



Global Monitoring

status of action against commercial
sexual exploitation of children

BULGARIA



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **ARC Fund:** Applied Research and Communications Fund
- **The Code:** The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism
- **The Council:** The National Public Council on Safer Internet Use in Bulgaria
- **CM:** Coordination Mechanism for Referral, Care and Protection of Repatriated Unaccompanied Minors
- **CPA:** Child Protection Act
- **CTHBA:** Combating Trafficking in Human Beings Act
- **CRC:** United Nations Convention on the Rights of the Child
- **CRONSEE:** South East Europe Children's Rights Ombudsperson Network
- **CSEC:** Commercial sexual exploitation of children. CSEC consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. CSEC comprises sexual abuse by the adult and remuneration in cash or in kind to the child or third person or persons.
- **ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes.
- **EU:** European Union
- **GRETA:** Group of Experts on Action against Trafficking in Human Beings
- **Grooming:** Preparing a child for sexual abuse or exploitation
- **ICT:** Information and Communication Technologies
- **INHOPE:** International Association of Internet Hotlines
- **INSAFE:** European Network of Awareness Centres
- **ISP:** Internet Service Provider
- **Local Commissions:** Local Commissions for Combating Trafficking in Human Beings
- **NCCTHB:** National Commission for Combating Trafficking in Human Beings
- **NCS:** Neglected Children Society, the ECPAT group in Bulgaria
- **NGO:** non-governmental organization
- **NPA:** National Plan of Action
- **NRM:** National Mechanism for Referral and Support of Trafficking Persons
- **NSI:** National Statistics Institute
- **SACP:** State Agency for Child Protection
- **SIC:** Safer Internet Centre

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments

to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that

have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report. ECPAT International would also like to

express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and

case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



BULGARIA

INTRODUCTION

Bulgaria is a parliamentary democracy with a population of approximately 7 million.¹ The end of communist rule in Bulgaria in 1990–1991 was followed by a period of social and economic unrest that culminated in the 1996–1997 economic and financial crisis.² Through national reforms and international support, Bulgaria emerged from this tumultuous period and continued pursuing democratic reform and a market economy, becoming one of the newest members of the European Union in 2007.³

After 10 years of steady economic growth, attracting substantial American and European investment,⁴ Bulgaria's economic trajectory was significantly altered by the global financial crisis, which caused a 5.5% contraction in the country's GDP in 2009⁵ and unemployment rates as high as 10.2%.⁶ However, with a 2.2% rise in the GDP in 2011, and a Human Development Index of 0.771,⁷ placing it above the regional average, Bulgaria is demonstrating a good recovery. Yet, significant economic and social challenges persist, many of which disproportionately affect ethnic minorities and children, in particular those of Roma origin, who comprise 4.9% of the population.⁸

Romani communities in Bulgaria have faced decades of social, political and economic exclusion. This has had particularly dire consequences for Romani children, who feature disproportionately among disadvantaged populations. While the poverty rate in Bulgaria is approximately 20%,⁹ 15% of children under the age of 15

live in poverty¹⁰ and nearly half of the child population is at risk of poverty and social exclusion.¹¹ Romani and Turkish children under the age of 15 years are particularly vulnerable,¹² as are those who come from large or single parent families.¹³ Despite modest improvements in educational opportunities, many Roma children are not enrolled in school or drop out at an early age.¹⁴ Romani communities are also often isolated from accessing community-based social services, leaving many children in state-run institutions¹⁵ or living on the streets.¹⁶

These entrenched exclusionary practices have left Roma children especially vulnerable to the commercial sexual exploitation of children (CSEC), most notably trafficking. Children that have been identified as most susceptible to CSEC in Bulgaria are those who live on the streets¹⁷ or in state-run institutions,¹⁸ the majority of whom are Romani children. Children from dysfunctional families or who have experienced traumatic events, 13–18-year-olds with low self-esteem, and children involved in Bulgaria's large informal economy¹⁹ have also been identified as groups at a high-risk of sexual exploitation.²⁰

CSEC remains a pressing concern in Bulgaria, facilitated largely by the elimination of visa restrictions for travel (following accession to the European Union (EU)) and rapidly increasing access to the Internet and other IT technologies.²¹ The Bulgarian Government has made significant efforts to combat CSEC over the last decade, especially with regards to trafficking in children for

sexual purposes. However, by ending its practice of addressing CSEC in a separate National Plan of Action, Bulgaria has demonstrated a de-prioritisation of CSEC issues. Without a comprehensive response to all CSEC manifestations, trafficking and to a lesser extent pornography, have received significant government attention, while prostitution and child sex tourism have fallen off the national agenda.

Following the 1996 Stockholm and the 2001 Yokohama Global Forums on CSEC, Bulgaria reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents,

in November 2008 in Brazil. The World Congress III renewed global commitment and galvanised international resolve to combat sexual exploitation of children and adolescents. In total, more than 3000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.²² Representatives from state institutions (State Agency for Child Protection) and NGOs (ECPAT Bulgaria - Neglected Children Society) took part in the Second and the Third World Congresses and widely publicised their outcomes, final documents and recommendations.

Prostitution of children

While prostitution itself is not illegal in Bulgaria, exploiting a child in prostitution has been criminalised (see the Legislation Section). However, the extent of child prostitution is unknown given that there is no comprehensive data available and no definition of prostitution or child prostitution in any government laws or policies. The only available statistics on child prostitution are based on crime data and information about children who have passed through child pedagogic services.

Conclusions made in ECPAT's *Alternative NGO Report on the Implementation of the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* shows that Bulgarian legislation does not give a specific definition of child prostitution, so it is unclear whether it corresponds to standards set out under the Optional Protocol, e.g. receiving, offering, procuring or providing a child for prostitution. Moreover, while Bulgarian legislation prohibits coercive prostitution of minors, the Optional Protocol provides that every sexual act with a child should be prohibited, regardless of whether coercion is involved. As a whole, Bulgarian

laws need to be reformed in order to provide better protection of children against child prostitution. In its Alternative Report, ECPAT recommends that the Bulgarian law should be amended in order to better reflect the provisions of the Optional Protocol. It should define child prostitution specifically and criminalise all acts involving a child for prostitution purposes, such as receiving, offering, procuring or providing a child for prostitution.²³

Given that there is no formal mechanism for the identification of child victims of prostitution, these statistics are unlikely to reflect the scope of the problem. Therefore, while police statistics illustrate a decrease in child prostitution in recent years, this trend should be regarded with caution until more comprehensive data is available. Furthermore, any analysis of this data is incomplete, given that for certain years the government has combined data on children involved in homosexuality with that of children exploited in prostitution, while in other years this data has been disaggregated.²⁴ Lastly, it is important to note that there are a number of factors that could account for a decrease in the number of children identified

in prostitution, including ineffective victim identification methods.

Bearing these significant shortcomings in mind, government statistics suggest that child prostitution is occurring in Bulgaria, though in decreasing numbers. The government reported that in 2010 and 2011, there were 119 and 137 children, respectively, who passed through child pedagogic rooms for prostitution or homosexuality.²⁵ This is a marked decrease from the 501 children who passed through child pedagogic rooms for homosexuality or prostitution in 2005.²⁶ Girls have consistently comprised 80-95% of the children identified in these statistics,²⁷ primarily between the ages of 14-17 years.²⁸ In 2010, the greatest number of minors and underage girls who were involved in

prostitution was established in several larger towns near motorways, including Plovdiv, Sofia-city, Stara Zagora and Pleven. Despite some assumptions among members of the community that child prostitution is deviant behavior, child prostitutes are considered victims of criminal groups and organised crime.²⁹

Forced prostitution has also been identified as closely linked to child trafficking in Bulgaria.³⁰ Therefore, despite the major barriers to understanding the scope of child prostitution in Bulgaria, it is evidently a persistent threat to children. It is thus problematic that child prostitution has received little to no attention in government protection and prevention efforts in recent years.

Child pornography/child sexual abuse images

The Bulgarian Government has augmented the *Criminal Code* provisions related to child pornography, including the addition of a definition for pornographic material in 2007.³¹ However, Bulgarian legislation does not provide enough protection against child pornography and further reform is needed in order to comply with international standards. There is currently no specific definition of child pornography to clarify whether the legislation considers all extensive elements describing child pornography in the *Optional Protocol to the UN Convention on the Rights of the Child*. Moreover, the Bulgarian laws should eliminate all acts of production, distribution, propagation and sale of child pornography.

There are currently no legal provisions requiring Internet service providers, mobile phone companies, search engines and other relevant businesses to report to authorities or remove websites and services containing child pornography, including chat rooms where “grooming” of children occurs.³²

There has also been an increase in government and NGO-initiated prevention efforts for combating sexual exploitation online (see Prevention Section). However, the effects of these efforts on reducing child pornography are unclear given that there is no comprehensive data available that captures the extent of child pornography in the country. Yet, the attention it has received by the Bulgarian Government and NGOs in recent years, and the establishment of the Cyber Crimes Police Unit is indicative of a growing online threat.

