



**Convention on the Rights
of the Child**

Distr.
GENERAL

CRC/C/OPSC/BGR/Q/1/Add.1
11 September 2007

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-sixth session
17 September - 5 October 2007

**WRITTEN REPLIES BY THE GOVERNMENT OF BULGARIA TO THE LIST
OF ISSUES (CRC/C/OPSC/BGR/Q/1) TO BE TAKEN UP IN CONNECTION
WITH THE CONSIDERATION OF THE INITIAL REPORT OF BULGARIA
SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON
THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD
PORNOGRAPHY (CRC/C/OPSC/BGR/1)**

[Replies received on 4 September 2007]

Measures adopted and progress made in the implementation of the commitments of Bulgaria pursuant to the Optional Protocol on sale of children, child prostitution and child pornography to the Convention on the Rights of the Child

Answers to questions posed by the Committee on the Rights of the Child

Introduction

The prevention of violence and all forms of exploitation or abuse of children, as well as providing protection, support and reintegration of the victims, are among the top priorities in the State's child protection policy. Bulgarian legislation has provided for the right of the child to receive protection against involvement in activities harmful to his physical, psychological, moral and education development; against the use of degrading methods for upbringing, as well as physical, psychological or other force or forms of influence that run contrary to his interests, using the child for begging, prostitution, distribution of pornographic materials, receiving unlawful financial benefits, as well as against sexual violence.

A broad definition of violence has been elaborated according to which "violence" against children is any act of physical, mental or sexual violence, neglect, commercial or other exploitation, entailing an actual or likely damage to the health, life, development or dignity of children, which may occur in any of the family, school or social environment.

1. Please provide, if available, statistical data (including by sex, age, urban/rural, areas) for the years 2004, 2005 and 2006 on:

- (a) The number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators;**
- (b) The number of children trafficked to and from Bulgaria as well as within the country;**

The review of statistical data shows that the highest number of juveniles and minors being counselled in child pedagogical units for prostitution has been recorded in Sofia-City, Burgas, Plovdiv and Haskovo districts. In 2005 their number increased substantially in the districts of Burgas, Sofia, Kiustendil, Targovishte, but dropped in the districts of Plovdiv, Veliko Tarnovo, Haskovo, Dobrich and Sliven. In 2006 the number of juveniles and minors in prostitution, as registered by the police, went down. The data by year are set out in paragraphs below.

In 2004 the number of juveniles and minors counselled in child pedagogical units for prostitution was: 50 in Sofia; 55 in Plovdiv; 52 in Haskovo; 32 in Bourgas; 28 in Varna; 34 in Veliko Tarnovo; 28 in Dobrich and 34 in Sliven. In 2005 these

numbers were: 82 in Sofia; 52 in Plovdiv; 61 in Haskovo; 14 in Bourgas; 20 in Varna; 43 in Veliko Tarnovo; 15 in Dobrich and 27 in Sliven. In 2006 a considerable drop in the number of juveniles and minors, counselled in child pedagogical units for prostitution was reported in some districts of the country: 61 in Sofia; 39 in Plovdiv; 36 in Haskovo; 40 in Bourgas; 23 in Varna; 26 in Veliko Tarnovo; 4 in Dobrich and 6 in Sliven.

In the capital, in 2006 the inspectors from the child pedagogical units worked with 49 girls recruited into prostitution and 7 boys involved in homosexual acts, and in 2005 with, respectively, 56 girls recruited into prostitution and 5 boys involved in homosexual acts.

The data of the Ministry of Interior reveal that a major part of the fornication acts (over two thirds) involve the participation of juveniles. In 2006, 42 juveniles and minors became victims of procuring and abduction for the purposes of debauchery, and in 2006 their number was 33.

The General Directorate for Counteracting Organized Crime of the Ministry of Interior has provided the following data for 2006: seven minor girls became victims of trafficking for the purposes of sexual exploitation; four minors were incited into prostitution; three minor girls became victims of sexual exploitation and child abuse in the production, offer and distribution of pornographic materials; and two minors became victims of trafficking expectant mothers for the purpose of illegal selling of new-born babies. The total number of crimes uncovered affecting juveniles and minors was 22: 7 of them for trafficking in human beings; 3 for incitement into prostitution; and 12 for child abuse in the production and distribution of pornographic materials. In the same year, 96 special police operations were carried out, tracking down 47 minors engaged in active prostitution on the territory of the country.

