observation is that these services are in their initial stage and more means and efforts are needed in order to have well-developed services and well trained staff.⁷⁴

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

⁷² Ibid.

⁷³ Information provided by ILO/IPEC in Bulgaria

⁷⁴ Information provided by “Animus Association” Foundation/La Strada Bulgaria



The Government should develop specialized support services for children victims of sexual exploitation and ensure institutionalized training and regular support to all staff working on the care of children.

Protocols and guidelines should be established to reinforce the application of procedures for the protection and assistance to victims. In particular, information sharing and coordination between specialized services, such as crisis units and social institutions, should be strengthened and continuous efforts should be put in operationalizing collaborative procedures that would be well-developed and understood by all social institutions to maintain regular partnerships and timely sharing of information and resources.

Human and financial resources should be provided for delivering high quality care services to children and national policies should ensure that the needs of children victims of sexual exploitation are adequately fulfilled through the existing support services and the development of specialized alternative care strategies.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

Based on information collected, most coordination at regional and international level has focused on trafficking in human beings, with trafficking in children for sexual purposes being addressed within this broader approach. Efforts have been made by the Ministry of the Interior in particular, which organises trainings every two months or so with partners from different countries, targeting law enforcers and social workers to combat trafficking in children. Local organisations report that international cooperation would be greatly enhanced if more resources were made available to NGOs working on CSEC, to enable them to implement joint projects and exchange information on good practices with foreign organisations.⁷⁵

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

Resources are made available to improve international cooperation through the establishment of joint projects and information exchange systems between local NGOs and foreign organisations.

In reference to the various bilateral agreements on police cooperation and the different projects mentioned in *paragraphs 66 to 69*, it is unclear how these agreements specifically address the issue of children sexually exploited as most of them seem to relate to broader programmes on preventing trafficking and improving border controls.

IT IS RECOMMENDED THAT THE COMMITTEE ASKS THE FOLLOWING QUESTION TO THE GOVERNMENT:

- **What specific measures and procedures have been put in place for the “prevention, detection, investigation, prosecution and punishment of those responsible for the**

⁷⁵ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net



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sale of children, child prostitution, child pornography and child sex tourism” as stated in Article 10.1 of the Optional Protocol?

Based on the information collected by ECPAT on the IOM supported ‘Coordination Mechanism’ mentioned in *paragraph 70*, it would be important to monitor and assess the implementation of these measures, especially on the repatriation mechanisms and the assistance provided to victims to use these as a basis to develop and strengthen cooperation and coordination at various levels.

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

The coordination efforts undertaken under the ‘Coordination Mechanism’ be monitored and assessed to serve as baseline for strengthening and improving collaboration at regional, national and local levels especially in relation with physical and psychological recovery, social reintegration and repatriation of children victims of sexual exploitation.

In relation to *paragraph 73* of the state report and the mention made of the Code of conduct, various activities involving the tourism sector have been developed to protect children from sexual exploitation in tourism.

The State Agency for Child Protection (SACP) is involved in promoting the ‘Code of Conduct for the Prevention of Trafficking in Children and Sexual Exploitation of Children in Tourism’ which is a joint initiative by the Organisation for Security and Cooperation in Europe (OSCE), SACP, the Animus Association Foundation and Respect, the Austrian ECPAT affiliate.⁷⁶ Signatories include the Bulgarian Hotel and Restaurant Association; the Bulgarian Tourism Chamber (BTC); the Bulgarian Association of Travel Agents (BATA); the Bulgarian Business Leaders Forum; the Bulgarian Convention and Visitors Bureau (BCVB); P.M.K. Hotels; Hotel Ambassador; Correct lee Travel (a tourist agency) and, USIT Colours Bulgaria.⁷⁷

A Permanent Monitoring Committee, which includes representatives of the State Agency for Child Protection, the Ministries of Foreign Affairs, Ministry of the Interior, Ministry of Economy, Ministry of Education and Science, Ministry of Culture and Tourism, tourism organisations, travel agents and hotel & restaurant associations, Animus Association Foundation and the ECPAT Bulgaria Affiliate, was formed to monitor implementation of the Code.⁷⁸

As a result of the implementation of the Code in Bulgaria, “A tour operator signatory to the Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism canceled a contract with a hotel in Varna following reports from tourists that the hotel operated in an almost brothel-like manner.”⁷⁹

Moreover, three training workshops for representatives of the tourism industry were organized in Bulgaria in 2006, by the “Animus Association” Foundation with the support of the Organization

⁷⁶ SACP. *Signing of a Code of Conduct for Prevention of Trafficking in Children and Sexual Abuse in Tourism*.

Accessed from: http://www.stopech.sacp.government.bg/?sid=child_eng&ptype=news&nid=000000014

⁷⁷ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children - BULGARIA*, 2006, accessed from www.ecpat.net

⁷⁸ Ibid.

⁷⁹ Karlsson, Mia. *Deras hotell var en bordello*. 28 June 2005. Accessed from: <http://www.expressen.se/index.jsp?a=307221>



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for Security and Cooperation in Europe (OSCE), the Austrian Development Cooperation and Cooperation with Eastern Europe (ADC), “respect” – Institute for Integrative Tourism and Development (the ECPAT Affiliate in Austria) and the Swedish tour operators Kuoni Scandinavia.⁸⁰

The overall observations of the “Animus Association” team have showed that for tackling the problem of trafficking and sexual exploitation of children in tourism, one of the key issues is education, especially of the younger generation of tourism professionals in Bulgaria. That is why during the three trainings workshops, it proved to be a successful strategy to include representatives from the educational system in Bulgaria, namely teachers from the state and municipal professional tourism high schools and representatives from the Regional Educational Inspectorates in Sofia and the country. The teachers showed great interest to act as multipliers. Also, information materials (manuals and leaflets) were provided to the teachers on their request, in order to use them as an educational tool in the discussion classes that are attended by pupils, aged 14 –18.⁸¹

ECPAT INTERNATIONAL AND THE NEGLECTED CHILDREN SOCIETY RECOMMEND THAT

A training module for tourism students on sexual exploitation of children be introduced in the curriculum of tourism schools to ensure education and information of the future professionals.

Furthermore, operators from the tourism industry (tour operators, travel agencies and employees of respective ministries) should be properly informed about the ‘Code of Conduct for the Prevention of Trafficking in Children and Sexual Exploitation of Children in Tourism’ and specifically trained on its implementation.

The Permanent Monitoring Committee should follow-up and monitor closely the measures in place to ensure proper implementation of the Code of Conduct and further involvement of other partners from the tourism industry. The Committee should also share information on its work and conclusions with governmental institutions and relevant partners.

⁸⁰ “Animus Association” Foundation, *Updates on the Code of Conduct Training Workshops in Bulgaria*, The Code Quarterly Newsletter N°9, July-September 2006, accessed from: www.thecode.org

⁸¹ Ibid.