It has been recognised in Bulgaria that online sexual exploitation is a growing threat. Consequently, a specialised investigative unit on cyber crimes within the Combating Organized Crimes General Directorate of the Ministry of Interior has been created. The Cyber Crimes Unit deals with any criminal activity related to illegal or harmful content on the web, ranging from protection of intellectual property rights and personal data to crimes against children like downloading, trading and sharing child pornography. A

specialist team within the Unit works on cases of distribution of pornography and paedophilia on the Internet. The Cyber Crimes Unit has had a number of successful high profile raids on paedophile networks. Local and international operations have led to seizures of large amounts of pornographic materials and prosecution of abusers in some cases. However, due to limited resources, the Unit cannot sufficiently ensure the successful prevention of online sexual exploitation and abuse of children.³³

Bulgarian civil society organisations (CSOs) have also been engaged in the protection of children from online sexual exploitation through conducting awareness-raising and training projects. In 2005, the Bulgarian Hotline for Fighting Illegal and Harmful Content in Internet – <http://web112.net> – was established by the Applied Research and Communications Fund as part of the Safe-Net BG project. This project was co-financed by the Safer Internet Programme of the European Commission. The Bulgarian hotline is one of the few Eastern European members of the International Association of Internet Hotlines (INHOPE – www.inhope.org) – a network of more than 30 Internet hotlines around the world. The Bulgarian Safer Internet Hotline enables local Internet users to report harmful and illegal content disseminated over the Internet and has a special focus on child pornography and child sexual abuse.³⁴

The use of monitoring or filtering software as a means of protecting children from illicit content is not popular in Bulgaria. Bulgarian parents do not see the need for such software or else do not know how to access these programs. Addressing the need for an easy to use software program adapted for filtering Cyrillic as well as Latin, the Bulgarian organisation, Delfin Foundation, has developed a specialised free filtering program called Child Defender. The program provides parents the opportunity to make a list of websites that cannot be accessed

by their children. The program provides options for controlling the time a user can access the computer and the Internet as well as recording and monitoring websites. The filtering program can be downloaded at <http://www.childdef.com>.³⁵

Bulgaria is involved in a two-year-long partnership with the *Forensic Images and Video Examination Support* (FIVES) project – an international initiative funded by six European partners and co-funded by the European Commission's Safer Internet Programme. This project aims to support law enforcement authorities' efforts to fight online CSEC. The project brings together the knowledge and experience of partners from special police units, academia and businesses to improve the tools available to law enforcement authorities with respect to investigating cases of child sexual abuse.³⁶

To date, Bulgaria has not been a major country of origin for child pornography materials. The majority of child pornography materials on Bulgarian websites have instead been produced abroad.³⁷ This is reflected in Bulgarian police statistics, which identified only three victims of child pornography during the years 2008–2010,³⁸ and no recorded victims in 2011.³⁹ It is, however, important to note that this low number of victims may also reflect weak victim identification and/or law enforcement.⁴⁰ The incidence of other child pornography offences is unknown given that there is no disaggregated crime statistics for child pornography investigations/convictions. In 2008, the Cyber Crimes Police Unit noted a steady rise in cyber crimes against children, many related to the distribution of child pornography, which has been attributed to rapidly growing Internet use across the country.⁴¹ As Internet usage expands among young populations, it is particularly concerning that only 5% of parents in Eastern Europe are aware that their children are at-risk when using the Internet without parental supervision.⁴²

There were two recent busts of child pornography rings in Bulgaria. In October 2011, 20 men were arrested from across the country for participating in a child pornography ring,⁴³ and in February 2012, nine men were arrested in Bulgaria for distributing child pornography and over 1000 GB of pornographic material was seized.⁴⁴ In both of these cases, the police discovered pornographic material that used children as young as two years old. It is unclear whether the pornographic material discovered by the police was produced in Bulgaria or abroad. The reports to the Bulgarian Hotline further help capture the scope of child pornography

in the country. In 2011, the Bulgarian Hotline received and processed 751 reports, 146 of which concerned real illegal or harmful content or conduct online.⁴⁵ Twenty of the Hotline reports were classified as child pornography, four as erotica and seven as child “grooming.”⁴⁶ One positive trend noted by the Hotline was a decrease in the number of reports related to “grooming” activities, from 17 in 2010 to 7 in 2011.⁴⁷ Of concern, however, were the two reported incidents of child sexual abuse images being hosted in the country in 2011, which had not so far been reported to date.⁴⁸

Child trafficking for sexual purposes

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act’s* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made “significant efforts” to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.

In the 2012 report, Bulgaria was placed in **Tier 2**.⁴⁹ Bulgaria has consistently been placed in **Tier 2** in the *US Trafficking in Persons Report* since 2005.

Of all the manifestations of CSEC, trafficking of children for sexual purposes appears to be the most pressing concern in Bulgaria and as such receives the most attention from governments and NGOs. Bulgaria has developed a fairly comprehensive framework for combating trafficking in human beings, including victim identification methods, targeted prevention efforts, enhanced legislative provisions and strong national/regional/international cooperation and coordination. However, trafficking for sexual purposes remains a serious issue in the country and requires augmented victim support programmes and long-term prevention strategies.

Sexual exploitation, primarily in the form of

prostitution, is the main form of exploitation facing Bulgarian victims of trafficking.⁵⁰ Bulgaria is predominantly a source country for sex trafficking victims, and to a lesser extent a transit and destination country.⁵¹ Sex trafficking victims are both trafficked abroad and within Bulgaria.⁵² The main destination countries for Bulgarian sex trafficking victims include: the Netherlands, Belgium, France, Austria, Italy, Germany, the United States, Czech Republic, Finland, Greece, Spain, Norway, Poland, Switzerland, Turkey, Cyprus, Macedonia, and South Africa.⁵³ Bulgarian men, women, and children are subjected to conditions of forced labour in Greece, Italy, Spain, the Czech Republic, Sweden, Norway, Cyprus, and Iraq. Some Bulgarian children are forced into street begging and petty theft

within Bulgaria and also in Greece, Italy, and the United Kingdom. The Government of Bulgaria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to address this.⁵⁴

For example, in March 2012, six Bulgarian nationals were convicted in Austria for subjecting 31 Bulgarian women to forced prostitution or begging.⁵⁵ Victims of trafficking to Bulgaria have come from Romania, Moldova, Russia, Ukraine and Central Asia.⁵⁶ However, the extent of Bulgaria's role as a destination and transit country for trafficking victims is unknown, as there is not sufficient data available.⁵⁷ Victims trafficked within Bulgaria, which primarily occurs within resort and border areas,⁵⁸ constituted 40% of identified trafficked victims in 2008-2009.⁵⁹

According to Ministry of Interior data, 96 children in 2010 were victims of trafficking. The same year the State Agency for Child Protection (SACP) was engaged with 48 cases in compliance with the *Coordinating Mechanism for Referral and Care of Unaccompanied Children and Children - Victims of Trafficking Returning from Abroad*. There were 15 cases of children - victims of sexual violence and exploitation and two cases of trafficking and sale of babies. During the same year, 34 girls and 14 boys were victims of trafficking for labour and sexual exploitation. The Chairperson of SACP proposed that the Minister of Interior impose a compulsory administrative measure as per Article 76a of the *Law for the Bulgarian Identification Documents* on 31 children who had been involved in acts harmful to their growth. In 2010, 10 children were repatriated from other countries to Bulgaria.⁶⁰

Data for 2010 from the National Commission for Combating Trafficking in Human Beings

(NCCTHB) shows that 17% of trafficking victims were children (minors under 14 and underage 14 - 18). In 2010, NCCTHB received 22 reports for persons involved mainly in international trafficking of human beings including eight children and the cases were redirected to competent state institutions and NGOs.⁶¹ According to the Annual Report of the NCCTHB for 2011, the total number of victims of trafficking in human beings is 541 and 448 of these are women. Fifty-seven victims are under 18 years of age and all of these young victims are girls. Victims under 13 and 14 included three girls and 10 boys. There were 404 persons identified as victims of sexual exploitation. In 2011, NCCTHB received 56 reports of 144 persons involved in human trafficking and 29 reports from NGOs registered to the National Commission as international organisations delivering services for victims of trafficking.⁶²

According to the US *Trafficking in Persons Report*, the number of identified trafficking victims has been on the rise in recent years.⁶³ In 2011, the government identified 512 victims of trafficking (404 of whom were victims of sex trafficking), including 70 children.⁶⁴ In 2010, there were 558 identified trafficking victims, 89 of whom were children.⁶⁵ This marks a significant rise from the 289 identified trafficking victims in 2009, 44 of whom were children.⁶⁶ This increase may be attributed to a growing trafficking problem in Bulgaria, improved identification methods with the implementation of the National Referral Mechanism in 2010, or growing trust in authorities.⁶⁷ However, "the Bulgarian authorities acknowledge themselves that the above-mentioned figures are merely 'the tip of the iceberg' and that the problem of trafficking is much more extensive than what is shown by the statistics."⁶⁸ Furthermore, NGOs identified an additional 55-91 trafficking victims in 2011 that are not

included in government statistics.⁶⁹ Child victims of trafficking can be particularly difficult to identify given that “children may leave Bulgaria legally and accompanied by an adult who is usually their parent, or at a minimum with the pretended certified consent of both parents.”⁷⁰ It is therefore likely that the statistics on child victims of trafficking do not capture the full scale of the problem in Bulgaria.

While Bulgaria’s accession to the EU has aided in their fight against trafficking in human beings in many ways, it has also facilitated easier travel in the region, which has afforded new opportunities for traffickers to exploit vulnerable children.⁷¹ Young women between the ages of 16-24 with limited education and “weak family ties” have been identified as particularly vulnerable to trafficking for sexual purposes.⁷² Ethnic minorities, especially those of Roma origin, and women engaged in prostitution are also recognized as high-risk groups.⁷³ As with

all CSEC manifestations, trafficking in human beings is the product of a range of contributing factors that increase vulnerability. The Bulgarian Government has recognised poverty, a lack of information and limited economic opportunities as key contributing factors to the trafficking of women and children.⁷⁴ Government corruption has also been identified as a contributing factor. With a low score of 3.3 out of 10 on the 2011 corruption perceptions index, Bulgaria ranked 86th out of 183 countries in terms of corruption.⁷⁵ Specifically, there have been reports of government officials intentionally interfering with, or sharing sensitive information about, trafficking investigations.⁷⁶ There also appears to be a strong link between sex trafficking and organised crime in Bulgaria; powerful organised criminal groups primarily control sex trafficking in larger cities, while small criminal groups and independent operators are involved in the sex trafficking that occurs in smaller cities and towns.⁷⁷

Vulnerability of Roma populations

Ethnic Roma are especially vulnerable to becoming victims of trafficking, illustrated by their disproportionate representation among identified trafficking victims. It is estimated that Roma constitute somewhere between 50-80% of trafficking victims in Bulgaria,^{78,79} 80% of whom police estimate are trafficked for sexual exploitation.⁸⁰ Roma children who live on the streets and those between the ages of 6-15 years are at a particularly high risk of trafficking for sexual purposes.⁸¹ Cases in which family members are complicit in the trafficking of Roma victims have also been recorded.⁸² Interviews with Roma victims have revealed that they often do not report cases of trafficking due to a lack of trust in authorities;⁸³ therefore, the extent of trafficking among Roma populations may be much graver than currently estimated.