The statistics of the Ministry of Interior include the following data for 2005: 521 juveniles and minors were counselled in child pedagogical units for prostitution; 28 children were victims of procuring and abduction for the purposes of debauchery (arts. 155-156 of the Penal Code), including 6 juveniles and 22 minors (27 of the total number were girls); 10 children were victims of trafficking (arts. 159.a – 159.c of the Penal Code), including 1 juvenile and 9 minors, all girls. In 2006, 358 juveniles and minors were counselled in child pedagogical units for prostitution; 42 children became victims of procuring and abduction for the purposes of debauchery (arts. 155-156 of the Penal Code), including 6 juveniles and 36 minors (40 of the total were girls); 14 children became victims of trafficking (arts. 159.a – 159.c of the Penal Code), including 3 juveniles and 11 minors, all girls.

The data quoted on the number of children who became victims of trafficking for 2005 and 2006 refer only to crimes committed in internal trafficking.

The efficient implementation of the Coordination Mechanism for referral and care of unaccompanied Bulgarian children and children victims of trafficking returning to Bulgaria from abroad contributed to a drastic increase in the number of reported cases. Analysis substantiates that this is due to the improved communication in applying a multidisciplinary and inter-institutional approach regarding children involved in activities under article 11 of the Child Protection Act. From the

introduction of the Coordination Mechanism (enacted in November 2005) to July 2007 the State Agency for Child Protection (SACP) worked on about 230 cases of unaccompanied Bulgarian children or children victims of trafficking abroad.

Since March 2006 (the entry into force of the Instruction for implementation of the measures stipulated in article 76a of the Bulgarian Identity Papers Act), the Chairperson of SACP has advanced 124 motivated proposals for the implementation of measures for child protection with the purpose of preventing re-trafficking aiming to involve and use children in illegal activities under article 11, paragraph 3, of the Child Protection Act. In 122 of these cases administrative measures have been imposed and action has been taken to ensure long-term reintegration plans for each of these children.

Among the countries where the children most frequently reside are Italy, Austria, Germany, Spain, Greece, France, the Netherlands, Belgium, Poland, the Czech Republic, the United Kingdom of Great Britain and Northern Ireland and Turkey.

The report form for any information regarding commercial sexual exploitation of children on the internet website of the State Agency for Child Protection recorded 7 referrals for 2005 and 11 for 2006 providing information about child prostitution and Internet websites with child pornography content or offering pornographic materials and pedophilia for sale.

(c) The number of child victims provided with recovery assistance and compensation as defined in article 9, paragraphs 3 and 4. of the Protocol

For 2005 16 cases of repatriated children who were victims of trafficking abroad, following the procedure described in the Coordination Mechanism, were reported, and in 2006 there were 43. The child protection departments in the area of residence have developed action plans with short and long-term objectives, and measures have been taken for the psychological and physical recovery of children and for their social adaptation and reintegration.

The three crisis centres for children victims of violence and trafficking, established in 2006, have provided services for recovery and reintegration of 49 children.

An important partner of SACP in providing care and counseling for children victims of trafficking and sexual exploitation is the non-governmental sector.

The greatest number of cases of children who are victims of trafficking has been referred to the International Organization for Migration (IOM). In 2006 the cases of 25 children were referred to IOM; for 2005 25 children victims of trafficking were provided care and counselling; and for 2004 the 13 children were referred for care. A great part of these children come from small villages and towns in northern Bulgaria, while others come mostly from the towns of Kiustendil, Sofia, Plovdiv and Sliven.

2. Please inform the Committee if the State party has a mechanism of data collection on the issues covered by the Optional Protocol.

The State Agency for Child Protection (SACP) maintains a National Information System (NIS) containing data about all groups of children at risk, including the groups of children referred to in the Optional Protocol that need special protection.

The Child Protection departments throughout the country are in the process of implementing a computer information system for child protection, as part of the National Information System. It is a necessary prerequisite to abide by the observance of the child's rights and to follow up on the development of the individual cases for which child protection measures have been applied in compliance with the Child Protection Act.

NIS incorporates information from the registers kept at the Child Protection Departments affiliated to the Social Assistance Directorates, as well as information from the registers of the Regional Social Assistance Directorates of the Social Assistance Agency. The information system has been put in compliance with the applicable national legislation and the procedures and standards for social work with children and families. The information system covers the activities of Child Protection departments related to the measures and actions taken in child protection cases.

The computer information system integrates the local networks of the State Agency for Child Protection, the Regional Social Assistance Directorates and the Child Protection Departments throughout the country, by providing a communication environment protected against outside interference and consistent with the requirements of the Bulgarian Identity Papers Act and Regulation No. 4 for the protection of personal data, as well as the security requirements.

