



Protect children on the move

## SITUATIONAL ANALYSIS OF THE ACTIONS AGAINST SEXUAL EXPLOITATION OF CHILDREN IN BULGARIA

### S U M M A R Y

#### **1.Introduction**

The analysis is introduced with a short history of the decisions and actions taken on international level against child sexual exploitation since the First World Congress on Sexual Exploitation of Children in Stockholm, Sweden and *the Stockholm Declaration and Agenda for Action*.

This Congress was followed by the 2nd World Congress in Yokohama, Japan 2001, where the number of the countries which adopted the Agenda for Action increased to 159 (later to 161), and the third World Congress in Rio de Janeiro, Brazil. Participants in those congresses adopted the Yokohama Global Commitment and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents.

The analyses of the situations in different countries show that in some of them it is urgent to take timely multistakeholder actions for prevention of children from being victims of the horrible sexual abuse. The present situational analysis aims at providing basic information about the actions taken and the gaps in the settlement of the problems related to sexual exploitation of children in Bulgaria. The Report is based particularly on the framework of the Stockholm Agenda for Action and the structure for analysis of the national global monitoring reports of ECPAT including the Global Monitoring Report of ECPAT for Bulgaria. The Report is also based on the structural frame of the Alternative reports on the implementation of the Optional Protocol to the Convention of the rights of the child on the sale of children, child prostitution and child pornography including the Alternative Report of ECPAT for Bulgaria on the implementation of the Optional Protocol to the CRC.

The objective of this situational analysis is also to act as a future basis for performance of the actions planned in the International project *Mario – Joint Actions for Prevention of Children Against Exploitation in Europe (2009-2011)*, funded by OAK Foundation, coordinated by *Terre des Hommes, Child Relief – Hungary* and implemented by the organizations: *Terre des Hommes – Albania, Terre des Hommes - Kosovo, Save the Children –Albania, Nobody’s Children Foundation – Poland, ECPAT – Netherlands and ECPAT – Bulgaria- Neglected Children Society*. The situational analysis will further serve as a basis for planned project activities like: trainings of police officers, social workers and professionals who work in institutions for children at risk; creation of a national coalition for combating child sexual exploitation; international expert meetings for exchange of experience; realisation of

advocacy and lobbying for counteraction against exploitation of children on national and international level. The analysis will be useful to all institutions, NGOs and specialists who work with and are interested in the problems related to child protection, prevention and the actions against different kinds of child sexual exploitation, more specifically – trafficking in children for sexual purposes.

## **2. Methodology**

The methodology used for the analysis is described in Chapter 2 “*Methodology*”.

Some global analysis usually are based on the Stockholm Agenda for Action: 1) Coordination and cooperation; 2) Prevention; 3) Protection; 4) Recovery, rehabilitation reintegration and 5) Child participation. The team which worked on this analysis made use of the main part of the existing documents and normative basis on the problem of sexual exploitation of children and trafficking in children for sexual purposes /national legislation and application of international standards/; analysis of some of the information from state institutions and NGOs about activities against child sexual exploitation – child prostitution, trafficking in children for sexual purposes, child pornography in Internet and child sex tourism. The range of information is considerably wide and for this reason this analysis does not claim to be exhaustive.

The analysis also used *the National Action Plan against sexual exploitation of children in Bulgaria*, accomplished in 2003-2005 by the *State Agency for Child Protection (SACP)* which has been built according to the above mentioned structure. The *National Commission for Combating Trafficking in Human Beings /NCCTHB/* to the Council of Ministers uses a similar structure for its national programmes and annual reports.

The team which prepared this analysis put a lot of efforts in their research work to provide a systematic approach in collecting, interpreting and analyzing information from different sources and lay the foundation of one dynamic research and review of the Bulgarian actions against different forms of child sexual exploitation.