As a politically and socially excluded group in Bulgaria, Roma populations face a number of challenges that heighten their vulnerability to human trafficking. High rates of poverty, unemployment, young marriages and pregnancies, and illiteracy are among the causal factors.⁸⁴ Their lack of permanent residence registration and of systematic birth registration has also been identified as contributing factors.⁸⁵ Children and youth are particularly at risk given that “many of the vulnerability factors such as domestic violence, high school dropout rates, homelessness or being in state care affect children and youth exclusively or disproportionately.”⁸⁶ Limited access to phones and Internet in Roma communities has severely restricted prevention efforts and support services from reaching this vulnerable group.⁸⁷ By not having accessible support services, Roma victims become vulnerable to repeated experiences of trafficking.⁸⁸

Child sex tourism

There is no information or data on the prevalence of child sex tourism in Bulgaria. However, given Bulgaria's growing tourism industry and the apparent incidence of child prostitution, there is a risk that child sex tourism is going on undetected in the country, or that it is a potential threat that requires preventative measures.

Travel and tourism contributed to 12.9% of Bulgaria's GDP in 2011.⁸⁹ NSI tourism statistics indicate a steady rise in visitors from abroad over the last eight years, increasing from approximately 6.9 million visitors in 2004 to 8.7 million in 2011.⁹⁰ In three regions in Bulgaria, the city with the highest recorded number of arrivals in accommodation establishments was also the city in that region with the highest number of children passing through child pedagogic rooms for prostitution or homosexuality. For example, the two cities with the highest number of children identified in prostitution were Varna (16 children) and Sofia capital (21 children).⁹¹ These two cities also recorded the largest number of arrivals in accommodation establishments in their regions.⁹² Available data is too limited for a reliable analysis; however, further studies on the possible connection between tourism and child prostitution should be conducted. One study revealed that 12.5% of the surveyed males who visited Sunny Beach, Bulgaria in 2008 paid for sex while on their vacation. While there is no indication that child victims of prostitution were used, this link between prostitution and tourism in Sunny Beach poses a worrying potential for child sex tourism in the country.

Police inspectors from Child Pedagogical Offices reported in interviews with experts from ECPAT Bulgaria that the Black Sea and mountain resorts were key areas where they observe and work with under-aged girls who are victims of child prostitution at the hands of foreign clients from European and

Scandinavian countries. They also reported that in the big Black Sea resorts such as Sunny Beach and Golden Sands, a number of girls under the age of 18 – students from the local language high schools – practise prostitution to gain money. Police inspectors have reported that these girls are very difficult to identify and this makes preventive work difficult. As these girls continue their normal lives going to school, their parents and teachers often never suspect that they are involved in prostitution. Child Pedagogical Inspectors report that in the summer season they often have many cases of Roma minor girls who offer their sexual services to drunken foreign tourists directly on the beach. The Roma girls then pick pockets, stealing money, watches and jewellery from their foreign clients. Most of these cases are treated as deviant behaviour or child prostitution, but not as child sex tourism. Some of the Police inspectors report difficulties in solving this problem due to the fact that the prostituting girls have become part of the organised criminal network consisting of owners of hotels, pimps, taxi drivers, owners of night clubs and waiters.

Bulgaria signed the *Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism* (Code of Conduct) in 2005. Since this time, attempts have been made to implement various activities within the tourist industry in order to protect children against sexual exploitation in tourism. However, these actions have been inadequate and only a limited number of experts have been included in efforts to implement the Code of Conduct.

The Code of Conduct was a part of a project *Collaboration between public and private sector for prevention of trafficking in children and sexual abuse in tourism*. The project was a joint initiative of the Organization for Security and Cooperation in Europe (OSCE), the SACP, the Animus Association Foundation and the

Austrian non-governmental organisation *Respect – Institute of Integrative Tourism and Development*. The purpose of the Code of Conduct in Bulgaria was to promote new methods of combating trafficking in children in Bulgaria by motivating the private sector and especially the members of the tourist industry of bringing in terms of prevention of sexual abuse of children by Bulgarian and foreign tourists and visitors. By applying the principles of the Code of Conduct in their business practices, tourism-related companies and tourist industry associations, are able to help prevent the child trafficking problem and create an image of Bulgaria as a secure and attractive tourist destination.⁹³

The ECPAT Alternative NGO Report on the Implementation of the Optional Protocol to the UN Convention on the Rights of the Child about the Sale of Children, Child Prostitution

and Child Pornography recommends further implementation of training modules for university students in tourism about the problems of sexual exploitation of children. Those who are working in the tourist industry such as tour operators, travel agents and company representatives should also be informed about the Code of Conduct for the prevention of trafficking in children and sexual exploitation of children within the industry. The main tourist agencies should be included in the activities related to the Code of Conduct and they should take responsibility in implementing the Code in the tourist industry in Bulgaria. This is particularly important as, due to Bulgaria's accession to the EU, Bulgaria may increasingly become an attractive destination for many foreign tourists.⁹⁴

Child marriages

Roma child marriages

The United Nations Human Rights Committee found that informal marriage arrangements for Roma girls under the age of 14 are widespread, despite it being illegal.⁹⁵ This is concerning because child marriage is a form of CSEC and because victims of child marriage have been identified as more susceptible to other manifestations of CSEC, most notably trafficking.⁹⁶ Fortunately, Bulgaria has the legislative framework for addressing both formal and informal child marriages. According to Article 6(2) of the *Family Code*, the minimum age for marriage is 16 years; however, children between the ages of 16-18 can only be married if both parties are minors, have different permanent addresses and are granted permission by the district judge. The *Criminal Code* also prohibits certain practices related to child marriage, such as receiving compensation in return for permitting the marriage of one's daughter or relative who is under the age of 16,⁹⁷ and abusing one's parental power to compel children under the age of 16 to live as married.⁹⁸ Informal marriages would most effectively be combated by Article 191(1), which criminalises an adult living with a girl under the age of 16 as if married. However, given its prevalence, enforcement of these provisions appears weak. Bulgaria should ensure that available legislative tools are used and enforced to curb the practice of child marriage, with a particular focus on Roma communities.

In Bulgaria, early marriages are usually followed by early births, because – at least with the traditional Roma families – the married woman is highly appreciated as the continuer of the family and must bear children. If she cannot fulfil this child-bearing

role, she will often be severely stigmatised within society. Frequently, different forms of domestic violence, divorces, and diseases among these young mothers accompany early marriage.⁹⁹

Once a year, thousands of Roma women from around Bulgaria travel to the city of Stara Zagora for an open-air brides market. Money, not love, is the first priority. The brides market is a tradition in Stara Zagora. Women are only allowed to be married within specific clans. The wife of the current clan chief was married at the age of 14. The brides today range in age from 14 to 20 years old. The parents often have to provide dowries worth thousands of Euro.¹⁰⁰ However, studies suggest support for these marriage traditions is waning. A 2007 report by Amalipe, a non-governmental organisation in Bulgaria, found that 52% of Roma opposed parents' choosing the spouse of their children, with 35% in favor. Only 18% of Roma supported the bride price; 69% rejected it.¹⁰¹

There are preventive activities in Bulgaria aimed at addressing the "early child marriage" phenomena, but they are insufficient for reducing or eliminating this traditional Roma "practice." One of these preventive projects is carried out by the Center for Interethnic Dialogue and Tolerance "Amalipe." The project aims to reduce the number of early and forced marriages among certain traditional Roma communities in Bulgaria, Romania and Greece by studying the problem, establishing a multidisciplinary network and partnerships between institutions, NGOs and the informal Roma leaders, campaigning to increase public awareness and working with Roma families.

NATIONAL PLAN OF ACTION

Each government should develop and implement specific policies and National Plans of Action (NPAs) to protect children from all forms of CSEC and establish a comprehensive framework for intervention in the following five key areas: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation. While aspects of CSEC have been disjointedly addressed in different NPAs, Bulgaria lacks a cohesive or comprehensive policy framework that thoroughly addresses all manifestations of CSEC.

The absence of a comprehensive CSEC policy framework marks a step backwards for Bulgaria, which had previously addressed CSEC as a high-priority policy issue with a separate NPA. The *National Action Plan against Commercial Sexual Exploitation of Children 2003-2005* (CSEC NPA)¹⁰² was praised in the 2006 Global Monitoring Report for being comprehensive and successfully implemented.¹⁰³ Despite its success, Bulgaria has not re-instated a successive CSEC NPA or indicated an intention to do so. Instead measures to address CSEC are now contained in the annual *National Strategy for Child Protection 2008-2018* and the annual *National Programme for the Prevention and*

Counteraction of Trafficking in Human Beings and Protection of Victims. This policy shift has resulted in a reduced focus on the interconnectedness of CSEC manifestations, taking instead a less coordinated and comprehensive approach that only focuses on certain aspects of CSEC. The government's continued efforts to include CSEC in the existing policy framework and their emphasis on children protection at the policy level are recognized; however, the Bulgarian Government should re-instate its practice of addressing CSEC in a separate NPA, which it has the institutional memory and capacity to do given the previous existence of such an NPA.