Information is retrieved by means of survey forms developed independently by SACP in view of the acting statutory laws. Information forms from 325 specialized institutions for raising children are being received at the Information and Analyses Department of SACP as well as from all 272 child protection departments across the country. Every six months, summaries of information about the activity of the Child Protection departments comes in and annual analysis of their performance is done, as well as annual analysis of the placements and care provided for children at the specialized child institutions within the competence of the Ministry of Health, the Ministry of Education and Science and the municipal administrations. Every six months statistics are compiled about all files and records registered in SACP. Information is also regularly received and summarized coming from the Central Committee for Counteracting Anti-social Behavior of Juveniles and Minors, the Ministry of the Interior, NGOs, scientific institutes and organizations as well as other parties involved in child issues.

SACP also produces current information reference reports based on its own information and on information provided by institutions with which the agency has agreements, among them the National Statistics Institute, the Ministry of Education and Science, the Ministry of Health, the Ministry of Justice and the Ministry of Interior. The statistical data retrieved in the National Information System allow SACP to produce valuable analyses needed to prepare regular progress reports on the status and performance of the child protection and care system. These analyses are vital in

identifying the State policy and developing programmes in the child protection and care sphere.

The data on the groups of children referred to in the Optional Protocol regarding trade in children, child prostitution and child pornography are included in the information on children who have suffered violence.

The database is structured on the basis of indicators on the number and profile of the children who have suffered violence, which makes it possible to follow the processes throughout their ongoing development, highlight tendencies and consequently adopt adequate measures for prevention of violence and protection of the child.

In 2006 the number of reports filed about violence against a child was 2,855, out of which, after the required verification, 1,742 were referred as cases and the Child Protection departments undertook protection measures. Compared to the previous year, 2005, the cases of violence involving protection measures by virtue of the Child Protection Act marked an increase of 22 per cent. The total number of registered cases of sexual violence for 2004 was 149, which is 7 per cent of the total number of cases of violence for the year; for 2005 this number was 100 (7 per cent), while for 2006 the number is 147 (8 per cent).

The State Agency for Child Protection has a specialized website on the Commercial Sexual Exploitation of Children (www.stopech.sacp.government.bg/), where reports can be filed about violence or sexual exploitation of children. The reports filed online are then officially registered in the SACP mailing room system and immediate action is taken to duly check and verify the information and refer cases when necessary.

Since 2006 the State Agency for Child Protection has been a member of a Public Council as part of the hotline for fighting illegal and harmful content in the Bulgarian Internet space (<http://web112.net>). The hotline is an alternative tool to report about illegal and harmful content in the Internet with a special focus on child pornography or violence against children. The Ministry of the Interior's Coordination, Information and Analysis Directorate also has a specialized database (the data are classified information).

3. Please provide information on specific budget allocations (national, regional and local) for the implementation of the provisions of the Optional Protocol.

In 2006, the budget for social services allocated by the State was increased by 18.5 per cent. The financial resources intended for maintenance costs, furnishing and equipment were raised considerably.

Decision No. 426 of the Council of Ministers dated 5 June 2006, amended Decision No. 21 of the Council of Ministers dated 19 January 2006 on the division of activities funded through municipal budgets into local, on the one hand, and delegated by the State on the other hand, and setting up standards for staff number and standards for maintenance costs with regard to services delegated to local governments by the State in the year 2006. These changes helped introduce unified financial standards to sustain the Centres for Social Support, the mother and baby unit and the day centre for children in the street. The Crisis Centres for Children who are victims of trafficking or violence are also a service delegated by the State, i.e. they are funded by the State budget through the budgets of local administrations.

The activities included in the annual National Programmes for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims are funded by the budgets of the National Committee for Combating Trafficking in Human Beings, the municipal budgets, the Ministry of Labour and Social Policy, the Agency for Social Assistance, the Ministry of Education and Science, the Ministry of Culture, the State Agency for Child Protection, the Central Committee for Counteracting Anti-social Behavior of Juveniles and Minors, the Ministry of Interior, the Ministry of Health, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Finance, the Employment Agency, the National Justice Institute, the Council for Electronic Media, and by extrabudget funds under projects and programs (programmes of the International Organization for Migration and the International Development Agency, the International Labour Organization, the International Accounting Standards, the Embassy of the United States of America, etc.).

The activities incorporated in the annual National Programme for Child Protection are funded in the same way.

4. Please update and provide further details regarding the implementation of the National Action Plan against Sexual Exploitation of Children for Commercial Purposes adopted in 2003, and report if a new Action Plan, covering the period after 2005, has been adopted.

After 2005, the activities of the National Action Plan against Sexual Exploitation of Children for Commercial Purposes were integrated into the annual National Programmes for Child Protection and the National Programmes for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims.

The National Program for Child Protection features as a major priority the prevention of violence, sexual and labour exploitation and all forms of child abuse, as well as providing support and assistance to victims.

In pursuing the objectives, incorporated in the National Program for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims, a lot of effort is given to raising public awareness on the issue of trafficking in human beings. These programmes are targeted to the most vulnerable groups of the population – women and children, as well as ethnic minority groups. The major range of measures included in the programme is focused on prevention, protection, recovery and reintegration of victims of trafficking in human beings.