## **3. Bulgaria: General comments from reports**

***Comments on the situation in Bulgaria according to the international reports:***

*Comments on the situation in Bulgaria according to the Global Monitoring Report of ECPAT on the status of action against child sexual exploitation for commercial purposes, '2006.*

Bulgaria is mainly a transit country for trafficking in children for sexual purposes but it is also a country of origin and a country of final destination. Children are trafficked mainly from Ukraine, Romania, Moldova, Russia and Central Asia through Bulgaria to West, South and East Europe.

Official data provided by the government shows that there is no child sex tourism. Media showed some isolated cases but this cannot be considered a proof of organized industry for child sex tourism. Nevertheless, there is a potential danger of occurrence of such phenomenon because Bulgaria is a country of tourist destination. Law enforcement agencies and the rest of the responsible institutions are aware of this risk and already work on prevention.

The Situational analysis contains information about the participation of Bulgarian delegations in the *World congresses against child sexual exploitation*:

- At the First World Congress in Stockholm, Sweden, 1996 Bulgaria approved the Stockholm Declaration and Agenda for Action
- Bulgaria also participated in the Second World Congress in Yokohama, Japan, 2001 where it confirmed its readiness for taking all engagements according to the *Yokohama Global Commitment*.
- Bulgaria also participated in the Third World Congress in Rio de Janeiro, Brazil, 2008 where it joined the *Declaration from Rio de Janeiro and the appeal for action for prevention and termination of sexual exploitation of children and adolescents*.

Comments on the situation in Bulgaria according to the *Alternative NGO Report of ECPAT on the realization of the Optional Protocol to the UN Convention on the rights of the child about the sale of children, child prostitution and child pornography, presented before the UN Committee of the Rights of the Child, 2007, Geneva* .

This Report was prepared by ECPAT International in cooperation with ECPAT Bulgaria on the basis of the Initial Governmental Report prepared by SACP and presented before the UN Committee on the Rights of the Child in relation to the Bulgarian reporting on the realisation of the Optional Protocol to the UN Convention on the Rights of the Child. In 2007 it was Bulgaria's turn to report about the implementation of the Optional Protocol – 5 years after its ratification.

Part of the Alternative Report prepared by ECPAT in 2007 was based on the Global Monitoring Report on the Status of Action Against Child Sexual Exploitation, 2006. ECPAT Bulgaria maintained consultations with Animus Foundation – La Strada, Bulgaria and ILO/IPEC in Bulgaria who provided important additional information. And in the process of preparation of the Report other consultations were realized with UNICEF-Bulgaria, SACP and “Crimes Against Children” Unit of the National Police Directorate. The Alternative Report was reported by the Chairman of ECPAT Bulgaria at the session of the UN Committee on the Rights of the Child in June 2007, Geneva. The final governmental report was prepared and presented in September 2007, Geneva on the basis of the recommendations.

The Alternative Report of ECPAT contained comments and recommendations to the Bulgarian government as follows:

*Comments from the Alternative Report of ECPAT about studying the forms of child sexual exploitation in Bulgaria.*

The government should lead an exhaustive research on child sexual exploitation in Bulgaria, as the information on this issue is considered to be insufficient. There is a necessity of focusing on the problems of child prostitution, child pornography, sale of children and child trafficking, including also other manifested forms of sexual exploitation like sex tourism, in order to create basis for planning interventions, based on deep understanding of the situation.

*Comments from the Alternative Report of ECPAT on the implementation of the National Action Plan in Bulgaria*

Due to the progress which was made in the period – 2003-2005, it was recommended a new Action Plan to be prepared on the basis of the previous one and the evaluation of the situation with children who are vulnerable to child sexual exploitation in the country. The Plan should include a system for monitoring and clear definition of the roles and obligations of different stakeholders in the implementation of the actions in the Plan. The government representatives were asked how the government had planned to provide continuation of the new measures for prevention of child sexual exploitation in case that the National Action Plan had terminated its operation.