The *National Strategy for Child Protection 2008-2018* (Child Strategy)¹⁰⁴ was adopted under the framework of the *Child Protection Act* and is a comprehensive document that lays out the Bulgarian Government's strategy relating to children. The Child Strategy is the main policy document that addresses CSEC, with the exception of trafficking, which is more thoroughly addressed in the Trafficking NPA. Aspects of CSEC are included in the Child Strategy under the section *Protecting children from all forms of abuse, violence and exploitation* (CSEC Section). While the broad policy objectives outlined under this section touch on the five key areas related to CSEC, they do not provide a comprehensive CSEC policy framework. The level of detail is minimal and the Child Strategy does not address all four manifestations of CSEC, as there is no mention of child prostitution and there are no measures that target child sex tourism. There is also no mention of vulnerability reduction for Roma populations as it relates to CSEC and no measures for reducing the demand from child sex offenders. The Child Strategy does, however, provide a strong framework for ensuring child participation in general, though sustained and meaningful participation appears limited (see Child and Youth Participation Section) and there is no evidence that children and youth were consulted in the development of the Child Strategy.

The Child Strategy is delineated in an annual *National Programme for Child Protection* (Child Programme), which is adopted by the Council of Ministers each year for the implementation of the Child Strategy and provides more specific details on the realisation of the Child Strategy objectives. Unfortunately, the Child Programmes have lacked substantive measures devoted specifically to CSEC. The CSEC section of the 2012 Child Programme outlines minimal activities for enhanced identification methods

for victims of violence and trafficking (Activities 1.4-1.7), trafficking prevention campaigns (Activity 1.10), support services (Activity 1.12), child and youth participation (Activity 2.1) and the prevention of online sexual exploitation (Activities 2.3-2.5). However, most of these activities target child victims of violence generally and do not specifically target CSEC manifestations or CSEC victims. The 2012 Child Programme also fails to include any measures for child prostitution or child sex tourism and there is insufficient attention given to recovery and reintegration of CSEC victims (Activity 1.12 is the only such measure, which broadly seeks to improve child crisis centres). The Child Programmes would also be improved by attaching more specific and measurable guidelines for each activity. Currently, while the responsible institution(s) is/are listed, there is no demarcation of what specific tasks each institution is responsible for relating to that activity. Moreover, deadlines have not been identified and specific amounts of funding are not allocated. This absence of concrete measures has been identified as a key barrier to achieving the Child Programme objectives each year.^{105,106}

While specific government departments and/or NGOs are designated for the implementation of each activity in the Child Programme, the SACP¹⁰⁷ is charged with coordinating the overall implementation of the Child Strategy, as well as evaluating its achievements. According to the SACP, the implementation of each annual Child Programme is evaluated and recorded in an annual report.¹⁰⁸ These reports then form the basis of periodic reviews, which occur every three years, the first of which was recently completed and covers the period from 2008-2010.¹⁰⁹ However, the Child Strategy lacks defined reporting requirements and methods, which, given the variety of stakeholders involved in the implementation of the

Child Programmes, are critical to develop. Furthermore, the credibility of the evaluation reports is reduced by the fact that the SACP is responsible for developing child policies, coordinating their implementation *and* evaluating their success. To ensure a thorough

and unbiased assessment of child protection policies, an independent body/individual at arm's-length from the government should be appointed to replace the SACP in the monitoring and evaluation of the Child Strategy.¹¹⁰

National Programme for the Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims

The Bulgarian Government has adopted a *National Programme for the Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims* (Trafficking NPA) annually since 2005. According to Article 7(2) of the *Combating Trafficking in Human Beings Act*, the NCCTHB, which includes representatives from a wide range of government agencies and coordinates all of the trafficking efforts in Bulgaria, is responsible for preparing and coordinating the implementation of the Trafficking NPAs. The 2012 Trafficking NPA¹¹¹ is largely compliant with the recommendations for NPAs contained in the *Rio Declaration and Call for Action* in that it provides a framework for action in the five outlined areas¹¹² as related to trafficking. The Trafficking NPAs are a positive development in CSEC policy, and the focus on Roma communities in the 2012 Trafficking NPA is commendable. The 2012 Trafficking NPA contains a number of activities that are important for combating trafficking in children for sexual purposes; however, the limited focus specifically on children is a critical shortcoming.

The 2012 Trafficking NPA is in many ways a comprehensive policy document that has narrowed in on some critical trafficking issues, though measures directed specifically towards children are inadequate. For example, the Prevention Section (Section II) importantly targets consumers of sexual services (Activity 2), vulnerable groups to sex trafficking (Activity 3) and ethnic Roma communities

(Activities 6 and 8). However, none of these prevention activities specifically mention children. The Training and Education Section (Section III) and the Research and Data Section (Section V) do have measures that expressly target children; though the Recovery and Reintegration Section (Section IV), the International Cooperation Section (Section VI) and the Legislative Section (Section VII) do not. This gap could result in ineffective protection for children against trafficking for sexual purposes since their unique vulnerabilities and needs are not specifically accounted for. The NCCTHB should ensure that future Trafficking NPAs include more substantive measures devoted specifically to the trafficking in children for sexual purposes. To enhance this aspect of the Trafficking NPAs, the NCCTHB should involve children and youth in the creation of the NPAs, as there is no evidence of this occurring to date.

Exact funding allocations and a clear delineation of tasks for each responsible institution should also be included in future Trafficking NPAs for increased clarity. The absence of specific funding amounts has likely contributed to the reliance on external financing for implementing many of the outlined activities.¹¹³ Additionally, an independent evaluation and monitoring mechanism should be established to provide an unbiased assessment on the implementation of the Trafficking NPAs. Currently the implementation of each Trafficking NPA is evaluated by the

NCCTHB and published in an annual report. However, these reports are not available to the public.

A more effective option would be for the SACP, as the state body specifically dealing with children's issues, to establish a new NPA focused on CSEC and to continue the

good practice contained within the expired NPA of 2005. This new NPA, coordinated by SACP, should be based on the international standards concerning CSEC. This new NPA would have to be closely connected to the current NPA which is coordinated by NCCTHB and focuses on the trafficking of human beings in Bulgaria.

COORDINATION AND COOPERATION

Local and national level

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the *Stockholm Declaration*, close interaction and cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC. There is no responsible body in Bulgaria comprised of relevant stakeholders, such as public authorities and NGOs, which coordinates the elimination of all forms of CSEC. It is likely that this is due to the absence of a NPA that addresses all manifestations of CSEC, as well as the fact that protection of children from sexual exploitation is included in the *Child Protection Act* as "protection of child at risk." However, there are *ad hoc* instances of inter-sectoral cooperation at national and local levels, most notably for trafficking.

Bulgaria has pursued a nationally coordinated approach to human trafficking, as evidenced by the establishment of the NCCTHB, the *National Mechanism for Referral and Support of Trafficking Persons* and the *Coordination Mechanism for Referral, Care and Protection of Repatriated Unaccompanied Minors*. The *Combating Trafficking in Human Beings Act* (Trafficking Act) was enacted in 2003 to "ensure co-operation and co-ordination between the bodies of state and the municipalities, as well as between them and the NGOs, with a view of preventing and defying trafficking in human beings, and developing the national policy in that area."¹¹⁴ To achieve this end, the NCCTHB was established to coordinate cooperation and implementation at a national level and Local Commissions for Combating Trafficking in Human Beings (Local Commissions) were created to fulfil these responsibilities

at a local level.¹¹⁵ There are currently Local Commissions in Burgas, Varna, Montana, Pazardjik, Plovdiv, Russe and Silven, covering seven of Bulgaria's 28 regions.¹¹⁶

The NCCTHB and Local Commissions are comprised of representatives from a wide range of government departments, providing a valuable forum for intra-governmental cooperation.¹¹⁷ Furthermore, the subordination of the NCCTHB to the Council of Ministers, rather than to a particular ministry, demonstrates the political intention for the Trafficking Act to serve as an inter-agency framework. However, despite providing a comprehensive framework, the NCCTHB reportedly lacks the capacity to effectively facilitate the coordination of different stakeholders.¹¹⁸ The NCCTHB does not have sufficient funding to effectively carry out the full range of tasks within their

mandate,¹¹⁹ and have therefore had to rely significantly on external funding.¹²⁰ The Bulgarian Government should ensure that the NCCTHB is equipped with the resources to fully realize their objectives and implement an effective, multi-faceted and multi-stakeholder response to combat trafficking.

The Trafficking Act also seeks to establish cooperation between government institutions and NGOs; yet “there is nevertheless a feeling in the NGO community that NGOs are not sufficiently involved in the national policy making process.”¹²¹ Article 4(4) allows NGO representatives to attend meetings of the NCCTHB, which are held once or twice a year to adopt a new Trafficking NPA; however NGOs are only granted observer status (though selected NGOs – including Animus Association and Nadia Centre Foundation – have signed a memorandum of understanding with the Ministry of the Interior).¹²² However, NGOs are granted full membership with the Local Commissions¹²³ and five NGOs and two international organisations are also members of the expert-working group that is set up under the NCCTHB and meets once a month for higher-level discussion about every-day trafficking issues.¹²⁴ These avenues for cooperation between government and NGOs in the trafficking sphere illustrate NCCTHB’s commitment to a multi-stakeholder approach and are laudable. However, more sustained and meaningful cooperation would be achieved if NGOs were granted full participation rights at NCCTHB meetings to contribute to shaping national trafficking policies.