Protection measures intended for the groups of children referred to in this Optional Protocol, have also been included in the National Integrated Plan for the Implementation of the Convention on the Rights of the Child for 2006-2009. The Integrated Plan aims to ensure the welfare of children in Bulgaria by bringing together the national policies and strategies for child protection, identifying the roles and responsibilities of all institutions involved in observing children's rights in Bulgaria in a long-term perspective.

Within the framework of the interinstitutional working group, initiated following the Ordinance of SACP's President, a number of meetings were held involving representatives of all institutions engaged in activities under the Coordination Mechanism for referral and care of unaccompanied Bulgarian children abroad and children victims of trafficking. These aimed to achieve more efficient implementation and to discuss issues related to the practical execution of the Instruction for Implementation of the Measures under article 76a, paragraph 1, of the Bulgarian Identity Papers Act. The recommendations and proposals of all institutions have already been summarized and the Coordination Mechanism is going to be updated and effectively adapted to the new boundary checkpoint control after Bulgaria's accession to the European Union. The agenda also includes a further integration of the newly formed Crisis Centres for care and counselling of children who are victims of violence or trafficking as central structural units in the Coordination Mechanism system, etc.

In 2006 the mechanism for consular protection of Bulgarian citizens victims of trafficking abroad was also updated in compliance with the Coordination Mechanism for referral and care of unaccompanied Bulgarian children returning from abroad and the Instruction for Implementation of the Measures under article 76a, paragraph 1, of the Bulgarian Identity Papers Act, where provision is made for protection mechanisms to juvenile and minor Bulgarian citizens victims of trafficking in human beings abroad.

The draft budget of SACP for 2008 includes financial resources to perform assessment and analysis of the results achieved and problems encountered in the priority activities related to counteracting sexual exploitation of children for commercial purposes. Funds will be available, if needed, to work out a new action plan against sexual commercial exploitation of children.

By the end of 2007 a national hotline for children will be launched, also including children victims of trafficking, sexual exploitation or other forms of violence and abuse.

5. Please indicate whether the State party has introduced or intends to introduce into the Penal Code the specific prohibition of child prostitution and child pornography in accordance with article 3, paragraphs 1 and 2, of the Optional Protocol. Please provide a translation of the relevant provisions of your Penal Code.

In 2006 a number of legislative measures were taken, pursuant to changes in the Penal Code, providing for further legal norms penalizing illegal acts in relation to children, increasing the scope and range of punishments and criminalizing wrongful deeds. Punishments for crimes against children, such as incitement into prostitution, fornication acts or copulation were increased (art. 155 of the Penal Code), as well as abduction of another person for the purpose of her being placed at the disposal for acts of debauchery (art. 156 of the Penal Code), and using children to create pornographic content and materials (art. 159, para. 4, of the Penal Code).

The amendments to the Penal Code of July 13, 2007 provided a legal definition of the term ‘pornographic material’ for the first time (art. 93, para. 28). New *corpus delicti* have been added with regard to using children under 18 in the creation of pornographic material and heavier punishments have been introduced for criminal acts related to the creation and distribution of child pornography. The legislation changes mentioned above aim to elicit sufficient guarantees in order to fulfill the right of the child to protection against involvement in activities that could be harmful to his physical, mental, moral and educational development.

Trafficking in expectant mothers for the purposes of selling the babies was criminalized (art. 159.a, para. 3, of the Penal Code), as was the consent of a female to sell her child in Bulgaria or abroad (art. 182.b, para. 1, of the Penal Code).

Pursuant to Article 155 of the Penal Code:

“Article 155 (1) - A person who persuades an individual to practise 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.

(2) (Amended, SG No. 10/1993, SG No. 62/1997, No. 75/2006)
A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished by deprivation of liberty for up to five years and by a fine of BGN 1,000 to BGN 5,000.

(3) (New, SG No. 62/1997; amended, SG No. 92/2002, No. 75/2006) Where acts under Paragraphs 1 and 2 above have been committed with a venal goal in mind, punishment shall be deprivation of liberty from one to six years and a fine of BGN 5,000 to BGN 15,000.

(4) (New - SG No. 21/2000, amended, SG No. 75/2006) A person who persuades or forces another person to using drugs or analogues

thereof for the purposes of practising 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.