*Comments from the Alternative Report of ECPAT on the way of collecting data for children- victims of different forms of sexual exploitation:*

In Bulgaria there is no system for registering child sexual exploitation and children – victims of trafficking. The official data is not exhaustive because it is only based on the number of children identified by the police and refers to the existing articles in the Penal Code which do not reflect all forms of child sexual exploitation. It is also recommended to create specific criteria for children-victims of sexual exploitation, specify the procedures for identification of victims and collection of data about them and provide protection and assistance to children. It is recommended that a national unified system should be created for collection of data about children–victims of sexual exploitation – identified by gender, region, age, nationality in order that a clear picture of the situation in Bulgaria is obtained in order to establish an appropriate intervention and identification of the gaps and challenges.

*Comments from the Alternative Report of ECPAT on the situation with the different forms of sexual exploitation of children:*

*Child prostitution*

There is no clear definition in the Bulgarian legislation about child prostitution, so it is not clear whether it corresponds to the provisions of all laws which are listed in the Optional Protocol, more specifically – receiving, offering, pimping or ensuring a child for prostitution. Bulgarian legislation prohibits forced prostitution of minors but according to the optional protocol every sexual act with a child is considered prohibited, irrespective of the fact that there has been used force or not.

The recommendations of ECPAT are that the Bulgarian law should be amended in such way that it reflects the articles of the Optional Protocol , gives a clear definition of child prostitution and defines all acts of prostitution related to a child will be considered criminal crimes. So far the data about child prostitution is based only on the police statistics for children who have been in the child pedagogical offices in the country.

*Child pornography*

According to the report Bulgarian legislation offers inadequate protection against child pornography and further reform is needed in compliance with international standards. Also, there is no clear definition of child pornography and it is not clear whether the legislation complies with all elements described in the Optional Protocol. Bulgarian laws should eliminate all acts of manufacturing, distribution, import, export, offering and selling child pornography. On the other hand a positive aspect of the Bulgarian legislation is the fact that it

defines as a criminal act not only the possession of pornographic materials with children but also the possession of such materials with the purpose of distribution.

### Trafficking in children for sexual purposes

The report recommends a better coordination on national and international level, focused on trafficking in children (not only adults) for sexual purposes. There is a pressing need of multistakeholders and international cooperation and coordination for prevention and combating trafficking in children for sexual purposes.

### Child sex tourism

The report recommends further implementation of training modules for students of tourism on sexual exploitation of children which could be a specialized data base for future professionals. Travel agencies and officials of corresponding ministries should also be informed about and trained to implement the Code of Conduct for prevention of child trafficking and sexual exploitation of children in tourism. The important state tourist institutions should be included in the initiatives of the Code of Conduct and should take responsibility in the implementation of the Code in the tourist industry of Bulgaria.

### Comments on the situation in Bulgaria according to the Annual Report of the US Department of State on the status of trafficking in human beings in 175 countries around the world for 2008 (excerpt about Bulgaria)

In the evaluation of the efforts of the foreign governments the Report highlights their actions taken in the sphere of *the three "P"s* - "Prosecution", "Protection" and "Prevention".

BULGARIA (Tier 2): This group includes the countries where their governments do not strictly comply with the minimum standards of the Trafficking Victims Protection Act /TVPA/, 2000 but make considerable efforts for bringing their legislations in conformity with its provisions.

Bulgaria is a country of origin, transit country and to a less extent – a country of destination for trafficking in men, women and children from Ukraine, Moldova and Romania to and through Bulgaria to Germany, Belgium, France, Italy, Spain, Austria, Norway, Czech Republic, Poland, Greece, Turkey and Macedonia with the purpose of commercial sexual exploitation and forced labour.

Roma women and children are still rather vulnerable to trafficking. About 15% of the identified victims of trafficking in Bulgaria are children. The government does not strictly comply with the minimum standards of eliminating trafficking; nevertheless it makes considerable efforts in this aspect. The government also keeps constant the number of traffickers sentenced to imprisonment but does not file cases in court against government officials who have participated in trafficking.