While government-NGO coordination at the policy level requires improvement, cooperation between the NCCTHB, government departments and NGOs in the delivery of trafficking programmes and activities seems to be effective. In 2008, the NCCTHB partnered with the SACP, the Ministry of Education, Youth and Science, and several NGOs to develop educational materials for school children and teachers that

were disseminated to over 3000 schools.¹²⁵ The 2009 *Better informed than exploited* campaign is another example of a multi-stakeholder driven initiative.¹²⁶

The *National Mechanism for Referral and Support of Trafficking Persons* (NRM), adopted by Bulgaria in 2010, is another significant framework for promoting and facilitating coordination and cooperation of trafficking efforts. Representatives from a broad spectrum of stakeholder groups (including NGOs, international NGOs, and a wide range of government departments) participated in the working group that created the NRM and the NCCTHB is responsible for coordinating and monitoring its implementation. Acting as a tool for effective and enhanced victim identification and support,¹²⁷ the NRM is a highly comprehensive document, which affords special attention to cases of child victims of trafficking. With impressive detail, the NRM “describes the roles and procedures of all stakeholders and provides concrete measures and steps for the identification and referral of trafficked persons.”¹²⁸ However, unfortunately, as of 2010, the necessary funding has not been provided for the NRM’s full implementation.¹²⁹ Given the infancy of the NRM, its sustainability and efficacy remain to be seen. However, based on its potential to propel a coordinated response to trafficking forward, the government should ensure the NRM is allocated the resources needed to actualise its potential.

In 2005, Bulgaria adopted a *Coordination Mechanism for Referral, Care and Protection of Repatriated Unaccompanied Minors* (CM) that provides a coordinated framework specifically for child victims of trafficking.¹³⁰ “It sets up a system for the inter-institutional referral of cases and creates obligations for cooperation between stakeholders involved in the fight against trafficking in children.”¹³¹ This mechanism was established under the framework of the CSEC NPA and its implementation is coordinated and monitored by the Ministry of the Interior and the Chair

of the SACP.¹³² Updates to the CM in 2010 expanded the range of stakeholders, options for receiving information about children abroad, stages of referral and assistance, and the description of the powers of all institutions involved.¹³³ It has been reported that this mechanism is functioning well at the national level, though there are problems with its implementation at the local level.¹³⁴ There is a lack of financial security for future implementation of the CM at national and local levels because state funding of the CM has not been ensured in the budget since the CM's inception.

The CM, the current coordination mechanism for referral and care of cases of unaccompanied children, has been updated and developed in accordance with the *National Strategy for the Child 2008-2018*. Its principles are integrated in the annual *National Programmes for Child Protection* as well as in *National Programmes for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims*. The CM has been developed in accordance with the most recent amendments in the national legislation for child protection, the legislation against trafficking in human beings and international instruments ratified by the Republic of Bulgaria.¹³⁵

Coordination and cooperation efforts/mechanisms relating to other manifestations of CSEC pale in comparison to those in relation to human trafficking. There is, however, a positive framework for coordinated approaches to child pornography, though a recent study indicated the need for continued improvement in this area.¹³⁶ The National Public Council on Safer Internet Use in Bulgaria (the Council) supervises the Bulgarian Hotline and Safer Internet Node (see Safer Internet Centre text box below). The Council is made up of representatives from a wide range of government departments, NGOs, industry associations, and the private sector, providing “a coordination platform for the

various stakeholders involved in limiting the distribution of harmful and illegal content and protecting the rights of users, particularly those of children.”¹³⁷ The inclusion of such a broad spectrum of stakeholders¹³⁸ is commendable and it is especially laudable that major ISPs and telecommunication providers are involved, as they are critical players in the fight against online sexual exploitation. There are a number of examples of successful private sector-NGO cooperation in prevention efforts (see Private Sector Involvement Section below). There also appears to be good cooperation between the Cyber Crimes Police Unit and the Bulgarian Hotline, evidenced by the fact that up until 2009, all of the reports forwarded to the police by the Hotline had been addressed.¹³⁹ To ensure sustained coordinated efforts against child pornography, the various stakeholders should develop a common agenda for action,¹⁴⁰ which can then serve as the basis for a new NPA covering online sexual exploitation or more comprehensive coverage in existing NPA structures.

Also highly relevant for CSEC is a coordinated approach to child protection more generally. The SACP is responsible for the coordination and control of child protection activities¹⁴¹ and receives consultative support from the National Council for Child Protection. The National Council for Child Protection is made up of representatives from a wide range of government departments and NGOs who work in the field of child protection, allowing for multi-stakeholder input and cooperation in the development of child protection policies and activities.¹⁴² However, the CRC has highlighted the need for improved child protection coordination, particularly among the local Child Protection Departments.¹⁴² The Bulgarian Government should focus on streamlining and augmenting child protection coordination, with a particular strategy/focus on the coordination of CSEC-related activities.

In April 2012, the Neglected Children Society (NCS), the ECPAT group in Bulgaria, organised a multi-stakeholder conference within the Mario project framework to facilitate the exchange of experiences and best practices in protecting children at risk. Participants at the conference included representatives from government institutions and NGOs, as well as members from the youth group that was established under the Mario project. Discussions at the conference focused on cooperation between different institutions at the national and local levels, the exchange of good practices, and particular aspects of child protection that require improvement.¹⁴⁴

As evidenced above, Bulgaria has pursued a number of nationally coordinated efforts related to CSEC activities and policies. However, there is a pressing need for a coordinated approach for *all* manifestations of CSEC; in particular it is important for Bulgaria to create coordinated efforts

specifically focused on child prostitution and child sex tourism. Given the inter-connected nature of CSEC manifestations, Bulgaria should also develop a coordinated approach to CSEC more generally, which would be aided by re-instating a separate CSEC NPA.

DATA COLLECTION

Bulgaria's lack of comprehensive data related to CSEC is a critical barrier to understanding the scope of CSEC in the country and ensuring a targeted and effective response. As echoed by the international community,¹⁴⁵ Bulgaria needs to develop a centralised mechanism, specifically addressing children, to systematically collect statistics on all manifestations of CSEC, disaggregated by sex, age or ethnic or social origin and ensure that these statistics are analysed and used as a tool in the development and implementation of CSEC policies and activities. Effective data collection will require coordination and cooperation among government and NGO actors that work with potential or actual victims of CSEC.

Current available government statistics related to CSEC are limited to those published by the National Statistics Institute (NSI).¹⁴⁶ They consist of information obtained by the Police Child Pedagogical Offices through data collection under the title "Children passed on to child pedagogical rooms for committed anti-social acts." With regards to child prostitution, there are statistics disaggregated by sex and age on the number of children who pass through

child pedagogic offices for prostitution and on the number of children who are victims of prostitution.¹⁴⁷ (See Child Prostitution Section above for additional information/problems on child prostitution statistics). Statistics related to child pornography and trafficking in children are shaped by the efficacy of law enforcement since they only identify victims of these offences.¹⁴⁸ There are no statistics on child sex tourism or on CSEC offenders and none of the data has been disaggregated by ethnic or social origin, which is critical for understanding and addressing the vulnerabilities of Roma populations. Furthermore, the Bulgarian Government has itself acknowledged that the NSI statistics are likely grossly under-representative of the actual number of child victims, as they only capture children who have been identified by the police.¹⁴⁹

The GRETA report indicated that the Bulgarian Government has been developing a system for improving the data collection for human trafficking, which is reportedly still under construction.¹⁵⁰ Purportedly, the NCCTHB has been collecting data on victims of trafficking from all relevant authorities, including NGOs, as well as data

on trafficking offenders from the Prosecutor's Office since 2008.¹⁵¹ The database is said to include over 50 indicators that cover "the social background of the victims, the recruiter and the recruitment, the transportation process, the exploitation phase, the return, accommodation, assistance and reintegration, the criminal proceedings and compensation files"¹⁵² and also includes the option of categorizing victims as potential or identified,¹⁵³ which will significantly aide in

risk-reduction. This database is a welcomed development and a critical step towards improving Bulgaria's data collection. The Bulgarian Government should ensure the system is equipped with the resources to be successfully implemented and monitored. The government should also prioritise the development of similar systems for collecting data on child trafficking, child prostitution, child pornography and child sex tourism specifically.

The lack of reliable ethnically disaggregated data in Bulgaria also remains a stumbling block to effective CSEC policies. The *Ministry of the Interior Act*, Article 157(1), prohibits the collection of data based solely on racial characteristics or ethnic origin.¹⁵⁴ However, the Open Society Foundation has emphasized the possibility of collecting ethnic data as one component within disaggregated data in ways that protects the privacy of individuals and groups while providing critical information for drafting viable and effective policies.¹⁵⁵ Bulgaria should pursue such methods since ethnically disaggregated data is essential for understanding the prevalence and manifestations of CSEC among Roma populations and draft policies and programmes accordingly.

Regional and international level

At an international level, effective cooperation is required between countries and international organisations, including regional organisations, to ensure a concerted and coordinated approach is taken in eliminating CSEC. Regional and international cooperation is well developed in the area of combating trafficking in persons. There have, however, been limited regional/international efforts related to child pornography and no such efforts relating to child sex tourism or

child prostitution. Bulgaria is encouraged to maintain its presence in the regional and international trafficking arena and continue to pursue bilateral partnerships with key trafficking destination countries. It is also critical that Bulgaria seek out regional and international cooperation opportunities related to all other manifestations of CSEC to share best practices and enhance a coordinated approach and a comprehensive fight against CSEC in the region.