(5) (New, SG No. 21/2000, amended, SG No. 92/2002, supplemented, SG No. 75/2006, amended, SG No. 38/2007) Where the act under Paragraphs 1 - 4 has been committed:

1. by an individual acting at the orders or in implementing a decision of an organized criminal group;

2. with regard to a person under 18 years of age or insane person;

The punishment under pars. 1 and 2 shall be deprivation of liberty from two to eight years and a fine from BGN five thousand to fifteen thousand, under para 3 - deprivation of liberty from three to ten years and a fine from BGN ten thousand to twenty five thousand, and under para 4 - deprivation of liberty from ten to twenty years and a fine from BGN hundred thousand to three thousand”.

According to Article 156 of the Penal Code:

“(1) (Previous Article 156, amended, SG No. 62/1997, No. 75/2006) A person who abducts another person for the purpose of her being placed at the disposal for acts of debauchery shall be punished by deprivation of liberty for three to ten years and by a fine of up to BGN 1,000.

(2) (New, SG No. 62/1997, amended, SG No. 75/2006) The punishment shall be deprivation of liberty for five to twelve years, if:

1. the abducted person is under 18 years of age;
2. the abducted person has been placed at disposal for acts of debauchery, or
3. the abduction has been carried out for the purpose of placing the person at disposal for acts of debauchery beyond the borders of this country.

(3) (New, SG No. 75/2006) The punishment shall be deprivation of liberty from five to fifteen years and a fine of BGN 5,000 to BGN 20,000 where:

1. the act was committed by an individual acting on the orders or in execution of a decision of an organised criminal group;

2. the abducted person was handed over for sexual activities outside the borders of the country;
3. the act constitutes dangerous recidivism”.

Article 159 concerns pornography, including more severe sanctions when the victim is a child:

“Article 159 (1) (Amended, SG No. 38/2007) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates a pornographic material, shall be punished by deprivation of liberty of up to one year and a fine of BGN one thousand (1,000) to three thousand (3,000).

(2) (New, SG No. 38/2007) A person who distributes through Internet a pornographic material, shall be punished by deprivation of liberty of up to two years and a fine of BGN one thousand to three thousand.

(3) (Renumbered from paragraph 2 and amended, SG No. 38/2007) An individual who displays, presents, offers, sells, rents or distributes in another manner a pornographic material to a person who has not turned 16 years of age, shall be punished by deprivation of liberty of up to three years and a fine of up to BGN five thousand (5,000).

(4) (Amended, SG No. 75/2006, renumbered from Paragraph 3 and amended, SG No. 38/2007) Regarding acts under paragraphs 1-3, where a person who has not turned 18 years of age, or a person who looks like such a person, has been used in the creation of a pornographic material, the punishment shall be deprivation of liberty of up to six years and a fine of up to BGN eight thousand (8,000).

(6) (Renumbered from paragraph 5 and amended, SG No. 38/2007) A person who possesses or provides for himself or for another person through a computer system or in another manner a pornographic material in whose creation a person who has not turned 18 years of age has been used or a person who looks like such a person, shall be punished by deprivation of liberty of up to one year or a fine of up to BGN two thousand.

(7) (Renumbered from paragraph 6, SG No. 38/2007) The object of criminal activity shall be expropriated to the benefit of the State, and where it is not found or has been disposed of, its money equivalent shall be awarded”.

With the amendments of the Penal Code from 2007 was introduced a legal definition of the term “pornographic materials” (Art. 93, item 28 of the Penal Code).

According to Article 93 of the Penal Code the words and expressions indicated below shall be construed for the purpose of this Code to mean the following:

28. (New, SG No. 38/2007) "Pornographic material" is an indecent, unacceptable or incompatible with the public moral material which depicts in an open manner a sexual conduct. Such a conduct shall be a conduct which expresses real or simulated sexual intercourses between persons from the same or the opposite sex, sodomy, masturbation, sexual sadism or masochism, or lascivious demonstration of the sexual organs of a person.

In view of implementing the Law for Ratification of the Hague Convention on the Civil Aspects of International Child Abduction of 1980, Regulation No. 1 of 7 March 2005 was adopted concerning the activity of the Central Body on the Convention (The Ministry of Justice), (promulgated SG No.23 of 18 March 2005, in force since 18 March 2005). Regulation No. I-51 of 12 March 2001 on the terms and conditions for providing police protection was amended and promulgated in SG No. 92 of October 17, 2003.

6. Please provide more detailed information on specific measures that have been implemented to adapt the procedure of hearing child victims or witnesses in Court.

The cases of children who are victims of criminal activity are heard through the common procedure stipulated by the Penal Code, while the cases where children have committed crimes are tried in accordance with the Law for Combating Antisocial Behaviour of Juveniles and Minors.

The Child Protection Act contains special provisions on the participation of juveniles and minors in court or administrative proceedings. Every child is entitled to legal assistance in all proceedings affecting his rights and interests. The act ensures the right of hearing and the children have to be informed beforehand about the potential consequences of their wishes and the decisions of the relevant state authorities. The hearing is to be conducted in the presence of a social worker and/or another competent expert in an appropriate environment.