#### Recommendations to Bulgaria:

Make strong efforts to send to court, sentence and punish government officials involved in trafficking; continue its efforts to investigate, send to court and sentence the perpetrators of trafficking and ensure that the majority of the traffickers serve effective sentences; increase the number of victims referred by government officials.

***Comments on the situation in Bulgaria according to the governmental reports:***

***Comments on the situation in Bulgaria according to the Annual Report of SACP for 2008 - excerpts***

In item III of the Report there is a description of the activities of SACP related to the protection of children from the forms of child sexual exploitation.

***1. Activity of SACP for maintenance of a specialized Internet website for sexual exploitation of children:***

In 2004 SACP initiated a specialized Internet website: [www.stopech.sacp.government.bg](http://www.stopech.sacp.government.bg), in relation to the implementation of the National Action Plan against child sexual exploitation for commercial purposes.

***2. Public Committee for combating harmful and illegal contents in Internet***

SACP participated in the Public Committee for combating harmful and illegal contents in Internet which monitored the activity of the hotline, created in 2005 and named *National Hotline for combating harmful and illegal contents in Bulgarian Internet space*: [www.web112.net](http://www.web112.net).

***3. National Referral Mechanism called – Coordination mechanism***

The State Agency for Child Protection collects and maintains database about children-victims of violence, including victims of trafficking, sexual exploitation and other forms of abuse.

***4. Establishment and maintenance of a national hotline for children***

***5. Participation of SACP experts as trainers and lecturers in ECPAT projects.***

In the period 2005-2007 one SACP expert was invited by ECPAT Bulgaria to participate as a trainer in the national trainings and international TOT on a project “Joint Training Programme against trafficking in children for sexual purposes – Trafficking 3” and during 2007-2008 experts of SACP were trainers and lecturers in national trainings and the international TOT “Application of the multi-stakeholder training on the problems of sexual exploitation of children and trafficking in children for sexual purposes”.

***Comments on the situation in Bulgaria according to the Annual Report of the National Commission for Combating Trafficking in Human ( NCCTHB) for 2008, the Programme of NCCTHB for 2009 and other documents of NCCTHB***

Every year NCCTHB to the Council of Ministers prepares a National Program for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims, which is established for implementation of Combating Trafficking in Human Beings Act (CTHBA) in conformity with the international standards and engagements of Bulgaria as EU member.

The document “The Bulgarian model of Combating Trafficking in Human Beings” contains the following analysis of the phenomenon in Bulgaria:

Trafficking in human beings is an organized criminal activity with the aim of obtaining high profit through sexual and labour exploitation of persons. Trafficking of human beings was defined as a criminal act in the Penal Code in 2002 and it includes transportation, transferring, hiding or accepting persons regardless of their will within or beyond the boundaries of the country. Penalties are up to 15 years imprisonment and a fine of up to BGN 20 000.

The general status of the problem “trafficking in human beings” in Bulgaria is represented in the following way by NCCTHB:

“Bulgaria is mainly a country of origin and a transit country for victims of trafficking”. There is a tendency for the country to be turned into a country of final destination. Bulgaria is in

Tier 2 in the Annual Report on combating trafficking in human beings of the US government, for 2008.

***Comments on the situation in Bulgaria according to the NGO reports:***

*Comments on the situation in Bulgaria according to the Center for Inclusive Education: „Review of the system for prevention and counteraction of the sexual abuse of children and distribution of pornographic content in the Bulgarian Internet Space” in the project “Constant reply to child abuse and sexual exploitation in Internet”*

Review of the available data from the research about the level of awareness and knowledge about these dangers among: children, parents, the society as a whole.