The Bulgarian Ombudsman Institution is a member of the South East Europe Children's Rights Ombudsperson Network (CRONSEE), along with 14 other Ombudsman Institutions from 12 countries in the region (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Greece, Kosovo, Macedonia, Montenegro, Romania, Slovenia and Serbia).¹⁵⁶ Save the Children Norway established CRONSEE in 2005 to facilitate regional cooperation for the protection of children's rights. The network provides a forum for the Ombudsman Institutions to "learn from each other's experiences, to harmonise their positions on specific child rights topics, to jointly address burning issues and identify mutual priorities."¹⁵⁷ Conclusions reached at thematic meetings and conferences form the basis of guidelines and advocacy initiatives in their respective countries.¹⁵⁸ In 2010, CRONSEE held a conference titled, "Children are entitled to protection from sexual exploitation and abuse – have we done enough to protect them?"¹⁵⁹ The conclusions reached at the conference sought to strengthen the system of protection of children from sexual abuse and exploitation in the region.¹⁶⁰

Bulgaria is participating in the *Comprehensive Response to On-line Child Sexual Abuse and Exploitation in South-East Europe* project, 2010-2013.¹⁶¹ The project is a collaborative effort between governmental and non-governmental partners in Bulgaria, Serbia and Bosnia and Herzegovina to enhance coordination in combating online sexual exploitation and abuse.¹⁶² In 2010, NGO partners from Bosnia and Herzegovina and Serbia conducted a study visit to Bulgaria, where the local NGO partners (Centre for Inclusive Education and the Fund for Applied Research and Communications) presented their methods and discussed the challenges they were facing in combating online sexual exploitation and abuse. Similar visits are planned in the future to continue learning from best practices in the region. Bulgaria was also a partner in the FIVES Project, 2009-2011, established under the Safer Internet Program, that engaged regional cooperation

to enhance tools for investigations related to child pornography.¹⁶³

Bulgaria has a number of bilateral cooperation agreements with neighbouring countries to facilitate the transnational enforcement of trafficking, including seven Joint Investigation Teams that aid in the prosecution of trafficking offences (three of them with the Netherlands, two with the UK, and one with both Germany and Slovenia).¹⁶⁴ Bulgaria is also a member of INTERPOL and EUROPOL, has concluded agreements for police cooperation with almost all EU and EFTA states, and is Party to the *Convention on Police Cooperation in South-East Europe*.¹⁶⁵ Their willingness to cooperate with law enforcement officials in other countries on trafficking investigations is evidenced by their collaboration on 17 such investigations in 2010.¹⁶⁶

In June 2012, Bulgaria collaborated with law enforcement officials from France, Poland and Belgium in a successful operation against a criminal network conducting trafficking in human beings in several states. Young women were being recruited in Bulgaria and trafficked to other European countries for sexual exploitation, while the proceeds of these transactions were transferred back to, and invested in, Bulgaria. A Joint Investigation Team was first established between Bulgaria and France, with support from Eurojust and Europol, and then cooperation with Poland and Belgium became necessary given the transnational scope of the network. Six European Arrest Warrants were transmitted by French authorities and a total of nine people were arrested.¹⁶⁷

Bulgaria participated in *The Regional Child Trafficking Response Program* (CTRP), along with seven other countries in South Eastern Europe. The programme was coordinated by Save the Children Albania and implemented in Bulgaria by NGOs Partners Bulgaria Foundation and Animus Association Foundation. The initial phase of CTRP was from 2002-2004, followed by a second phase from 2006-2008 and a third phase from 2009-2011.¹⁶⁸ The main objective of the program was to develop effective models for the prevention and support of children at risk and children victims of trafficking.¹⁶⁹

In 2009-2010, Bulgaria partnered with the Netherlands to implement the project *Trafficking in human beings in Bulgaria and the Netherlands – common efforts in counteraction*.¹⁷⁰

The project sought to strengthen the Bulgarian response to human trafficking and enhance cooperation between Bulgaria and the Netherlands to more effectively combat trafficking.¹⁷¹ The partners involved in the project were: NCCTHB, Ministry of Interior-Directorate for Countering Trafficking in Human Beings, the Dutch Agency for International Business and the Netherlands Police Agency.¹⁷² In addition, GRETA reported that Bulgaria and Austrian authorities have jointly developed a model for combating child trafficking and similar models are being set up with Greece and the UK.¹⁷³ Within the Mario project framework (see text box below), Bulgarian and Greek child protection authorities, law enforcement agencies, prosecutors and NGOs have had two meetings to improve

collaboration in the protection of Bulgarian migrant children in Greece in light of the growing number of Bulgarian children being trafficked to Greece.¹⁷⁴ The first meeting was held in September 2012, followed by a second meeting in March 2013 and there is a discussion of the two countries signing a bilateral agreement.

Bulgaria, represented by the NCCTHB, was a partner in the *Development of a Transnational Referral Mechanisms for Victims of Trafficking between Countries of Origin and Destination* (TRM-EU) project, 2007-2010, implemented by the International Centre for Migration Policy Development (ICMPD).¹⁷⁵ The project sought to develop an institutionalised transnational referral mechanism for victims of trafficking.¹⁷⁶ Bulgaria was also involved in the *Programme to Support the Development of Transnational Referral Mechanisms* (TRM) for Trafficked Persons in South-Eastern Europe in 2006-2009. Building on these two projects, the ICMPD launched a third phase, *Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe* (TRM II), from September 2010-June 2012, which Bulgaria and nine other Eastern European countries participated in.¹⁷⁷ The objective of TRM II was to “ensure effective

assistance and protection for trafficked persons, especially minors and victims of labour exploitation, by developing a reporting template for all participating countries to facilitate transnational communication on trafficking cases at the operational level.”¹⁷⁸ The Final Transnational Seminar of TRM II was held in Romania from 27-29 February 2012, and was attended by over 100 representatives from governments, NGOs and IGOs.¹⁷⁹ The key achievements of the project, as well as the remaining challenges for anti-trafficking efforts in the region were discussed.

Bulgaria is currently participating in ICMPD’s *Development of Common Guidelines and Procedures on the Identification of Victims of Trafficking* project, 2011-2013, along with France, Spain, Greece, the Netherlands and Romania.¹⁸⁰ The objective of the project is to “enhance and harmonise the methods and procedures for the identification of victims of trafficking within the participating EU Member States through the development of common guidelines for the identification of VoT.”¹⁸¹ To achieve this objective, the project seeks to share best practices, provide trainings for professionals, and to disseminate common guidelines among all 27 EU Member States.

The Mario project is a joint initiative to improve the protection of migrant children in Europe through enhanced national and regional cooperation. “It focuses on children coming from Central and South-Eastern Europe who are at risk or are victims of abuse, exploitation and/or trafficking.”¹⁸² Initiated in 2009 with funding from the OAK Foundation, the project covers an expansive geographic range. This includes Albania, Kosovo, Bulgaria and Poland at the regional level; and the Netherlands, Spain, Italy, Greece, Macedonia, Belarus and Ukraine at the international level. The NCS, the ECPAT group in Bulgaria, is the implementing partner in Bulgaria. There are a number of examples of cooperative regional initiatives that have been developed under the Mario framework. In May 2011, NCS, ECPAT Netherlands, the Nobody’s Children Foundation, Save the Children in Albania and Terre des homes organised a conference entitled “European Migrant Children: What Protection” which sought to draw attention to the challenges facing migrant children in Europe and discuss strategies affecting positive change.¹⁸³ The Mario project has also resulted in a number of important research studies and publications.¹⁸⁴

The Reveni project is another transnational operation which seeks to monitor the return procedures for Romanian and Bulgarian children. The monitoring was scheduled to take place between 30 July 2011, and 31 December 2012, and a conference was held in Budapest in December 2012. An international study is to be published following the conclusion of this project to provide an in-depth view on the gaps and good practices in return procedures.¹⁸⁵

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC such as poverty and lack of education.

Long-term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium-term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities. Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (eg users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for child victims of CSEC.

Consistent with the general trend of CSEC efforts in Bulgaria, Government prevention initiatives have focused heavily on human

trafficking. Prevention of sexual exploitation has received increased attention in recent years, though primarily initiated by NGOs. It is necessary that SACP, the main body responsible for implementing the policy for child protection, place greater attention on the prevention of the different forms of CSEC in order to coordinate and monitor these actions more effectively. Unfortunately, there have been no government or NGO prevention activities specifically targeting child sex tourism or child prostitution in recent years. Prevention efforts have also generally failed to target the most vulnerable communities in Bulgaria; for example, trafficking prevention activities are rarely located or implemented in Roma communities/neighbourhoods.¹⁸⁶ Given the vulnerability of these populations to CSEC, this is a critical gap in prevention activities.

However, with the prioritisation of trafficking prevention in Roma communities in the 2012 NCCTHB Trafficking NPA,¹⁸⁷ the government seems to have recognised this need and is taking steps towards improvement. To ensure long-term CSEC prevention, the government should focus increased attention on social and economic empowerment as a key prevention strategy against CSEC, especially for vulnerable groups. The Bulgarian Government must also initiate efforts to tackle child prostitution and child sex tourism to ensure a comprehensive prevention strategy against all forms of CSEC.

Awareness raising

The NCCTHB and a number of NGOs have been particularly active in raising awareness about trafficking in Bulgaria. It is notable and promising that a number of these campaigns have specifically focused on or targeted

children and youth. However, trafficking awareness raising efforts have been criticised for relying on funding from international donors or NGOs,¹⁸⁸ failing to target the most vulnerable groups and inadequately

engaging all relevant actors.¹⁸⁹ Positively, there have been promising steps to address these criticisms, such as increasing government funding for trafficking prevention activities to \$37,000 in 2011,¹⁹⁰ and the prioritisation of efforts to prevent trafficking in Roma communities in the 2012 Trafficking NPA (Activities 6 and 8 in Section II and Activity 2 in Section V).¹⁹¹

The NCCTHB and the Local Commissions have been assuming their assigned prevention responsibilities under the Trafficking Act,¹⁹² and have been particularly active in raising awareness about human trafficking in recent years. In 2011, Bulgaria implemented its annual campaign *Human Trafficking – Time for Action*, which included the broadcasting of trafficking information on radio and television networks, as well as major advertising in three prominent metro stations in Sofia.¹⁹³ In 2009, the NCCTHB conducted the *Better informed than exploited!* campaign to raise awareness about human trafficking among children, students and parents.¹⁹⁴ *A summer without risk*, which reached over 2000 students in 2010,¹⁹⁵ and the *You are not for sale* campaign are two examples of the awareness raising activities initiated by the Local Commission in Varna.¹⁹⁶ These activities were funded by the

local government of Varna, which allocated \$20,000 for trafficking prevention activities in 2010.¹⁹⁷ The Local Commissions in Varna and Pazardzhik have also importantly been focusing prevention activities in Roma communities.^{198,199} However, despite a strong focus on raising awareness in schools (see Training and Education Section below) it has been reported that no such efforts have been conducted in segregated Roma-only schools.²⁰⁰