For this purpose, the District Courts in some towns in the country have renovated rooms suitable for the emotional adjustment and for spending waiting time before the hearing of juveniles and minors in Court. The facilities are suitably renovated and furnished, in accordance with the age of the visitors and the function of the temporary stay there.

Article 140 of the Penal Procedure Code provides for special conditions under which a juvenile witness shall be interrogated:

Interrogation of a juvenile witness

Article 140. (1) A juvenile witness under the age of 14 years shall be interrogated in the presence of a pedagogue or a psychologist, and where

necessary, in the presence of the parent or the guardian.

(2) A juvenile witness above the age of 14 years shall be interrogated in the presence of the persons under the Para 1, if the respective body deems so necessary.

(3) With the permission of the body conducting the interrogation, the persons under Para 1 may put questions to the witness.

(4) The body conducting the interrogation shall explain the juvenile witness less than 14 years of age the necessity to give true testimony, without warning him/her liability.

The Child Protection departments participate actively in building up a system for counteracting and preventing juvenile delinquency. In accordance with the Child Protection Act, the Child Protection departments ensure the right of every child, indicted or pronounced guilty for offence, to be treated in a way corresponding to his/her age, individual peculiarities and needs, respecting his/her personal dignity.

7. Please indicate whether the State party intends to establish specialized courts or court units for children and specialized training for judges considering cases of children.

The specialization of judges, prosecutors and examining magistrates considering cases of juveniles has been underpinned in the Action Plan for the implementation of the National Strategy for Preventing and Counteracting Antisocial Behaviour and Criminal Offence by Juveniles and Minors, adopted by Decision No. 17 of the Council of Ministers in 2003. Section VI, item 1, of this plan projects training and specialization of the magistrates considering cases of juvenile offenders at the Training Centre for magistrates to the National Justice Institute. Training for magistrates considering cases of juveniles was conducted within the framework of the Judicial Strengthening Initiative for Bulgaria project. In a number of courts in the country the specialization of magistrates considering cases of juvenile offenders is already a fact.

The National Justice Institute, in cooperation with the Fund for Crime Prevention, organized a series of training sessions on Juveniles and Justice in the first quarter of 2007. Partners in this project are the Central Committee for Counteracting Anti-social Behavior of Juveniles and Minors, the Union of Judges in Bulgaria and the Court Psychiatry and Court Psychology Clinic. The seminars aim at creating conditions and environment to improve the efficiency of Courts in Bulgaria in the implementation of European and world standards in justice in relation to juvenile delinquents issues.

On SACP's initiative, in cooperation with the Project Management Unit of the Child-Welfare Reform Project and the National Justice Institute, pilot training for judges was held in 2004. The training was extended throughout the years 2005 and 2006. In 2005, travelling seminars were organized for judges, social workers and a wide pool of professionals in the child-protection sphere focused around the topic "Social,

psychological and legal aspects of child protection”. The seminars were carried out on the initiative of the State Agency for Child Protection within the framework of the Bulgarian-Swiss intergovernmental Care Leavers Integration Project project (CLIP), regarding the social integration and professional development of the young people leaving the social homes for raising children deprived of parental care (funded by the Swiss Agency for Development and Cooperation, the International Social Service-Bulgaria with the active support of the London Family Court. In 2006 training programmes enjoyed the financial support of the British Embassy in Sofia).

8. Please provide updated information on the measures undertaken and budget allocated in order to ensure social reintegration and physical and psychosocial recovery for child victims of offenses covered by the Optional Protocol.

The Coordination Mechanism for referral and care of unaccompanied Bulgarian children abroad and children victims of trafficking, adopted in 2005, has been organized so as to facilitate the complete tracing of each case after receiving a report from abroad in a fast and efficient manner. The signals concerning cases of unaccompanied Bulgarian children abroad and children victims of trafficking are received from Bulgarian or foreign competent authorities. Once the report has been received, the Child Protection Department at the Social Assistance Directorate in the area of residence of the child initiates an investigation and evaluation of the case and the family. Assessment is done on the risk of re-trafficking and exploitation abroad with the participation of a parent. An action plan is developed targeting long-term and short-term objectives and social work is carried out with the child and the family.

The Child Protection departments at the Social Assistance Directorate in the area of residence are the ones that work with the children who have suffered violence most often. They investigate thoroughly the situation and undertake crisis psychological intervention in order to support the child and the family.

The measures undertaken by the Child Protection departments with respect to the victims of violence, including domestic violence, comprise guidance and placement into a Crisis Centre, and long-term therapy for recovery and getting over the trauma of experienced violence. The country has a well developed social service network, specialized in providing therapy for children and adolescents who have suffered violence.