*Basic conclusions:*

- There is no information about the extent and dimension of the problem ( there is neither a conducted research nor data reported in the official statistics database);
- The research data shows alarming tendencies;
- An increasing number of children know about the risks in Internet and have knowledge about the recommendations for safe use of Internet (*Children and Internet* - a research of the National Centre for Public Opinion Research – 2006 and 2009). 93% of them are aware of the risks hidden in Internet, 86,6% know the recommendations for safe use of Internet).  
Nevertheless still a great number of children and young people have risk behaviour.
- The e society has no awareness:
  - The society as a whole is not tolerant to pedophilia and sexual abuse of children( including Internet space)
  - All successful raids of Computer Crimes Unit to the Police Directorate, initiatives of the Ministry of Interior and information campaigns (round tables, conferences, etc.) are widely communicated. Nevertheless this problem is not considered a “hot” one.

*Recommendations:*

The society and the government should recognize the problem as an important part of the policy for protection of children. It is necessary to establish a good normative basis and services for prevention and counteraction of this phenomenon.

**4. Statistical data – the Analysis includes statistical data from state institutions**

*4.1. Data from the National Statistical Institute*

*4.2. Data from the National Statistical Institute for child victims*

*4.3. Data from the Annual Report of SACP for 2008*

*4.4. Data from the statistics of the Ministry of Interior for 2008*

**5. National normative database for prevention and combating forms of child sexual exploitation**

*National Action Plan /NAP/*

In the Alternative Report of ECPAT on the implementation of the Optional Protocol, 2007, the following comments and recommendations were made:

- As a consequence of the progress which has been made in the implementation of the Action Plan 2003 – 2005, a new Action Plan should be established and a detailed evaluation of the situation should be made concerning children - vulnerable to trafficking and children – victims of commercial sexual exploitation in the country.
- The Plan needs resources for the full realisation of its objectives in order to meet the new challenges of commercial sexual exploitation and the new IT and communication technologies.
- The Plan should also include monitoring and evaluation system with clearly defined roles and responsibilities of different stakeholders.

### National Referral Mechanism

#### Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism

#### Child Protection Act

#### Combating Trafficking in Human Beings Act

### **6. Legislation**

#### Ratified international documents

Bulgaria has signed the *Convention on Child Rights (CCR), 1991, the Protocol for Prevention, Diminishing and Punishment of Trafficking in Human Beings, Especially Women and Children, 2001 and the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Optional Protocol) 2002*. Bulgaria has also signed *Convention 182 of ILO in 2000*. On regional level Bulgaria signed the *Convention on Crimes in Cyberspace* in 2005 and it came into force the same year. Bulgaria has also signed the EU Convention for Action Against Trafficking in Human Beings and the EU Convention on Protection of Children against Sexual Exploitation and Sexual Abuse.

Also, a number of agreements have been signed with other member countries of the Black Sea Economic Cooperation /BSEC/ between Albania, Armenia, Azarbaidjan, Georgia, Moldova, Romania, Russia and Ukraine. Bulgaria has signed a Protocol for Cooperation with Romania for combating crimes abroad with a special emphasis on trafficking in children and child sexual exploitation.

Bulgaria has participated with delegations in the World congresses against sexual exploitation of children:

- Bulgaria participated in the First World Congress, Stockholm, Sweden, 1996 and adopted the *Stockholm Declaration and Action Plan*.
- Bulgaria participated in the Second World Congress – Yokohama, Japan, 2001 where it confirmed its readiness by adopting the *Yokohama Global Commitment*
- Bulgaria also participated in the Third World Congress in Rio de Janeiro in 2008 and joined the *Declaration from Rio de Janeiro and the appeal for action for prevention and end of sexual exploitation of children and juveniles*.

#### National legislation

#### Penal Code

- *Child prostitution*

Bulgarian legislation does not give a definition to child prostitution, so it is not clear whether it corresponds to all acts listed in the Optional Protocol. Moreover, while Bulgarian legislation bans forced prostitution, the Optional Protocol considers every sexual act with a child as



prohibited regardless of the fact whether force has been used or not. As a whole the Bulgarian laws need a reform for providing better protection of children against child prostitution.