NGOs also play a critical role in raising awareness about trafficking. The NCCTHB keeps a list of national and international NGOs that are active in the area of combating human trafficking in Bulgaria, which is currently comprised of 30 organisations.²⁰¹ The *REACT – Raising Awareness and Empowerment against Child Trafficking* project is one example of a prominent NGO-led awareness raising campaign. It was a two-year project (2009–2010) that was implemented in Bulgaria, Denmark, Italy and Romania. REACT was coordinated by Save the Children Italy and was implemented in Bulgaria by the Animus Association Foundation. The project included the delivery of awareness raising campaigns that specifically targeted children at risk of trafficking and child victims of trafficking.²⁰²

Bulgaria's Safer Internet Centre

Since 2006, within the framework of the European Commission's Safer Internet Programme, a hotline, helpline and awareness centre have been established in Bulgaria. In 2006, the NGO Applied Research and Communications Fund (ARC Fund) launched the Bulgarian Hotline for Fighting Illegal and Harmful Content in Internet, www.web112.net, which became a member of the International Association of Internet Hotlines (INHOPE) network in 2006. The hotline provides a reporting facility for anyone who spots harmful or illegal content or conduct online, primarily with regards to children. The main priority of the Hotline is to fight the dissemination of child abuse materials and online "grooming" of children.²⁰³ The Hotline is supervised by the Public Council on Safer Internet Use in Bulgaria, which is comprised of representatives from government institutions, major ISPs and NGOs (for more information on the Council refer to the Coordination and Cooperation Section above).

In June 2008, the Bulgarian Safer Internet Centre (SIC), www.safenet.bg, was established and is a member of INSAFE, the European Network of Awareness Centres. The centre was founded by ARC Fund, Association Roditeli, the Bulgarian Federation for Electronic Sport and DeConi Advertising Agency, and was co-financed by the Safer Internet *plus* Programme of the European Commission.

By providing information for children, teenagers, parents and teachers about safe internet use, and coordinating various other awareness raising, training, research and information activities, the centre plays a critical role in preventing the sexual exploitation of children online.

The final component of the Safer Internet Programme services was completed in April 2011, when Bulgaria's helpline, www.helpline.bg or #124-123, was launched. The consultants at the helpline provide information on safe Internet use and offer advice and solutions to immediate online threats. Users can contact the helpline by phone, email, skype or online chat, and the recent development of an Android application for smartphones makes it even easier to do so.²⁰⁴ Strong cooperation between the ARC Fund and three Bulgarian mobile operators has allowed the Helpline to charge a very minimal fee of 0.07 euro per call, regardless of length.²⁰⁵ In 2011, the Helpline conducted 261 counselling activities.²⁰⁶

The Bulgarian SIC has coordinated or participated in a number of national awareness raising activities to help protect children online, including the coordination of the annual Safer Internet Day (SID) celebration. The 2011 SID activities were conducted in more than 100 schools in 14 cities and towns around the country.²⁰⁷ Other SIC awareness raising activities in 2011 included the Annual Familathlon to promote the new Helpline and raise awareness among parents about the risks their children face online, as well as the distribution of educational materials at the Sofia Breathes Festival and the European Mobility Week.²⁰⁸

The *You choose (whether to be a victim online)* campaign, which was launched in 2009, warned youth about posting personal data online and raised awareness about the Bulgaria Hotline and Centre. The campaign used TV and radio broadcasts, as well as over 10,000 posters and 15 billboards to spread the message.²⁰⁹ Recently, in April 2012, the Centre organised sessions in northern Bulgaria for youth on local school councils about the risks and opportunities of the Internet, as well as strategies for keeping safe online. More of these training sessions are planned throughout 2012.²¹⁰

Private sector involvement

The *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* (Code) is an increasingly important global tool for involving the tourism sector in the prevention and monitoring of child sex tourism. There are currently 10 companies in Bulgaria who are signatories to the Code, including travel agents, business associations, the Tourist Chamber, and hotels,²¹¹ and the Bulgaria Animus Association is a Local Code Representative.²¹² By signing the Code, businesses commit themselves to providing information to customers about child sex tourism and training staff at all levels to recognise and report suspicious activity. Signatory companies reportedly lack the

capacity to assume their responsibilities under the Code, which has been recognised as stalling its successful implementation and drawing attention to Bulgaria's absence of measures to combat child sex tourism.²¹³

One positive attempt to implement the Code occurred in 2006 when the Animus Association Foundation, with the support of international organisations, launched three training workshops to raise awareness about CSEC and the Code for representatives of the tourism industry in Bulgaria (two were held on the Black Sea coast and one in Sofia).²¹⁴ No other efforts to facilitate the implementation of the Code have since been conducted. To ensure maximum protection

against child sex tourism, more companies that operate in the tourism sector should be encouraged, or incentivised, to sign on to the Code and there need to be steps taken to ensure the full implementation of the Code. Bulgaria should be warned against waiting for child sex tourism to become a prominent issue before taking efforts to prevent it.

As mentioned above, the Public Council on Safer Internet Use has also provided a valuable platform for private sector involvement in prevention activities related to child pornography. Microsoft-Bulgaria has been involved in a number of awareness

campaigns coordinated by the SIC, including the annual *Children Safe in Internet* campaign and the Cyber-festival for school children in Sofia.²¹⁵ As part of the Safer Internet Day campaigns, three mobile operators in Bulgaria – Mobitel, GLOBUL and Vivacom, send upwards of 3 million SMSs to their customers.²¹⁶ A constructive agreement was also announced in 2002 between the owners of major free host servers, such as BOL.BG, and the Ministry of Interior, which stated that the Directorate National Service for Fight Against Organized Crime (DNSFOC) will be notified of any websites containing illegal materials.²¹⁷

Training and education

Training and education about CSEC issues in Bulgaria lacks institutionalisation and therefore the consistency and scope to ensure maximum results. There have been a number of fragmented efforts by the government (primarily related to trafficking) and NGOs (primarily related to child pornography) to provide CSEC-related training and education to relevant professionals and to children and youth. However, the Bulgarian Government should require CSEC education in all school curricula, and should mandate training about CSEC for all relevant officials and professionals so as to ensure these efforts are sustained, comprehensive and widespread.

While it is not mandatory to include CSEC materials in school curricula, there have been a number of initiatives to provide CSEC information in schools. Reportedly, as part of the 2003-2005 CSEC NPA, 120 schools developed curricula that included CSEC information and provided relevant training to 1000 teachers.²¹⁸ There is no information available as to whether these curricula, and the associated training, have been ongoing. Another initiative provided trainings for police officers to deliver CSEC workshops in 900 schools.²¹⁹ While similar initiatives have been implemented in recent years, they have not been sufficiently systematic and comprehensive with respect to prevention activities and facilitating training in the schools.

The SIC has been involved in a number of education and training programmes for

students and teachers about staying safe online.²²⁰ One example is the SIC's creation of "Play and learn: Being online" activity book, which targets children from 4 to 9 years old and provides the basis of an interactive presentation for elementary school teachers to use in class.²²¹ The SIC is commended for their efforts to raise awareness among children and youth in schools. The Bulgarian Government on the other hand is minimally involved in education and awareness raising initiatives in schools about online sexual exploitation and should step up their efforts to parallel those related to child trafficking initiatives.

Trafficking education has also been increasingly making its way into Bulgarian schools. The NCCTHB developed a manual for trafficking education that was distributed to all of the schools in Bulgaria in 2010.²²²

Reportedly, trainings for teachers on how to use the manual have been organised.²²³ Also in 2010, the Ministry of Education, Youth and Science, the NCCTHB and the Local Commissions delivered sessions on the prevention of human trafficking to 300 teachers and pedagogic counsellors at schools in 9 Bulgarian cities.²²⁴ Similar efforts were undertaken in 2011, whereby the government trained 180 teachers on engaging students about the issue of human trafficking.²²⁵ The NCCTHB has increased the amount of funding allocated to the training of relevant professionals, including teachers,²²⁶ and the 2012 Trafficking NPA plans for continued teacher and counsellor trafficking training (Section III, Activity 12).

There have also been some initiatives to provide training about human trafficking and online risks to other professionals outside of the school environment. For example, trafficking training was provided to diplomats, consuls and military attachés at the Diplomatic Institute of the Ministry of Foreign Affairs in Bulgaria.²²⁷ The International Cyber Investigation Training Academy (ICITA), which was established in 2009, will be providing training for IT managers from government agencies and the private sector throughout 2012-2015.²²⁸ These are important initiatives; however, it is unclear whether any of these training initiatives have

specifically included material on child victims of trafficking for sexual purposes and their unique needs/vulnerabilities.

The SACP has adopted the *Code of Ethics for Professional Groups that Work with Children*,²²⁹ which is reportedly distributed to all specialists who work with children in education, health, welfare, justice, and home affairs among others.²³⁰ However, it does not include any provisions that account for the unique challenges/sensitivities/requirements of working with CSEC victims specifically. Given that training about CSEC to those who provide services to children appears minimal, this would be a valuable addition to the Code of Ethics. Under the *Improving the Bulgarian-Norwegian response to human trafficking* project, training was provided for magistrates and social workers employed in shelters, crisis centres and child protection units in 2010.²³¹

During 2011, ECPAT Bulgaria facilitated two local training sessions for 50 professionals, including social workers and psychologists from different districts of Bulgaria. The first session covered issues surrounding working with children who have experienced violence, and the second addressed the significant role of partnership in psycho-instructive work with children who have been placed in alternative care.²³²

Vulnerability reduction

Given that Roma populations in Bulgaria are particularly susceptible to CSEC, efforts that target these communities and seek to address the underlying factors that contribute to their vulnerability are critical to ensure long-term CSEC prevention. The Bulgarian Government has demonstrated a commitment to improving the social and economic inclusion of Roma populations and needs to ensure that sustained resources and efforts are dedicated to following through on these commitments.