Three Crisis Centres for child protection are functioning in the country – in the village of Balvan, the town of Pazardzhik and the town of Dragoman. Each Crisis Centre is a complex of social services focused on satisfying the everyday needs of children victims of violence or trafficking, preparing them for social integration. Starting 1 January 2007 the Crisis Centres will be financed by the State budget through the municipal budgets.

The basic services provided at the Crisis Centres are accommodation and food, health services, psychological support and counseling, acquiring social and life skills,

participation of the child in a school form of education, family reintegration program, or, if that is not applicable, providing adequate protection measures in view of the specifics of each individual case. Every Crisis Centre operates year-round, 24 hours a day, and has a capacity of taking in 10 children. Children are placed in the centre by the Director of the Social Assistance Service for a period of six months most.

Multidisciplinary teams work in the Crisis Centres, comprising social workers, psychologists, social pedagogues, medical professionals, technical support staff, external consultants and volunteers.

In order to expand the range of social services provided in the community, Complexes for Social Services were established in 10 municipalities, including a social support centre, a centre for work with street children, and a mother and baby unit.

Since the beginning of 2007 the Law on Assistance and Financial Compensation to Victims of Crime has been in force. This law provides for the terms and procedures for Bulgarian citizens or citizens of European Union member countries, victims of crime, to receive assistance and financial compensation from the State. Under the regulation of this law, assistance and financial compensation can also be granted to foreign citizens in the cases covered by international agreements where the Republic of Bulgaria is a contracting party. Its major concern is to recognize and ensure the protection of rights and lawful interests of crime victims, including victims of fornication, rape or trafficking in human beings.

9. Please inform the Committee whether special training, particularly legal and psychological is provided to persons working with the social reintegration and physical and psychological recovery of child victims.

In 2006 in the towns of Russe, Pleven, Stara Zagora, Haskovo and Burgas teams were set up, comprising representatives of the Central Committee for Counteracting Anti-social Behavior of Juveniles and Minors, schools, universities, NGOs and Regional Directorates of the Ministry of Interior, whose members joined in a special training programme for the development of skills for work with victims of crime and trafficking.

Training is also provided to magistrates and police officers. The Ministry of the Interior Academy has organized qualification courses on counteracting trafficking in human beings for staff working on this problem. Lectures were delivered by professionals from the National Service for Counteracting Organized Crime, the Border Police National Service, the Migration Directorate, the Interpol National Central Bureau, the Psychology Institute of the Ministry of Interior, the International Organization for Migration, the Ministry of Justice, and representatives of the foundations Health and Social Development and the Nadya Centre.

Counteracting trafficking in human beings is a subject included in the unit "Counteracting transborder organized crime" as part of the programme for basic education and qualification of police officers of the Border Police National Service. The

Master's Programme at the Ministry of the Interior Academy offers classes on the trafficking of human beings as part of the Counteracting Organized Crime unit.

Specialized training for Ministry of the Interior staff in combating trafficking was organized within the framework of bilateral cooperation programmes (with Germany, the United States, etc.) and cooperation with international and non-governmental organizations. As a result of the participation of Ministry of the Interior executives in the specialized training modules for combating trafficking, organized by the Stability Pact in Southeast Europe and the International Centre for Development of Migration Policies, the Ministry of the Interior Academy is carrying out an integral education programme on counteracting trafficking in human beings and has produced guidebooks of best practices in the field.

Under the Child-Welfare Reform Project, social workers from the Child Protection Departments in 10 pilot municipalities have passed a training module on the subject of violence against children. The remaining Child Protection Departments were included in training programmes for work with children victims of violence and trafficking, organized by the Social Assistance Agency in 2006 aiming to enhance the professional skills of people working in the child protection field.

Non-governmental organizations are active partners of the State institutions in implementing activities focused on enhancing the qualification of social workers from the Child Protection departments.

Since the beginning of 2007, within the framework of a project run by the "Animus" Association Foundation, training has been going on focused on developing and improving the capacity of multidisciplinary teams in their work with cases of violence against children.

In July 2007 the first module was held as part of the training programme on international protection of the rights of juveniles and minors, organized by ESRAT-Italy and the International Social Service-Bulgaria with the participation of representatives of SACP, the Ministry of the Interior, the Social Assistance Agency, NGOs and the Crisis Centre teams.

In July 2007, within the framework of a project run by the International Organization for Migration, a national training seminar was held on organizing a regional network for cooperation and joint training for representatives of the law enforcement and justice-administration systems, international organizations and non-governmental organizations for counteracting trafficking in human beings.

The State Agency for Child Protection initiated and provided support to training projects of non-governmental organizations oriented to the professionals working in the child-protection system with the aim of developing skills for work with children who have suffered violence, as well as supervising individual case solutions. SACP conducted training seminars for social workers from the Child Protection departments in eastern and southern Bulgaria. Topics cover various aspects of work with children who are victims of violence.