Prostitution is not illegal in Bulgaria but the law penalizes pimps and those who persuade persons to prostitute. Art.155 of the Penal Code prohibits persuasion of children and minors to prostitute and penalizes such crime with two to eight years imprisonment. The Code also bans forced prostitution of juveniles (under 18). The penalty for such crime is up to 5 years imprisonment.

The Situational Analysis lists all Articles which refer to any ways of contacting minors, kidnapping them, or transferring them to other persons for debauchery, etc.

- *Trafficking in children for sexual purposes*

The obtained information shows that the Bulgarian legislation complies with the international standards for protection of children from trafficking.

From 1999 there started a reform of the national legislation in order to include trafficking as a specific sphere of treatment by the law. In 2002 the Penal Code was changed with the inclusion of Section “Trafficking in Human Beings” – Art, 159a – 159 c and in 2003 a Law for Combating Trafficking in Human Beings was adopted and it defined the roles, responsibilities and relations among government stakeholders and NGOs.

Further changes of texts and penalties were made in the Penal Code in 2002 and 2009.

Another amendment of the Penal Code was made in October 2006.

Art.159, Par.3 criminalizes this type of trafficking due to the increased problem of trafficking in pregnant women with the purpose of selling their babies.

On the 1<sup>st</sup> of January 2007 the Law for assistance and compensation of victims of crimes was adopted.

After the changes of the Penal Code, on the 10<sup>th</sup> of April, 2009, the minimum number of years of imprisonment for the crime “trafficking in human beings” was increased from two to fifteen years in cases where the crime involves a pregnant woman with the purpose of selling her child.

The new amendments of the Penal Code related to trafficking in human beings /Art. 159 a, b, c, d / set the amount of the new minimal financial sanction to be increased to BGN 3 000 and it can reach BGN 100 000 for cases of dangerous recidivism or when the crime has been committed on errand or realized on a decision of an organized criminal group.

There is a new Article added to the Penal Code, criminalizing the use of services of victims of trafficking (Art.159,c) in relation to the Art.19 of the EU Convention for combating trafficking in human beings. According to this article perpetrators are sentenced to 3-10 years imprisonment and a fine of BGN 10 000 to BGN 100 000.

- *Child pornography*

It should be noted that the Bulgarian legislation does not provide adequate protection against child pornography and further reform is needed for compliance with the international standards.

At present the legislation does not give a clear definition to child pornography and it is not clear whether it takes into account all elements of child pornography as described in the *Optional Protocol*.

Also, the Bulgarian laws should eliminate all acts of producing, distribution, reproduction, import, export, offering and sale of child pornography. On the other hand a positive aspect is that Bulgarian legislation criminalizes the very ownership of pornographic materials with children – not only their ownership with the purpose of distribution.

## 7. Prevention

A number of raising awareness campaigns programs have been realized around the country – mainly by NGOs. Most of these initiatives focused on trafficking in children and an increased number of projects concerning safe Internet for children were realized. SACP actively supported those initiatives.

- Since 2002 *Neglected Children Society* has organized distribution of various materials, trainings and lectures concerning children, the police and the stakeholders who work on child rights. TOT trainings have been organized in order to establish peer-to-peer patterns of work at school.
- *Face to Face-Bulgaria* is another NGO that focused on programmes for prevention of child prostitution and trafficking of young girls at risk, orphans in institutions and girls who have experienced violence.
- *IOM Bulgaria and the Bulgarian Red Cross* organized campaigns called “Open Your Eyes” concerning trafficking in women and children. The campaign circulated announcements about hotlines and services offered by *Animus Association Foundation and Nadia Center* to victims of trafficking and sexual violence. The materials from these campaigns became a basis for further trainings of police officers and child experts.
- *Neglected Children Society* conducted trainings of professionals working with children – police officers, social workers, school councilors – about the strategies for prevention and combating child sexual exploitation and trafficking in the framework of the *Joint East-West Multi Stakeholder Programme on Trafficking in Children for Sexual Purposes – Trafficking 3-2004-2007*. In the framework of the next project – *Implementation of the Multi Stakeholder Programme for Training on Trafficking in Children for Sexual Purposes - Trafficking-4, 2007 – 2008*, *Neglected Children Society - ECPAT Bulgaria* made an adaptation of the international *Manual for work on trafficking in children for sexual purposes-2008* and trainings were held with CPS inspectors, police officers, social workers and representatives of crisis centers for children – victims of trafficking.

### Conclusions

The results from the interviews of children in the framework of the research, conducted by ECPAT Bulgaria, show that children receive information mainly from their parents while their parents seem to be not well informed of this issue. The other source of information for children is the media but it is not always accurate. It is absolutely clear that children are not well informed about the real risks of being trafficked.

## **8. Conclusions and recommendations from international reports concerning child sexual exploitation.**

### *ECPAT Global Monitoring Report on Status of Action against Commercial Sexual Exploitation of Children – 2006*

#### Needed priority actions:

- Vulnerability of Roma children should be considered when programmes and policies of action are planned.
- It is necessary resources for improvement of international cooperation to be provided through preparation of joint projects and systems for exchange of information between NGOs and international organizations.
- Bulgaria should sign and ratify the Convention on Action against Trafficking in Human Beings of the Council of Europe (remark: the Convention has already been ratified by Bulgaria).
- Bulgarian legislation does not give a definition for child prostitution so it is not clear whether it complies with the laws listed in the *Optional Protocol*. Moreover, the law prohibits *forced* prostitution of minors but this context should have included prohibition of any sexual contact no matter if force has been used.
- Bulgarian legislation should clearly define what is considered to be child pornography and criminalize all acts of reproduction, distribution, import or export, offering and sale of such materials.
- It is strongly recommended that a specialized body is established in the framework of the juridical system so that it can work on cases of trafficking and sexual exploitation of children.
- More modern systems of documentation should be established in order to facilitate the monitoring of law enforcement units and their work concerning commercial sexual exploitation of children. There is urgent necessity of creating a single system for collection of information about trafficking and sexual exploitation of children.

### *Annual Report of the US Department of State on the status of trafficking in human beings in 175 countries around the world for 2008*

#### BULGARIA (Tier 2)

#### Recommendations for Bulgaria:

- Vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking;
- continue efforts to investigate, prosecute, and convict trafficking offenders and ensure that a majority of convicted traffickers serve some time in prison;
- continue to increase the number of victims referred by government officials for assistance;
- continue to improve data collection and methods for assessing trafficking law enforcement statistics.

### *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 - 2007)*

#### Recommendations of ECPAT:

##### *National Action Plan:*

- In the 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 various institutions and organizations in charge of its implementation.
- A national and unified system should be established for collecting disaggregated data on children victims of sexual exploitation, specifying sex, region, age, nationality and/or ethnicity, in order to gain a deep understanding of the situation in the country, its evolution, to guide intervention and identify gaps and challenges.

#### Child prostitution

- The Situational Analysis includes also the recommendations of ECPAT that the Bulgarian legislation should be amended, so that it should reflect the articles of the Optional Protocol, define accurately child pornography and criminalize all acts of child prostitution like offering, pimping and ensuring a child for prostitution.
- Information, education and prevention programmes should be realized in various variants throughout the country and they should address different target groups in an appropriate way.
- Special attention to be paid to vulnerable minorities and especially Roma population in the prevention programmes and protection programmes.

#### Child pornography

- A further reform of the Bulgarian legislation is needed for compliance with international standards.
- Bulgarian laws should eliminate all acts of manufacturing, distribution, import, export, offering and selling child pornography. On the other hand a positive aspect of the Bulgarian legislation is the fact that it defines as criminal acts the very possession of pornographic materials which include children, not only their possession with the purpose of dissemination.
- The government should develop a national programme for combating child pornography and prevent children from risks of violence via Internet and new communication technologies.
- The government programme should include special education and modules for public information, specially targeted to children and including them in the creation and development of these programmes. Other target groups of these programmes should be parents, teachers and communities.