With the aim of increasing the qualification of people working with children on the sexual and labour exploitation issue, SACP's experts took part as lecturers in the program of the Diplomatic Institute at the Ministry of Foreign Affairs on unaccompanied juveniles and minors – coordinated activities in the best interest of the child.

10. Please provide more detailed information on the specifically targeted preventive measures that have been put in place for particularly vulnerable children such as Roma children and street children.

In 2006 five training seminars were held focused on enhancing the knowledge and practical skills of social workers for work in a multi-ethnic environment. The training involved 57 social assistance directorates across 24 districts; 100 social workers from the Social Assistance and Child Protection departments have been trained. The recruitment of social workers for training has been adjusted to their practical work with minority groups. The training is conducted in a seminar format following well-matched subject modules on a quarterly basis. The trainers are academic-rank lecturers from the Sociology Institute of the Bulgarian Academy of Sciences.

Measures oriented to Roma children have been incorporated in the Action Plan for the implementation of the Framework Programme for Equal Integration of the Roma into the Bulgarian Society by the Council of Ministers.

In 2006 the “Animus” Association Foundation trained 60 children from homes for children deprived of parental care and has provided individual consultations to 15 parentless children with deviant behaviour at very high risk of getting into trafficking. For the period 2005/2006, the team of the Face to Face Association trained 2,200 children at potential risk of trafficking and 45 children placed in homes for children deprived of parental care.

The efforts to protect street children have been focused on providing social and psychological support to parents and children, strengthening and improving the capacity of daycare centres for work with street children, developing a wide range of services for support and assistance to children and their families.

A National Strategy for protecting the rights of street children for the period 2003-2005 and a relevant Action Plan have been developed. They are underpinned by the principles of the Convention on the Rights of the Child, ensuring the right of every child to access to medical care, education and protection against physical and psychological violence and sexual exploitation.

The Ministry of the Interior, the State Agency for Child Protection and the Social Assistance Agency have signed a Memorandum of Understanding on the roles and responsibilities of each party in the implementation of measures for protecting begging children and children victims of trafficking. The accomplishment of the commitments is an important step towards building up a system for efficient

cooperation, which is a key factor influencing the overall process of providing adequate care to children at risk in Bulgaria.

On a local level, cooperation agreements on street children issues have been signed between the Regional Social Assistance Directorates and the Regional Directorates of the Ministry of Interior in all the districts across the country. These agreements forecast the particular course of action to be undertaken by each of the parties as well as the terms and resources needed in order to achieve efficient outcomes.

An integral part of the agreements signed is the Action Plan for work with begging children, developed to facilitate the practical activities of social workers and Child Protection departments in this field. The plan contains the major stages in coordinating the process of work with this target group and regulates the roles and responsibilities of the institutions involved in its implementation.

Since the end of 2004 mobile, multidisciplinary teams have been set up throughout the country with the aim of identifying street children. They include social workers from the Child Protection departments and the Social Assistance Directorates, police staff, and representatives of the Local Committee for combating juvenile and minor anti-social behaviour and NGOs.

During the last two years SACP has licensed 14 daycare centres and shelters for unattached children across the country. Since 2006 Centres for Social Support, Centres for Work with Street Children and Centres for Emergency Placement have been already functioning.

A database is maintained and currently updated on the number of registered street children, on the protection measures undertaken by virtue of the Child Protection Act and measures regarding parents using their children for begging, as well as on the social services provided to street children in the country.

A priority in the activities of the Child Protection departments focused on street children is work with the family – its capacity is assessed, support is provided to parents in raising and upbringing their children, progress is monitored and an evaluation of their ability to provide adequate care to children is done. The social workers from the Child Protection departments regularly assess the needs of street children. They draft an action plan, outlining the particular steps in working with the family – providing social, psychological, and legal assistance, giving advice on medical assistance options, recommendation for placement into daycare centres and social service shelter institutions; providing family support, if resources are available; investigating the options of placing the child in a suitable family environment or into a specialized institution by virtue of the Child Protection Act.

The social work with the child centres on the prospects for the child to break away from the unfavourable environment into which he/she has fallen. Opportunities are found to engage street children in meaningful activities, taking into account their specific interests and needs. If it is impossible to reintroduce the child into a normal

family environment, placement into specialized institutional care is undertaken as a last resort.

When the person taking care of the child is found to incite him/her into begging and has committed a crime against the child, the case is referred to the District Prosecutor's Office for administrative and punitive measures against this person. In 2005, 25 cases of parents using their children for begging were referred to the Prosecutor's Office, and for 2006 the number of similar cases was 12.