#### Trafficking in children for sexual purposes

- A better coordination on national and international level is recommended, targeted to trafficking in children for sexual purposes and not only trafficking in human beings which framework includes trafficking in children.

- There is an urgent need for accelerating the process on multi institutional and international level and coordination for prevention and combating trafficking in children for sexual purposes.
- There should be created a unified information system with relevant indicators for collection data about children – victims of trafficking for sexual purposes.

#### Child sex tourism

- There should be implemented training modules for students in tourism on the problems of child sexual exploitation, which will represent a data base for future professionals.
- Tourist operators, travel agencies and officers in the respective ministries should be informed about the Code of Conduct for prevention of trafficking in children and child sexual exploitation in tourism and should be trained in its implementation.
- Important national state tourist agencies should be included in the activities of the Code of Conduct and have to take responsibility in the implementation of the Code in the tourist industry of Bulgaria due to the fact that Bulgaria is already EU member country and most probably will become a preferred tourist destination for many tourists.

#### Concluding observations of the UN Committee for the Rights of the Child –2008.

The Committee recommends that the State party continue harmonizing its legislation with the principles and provisions of the Convention, incorporate the Convention fully into the Child Protection Act and ensure the effective implementation of domestic legislation pertaining to the rights of the child.

The Committee recommends to the State party that an independent monitoring agency be given the responsibility to monitor and promote children's rights and provide an accessible complaint mechanism for children and their representatives. The agency should be provided with sufficient human and financial resources to carry out its mandate in accordance with the "Paris Principles" (annexed to General Assembly resolution 48/134 of 20 December 1993) and the General Comment No. 2 (CRC/GC/2002/2) on the role of independent national human rights institutions. This agency could be a separate Children's Rights Office or be incorporated into the existing Ombudsman's Office, through designation of a deputy charged with the responsibility for children's rights. The Committee further recommends that the Ombudsman apply for accreditation with the ICC.

The Committee recommends that the State party strengthen its efforts to develop a centralized system for comprehensive collection of data on the rights of all children up to the age of 18 with a specific emphasis on vulnerable groups of children, including Roma children, and ensure that data allow for disaggregation, inter alia, according to sex, age, urban/rural areas and ethnic or social origin.

- Sexual exploitation and abuse

The Committee recommends the State party to:

- (a) Undertake in-depth studies and research to identify the scope, extent and root causes of sexual exploitation of children to facilitate the implementation of effective strategies;
- (b) Increase its awareness raising campaigns and public education on sexual exploitation, prostitution and child abuse for children, their families, communities and the public at large and ensure the recognition of the gender perspective in these campaigns and in public education;
- (c) Take measures to prosecute perpetrators of sexual exploitation of children and child abuse; and
- (d) Implement appropriate policies and targeted programs for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

- Trafficking and abduction

The Committee encourages the State party to:

- (a) Collect data on trafficking disaggregated by sex, age, urban/rural areas and ethnic or social origin on trafficking;
- (b) Continue and strengthen its awareness-raising campaigns including through education and media campaigns;
- (c) Increase protection provided to victims of trafficking, including prevention, social reintegration, access to health care and psychological assistance and free access to legal aid; and
- (d) Enter into bilateral and multilateral agreements for the prevention of trafficking and for the rehabilitation and repatriation of trafficked children.

- Sale, prostitution and pornography

The Committee reminds the State party of the need to effectively implement its relevant concluding observations and recommendations on the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography (CRC/C/OPSC/BGR/CO/1) adopted on 5 October 2007.

- Further recommendations of the Committee for future reports by the State party

The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, media and other professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

- Next report

The Committee invites the State party to submit its consolidated third fourth and fifth periodic report, which should include information on the

implementation of the two Optional Protocols, by 2 July 2013. This report should not exceed 120 pages (CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

**9. At the end of the Analyses there is a list of used sources and links.**