Bulgaria is a member of the *Decade of Roma Inclusion 2005-2015* (Roma Decade), along with 11 other European countries.²³³ By

participating in this Decade, these countries have committed to improving the economic status and social inclusion of Roma through

collaboration among governments, NGOs and civil society, with the support of a range of international organisations.²³⁴ Under this framework, Bulgaria developed the *National Action Plan Roma Inclusion Decade 2005–2015* (Roma NPA) which highlights six priority areas: education, health care, housing, employment, protection against discrimination and guaranteeing of equal opportunities and culture.²³⁵

As a member of the EU, Bulgaria has also adopted a *National Roma Integration Strategy of the Republic of Bulgaria* (2012–2020) (Roma Strategy).²³⁶ The Roma Strategy is a policy framework document that lays out the guidelines for implementing social integration policies relating to Roma people, with seven priority areas: education, healthcare, housing conditions, employment, rule of law and non-discrimination, and culture and media.²³⁷ The operational implementation of the Roma Strategy will be carried out in two periods: the first from 2012–2014, with the completion of the Roma NPA, and the second from 2014–2020, following an analysis of the Roma Decade. While the Roma Strategy is an important continuation of Roma inclusion efforts, all of the EU strategies for Roma inclusions, including Bulgaria's Roma Strategy, have been criticised for failing to describe how EU funds will be better used for Roma inclusion and for not meeting the criteria set out by the EU Framework and draft EU regulations.²³⁸

While the situation facing Roma populations remains troubling,²³⁹ the Bulgarian Government has implemented a number of positive efforts to improve Roma inclusion in recent years. The *Prevention of trafficking in human beings who belong to ethnic groups, with a focus on the Roma minority in Bulgaria* project specifically focuses on reducing their vulnerability to trafficking in human beings.²⁴⁰ The project was launched in January 2012,

and was developed by the NCCTHB, with financial support from the French Embassy in Bulgaria, the Permanent Representation of France to the United Nations Office, the French Embassy in Romania, and other international organisations. It will be implemented in Varna for two years and the general objective is to “serve as a model for overall government policy on prevention of trafficking among vulnerable ethnic groups in Bulgaria.”²⁴¹ The more specific objectives of the project target the underlying factors that contribute to the vulnerability of Romani people, such as preventing early pregnancies, increasing awareness about family planning methods and reducing the number of cases of abandoned children.²⁴² To help achieve these objectives, the NCCTHB has partnered with the Bulgarian Association for Family Planning and Sexual Health, National Network of Health Mediators, the Municipality of Varna and the Sautchastie Association.

There are a number of other initiatives that address Roma vulnerability, though not directly pertaining to CSEC. The Directorate for Integration of Ethnic Minorities works with NGOs to improve family planning in Roma communities and prevent child marriages and The Ministry of Education, Youth and Science is focusing efforts on increasing the number of Roma children that attend school.²⁴³ There are also a number of NGOs in Bulgaria that are working to help children and families at risk and end child poverty and the social exclusion of Roma.²⁴⁴ The Bulgarian Government is encouraged to continue, and expand, their efforts to improve the socio-economic status of Roma populations, and to develop more initiatives like the *Prevention of trafficking in human beings who belong to ethnic groups, with a focus on the Roma minority in Bulgaria* project that specifically target the factors that underlie all manifestations of CSEC.

Deterrence measures

There have been positive legislative developments in the area of CSEC deterrence, such as stronger penalties and more extensive provisions (see Legislation Section). The government has also implemented a few projects that target child sex offenders. “In 2010, the Bulgarian Embassy in Brussels organised an information campaign about counteracting sexual and labour exploitation of Bulgarian citizens in Belgium.”²⁴⁵ This project importantly focused on trying to reduce the demand for Bulgarian victims of trafficking for sexual purposes.²⁴⁶ The NCCTHB has also implemented a few initiatives that target offenders. Following the criminalisation of

the use of services of trafficked persons in 2009, the NCCTHB organised a campaign to increase awareness about this new offence. In 2010, the NCCTHB partnered with the company Fame Cards and launched an informational campaign directed at the users of sexual services about trafficking for sexual exploitation.²⁴⁷

Increased attention should be given to expand and improve initiatives such as these that target exploiters/offenders and seek to reduce the demand for CSEC. The government should also develop programmes for changing the behaviour of convicted child sex offenders.

PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as “grooming” or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

With the ratification of the *Council of Europe Convention on the Protection of Children against*

Sexual Exploitation and Sexual Abuse CETS No.: 201 in 2011 (Lanzarote Convention), Bulgaria has now ratified all key international and regional instruments that relate to CSEC (see table below).

Bulgaria is also bound by the two CSEC-related Directives adopted by the EU in 2011: *Directive 2011/36/EU on combating human trafficking* and *Directive 2011/92/EU on combating child pornography and the sexual abuse and sexual exploitation of children*. Bulgaria should transpose both of these Directives in its domestic legal framework by their given deadlines in 2013 to provide a comprehensive national legal framework against CSEC.²⁴⁸

International instruments	
Human Rights bodies and instruments related to Child Rights	Comments
Charter-based bodies	
Working Group on the Universal Periodic Review – Human Rights Council	<p>Working group on the UPR review - 4 November 2010 Key recommendations:²⁴⁹</p> <ul style="list-style-type: none"> • Establish a child ombudsman at the national or regional level; • Enhance measures to prevent the sexual exploitation of children and to prosecute offenders; • Strengthen efforts to address and prevent human trafficking, with an emphasis on children; • Create an effective juvenile justice system in order to defend children's rights. <p>Scheduled for second review in the 22nd session, April/ May 2015</p>
Special Rapporteur on the sale of children, child prostitution and child pornography	No country visit so far and no visit has been scheduled or requested.
Special Rapporteur on trafficking in persons, especially women and children	No country visit so far and no visit has been scheduled or requested.
Treaty-based bodies	
Committee on the Rights of the Child - Convention on the Rights of the Child (CRC)	<p>Reviewed in the CRC 48th session, 2008.²⁵⁰ Key conclusions:</p> <ul style="list-style-type: none"> • Address the sexual exploitation and abuse of children by: undertaking studies and research, increasing awareness raising and education efforts, taking additional measures to prosecute offenders, and implementing programmes for recovery and reintegration of victims; • Improve efforts to combat trafficking by: collecting disaggregated data, increasing prevention and protection measures, and engaging in regional and international cooperation; • Bring the juvenile justice system in line with international standards.
Committee on the Rights of the Child – Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)	<p>Reviewed in the CRC 46th session, 2007.²⁵¹ Key conclusions:</p> <ul style="list-style-type: none"> • Adopt legislative provisions that impose obligations on Internet Service Providers in relation to child pornography on the Internet; • Undertake in-depth research and enhance preventive measures, including education and training, on OPSC areas; • Amend national legislation to conform with the OPSC, including introducing a definition of child prostitution; • Establish a separate specialised juvenile judiciary unit for dealing with child victims.

CSEC Children's rights Instruments	Date of ratification	Date of submitted reports
UN Convention on the Rights of the Child – 1989	1991	31 October 2011
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – 2000	2002	21 July 2004
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	2000	N/A
UN Convention against Transnational Organized Crime	2001	N/A
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	2001	N/A
Regional Instruments		Date of ratification
Council of Europe Convention on Action against Trafficking in Human Beings CETS No.:197	2007	N/A
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No.: 201	2011	N/A
Council of Europe Convention on Cyber Crime CETS No.: 185	2005	N/A

Legislation

Section VIII of the Bulgarian *Criminal Code*²⁵² includes provisions that address child pornography, child prostitution and the trafficking of children for sexual purposes. Bulgaria's CSEC legal framework was significantly augmented with recent amendments to the *Criminal Code*; however, some gaps remain that need to be addressed in order to fully harmonise national legislation with the international/regional standards to which Bulgaria is committed. The critical legislative gaps are: the absence of clear definitions for all manifestations of CSEC, a lack of provisions to ensure CSEC victims are not criminalised and the nonexistence of legislative provisions criminalizing child sex tourism.²⁵³ The way

in which children and youth are dealt with in the justice system is another key problem with Bulgaria's current legislative system.

The Bulgarian *Criminal Code* has no mention of the term "sexual exploitation"; instead it uses the vague and out-dated language of "debauchery" and "debauched activities."²⁵⁴ The term "debauchery" lacks clarity (especially given that no definition is provided) and it is not consistent with international norms which require specific and comprehensive definitions of the forms of commercial sexual exploitation of children. The term should therefore be removed from the *Criminal Code* and replaced with the term "commercial sexual exploitation", where relevant. Positively,

the CSEC-related provisions in the *Criminal Code* generally do not differentiate based on gender. One exception to this is Article 152, which criminalises rape of a person of *the female sex*, with a stronger penalty for women under the age of 18 (2.1), and if committed in conjunction with “further acts of debauchery or prostitution” (4). There is no similar provision pertaining to males, unless the same-sex rape provision applies.²⁵⁵ This risks leaving boys between the ages of 14-18 without full protection against certain acts of sexual violence, and should therefore be amended to be gender-neutral.

It is also important to note that CSEC-related provisions in the *Criminal Code* do not apply to corporate entities. However, as of 2005, corporations face administrative liability for certain crimes according to Article 83a of the *Administrative Violations and Sanctions Act*.²⁵⁶ Articles 159-159c of the *Criminal Code* are among the offences listed, thereby imposing administrative liability on corporations for involvement in human trafficking and pornography offences. This is a positive development; however, the enforcement of administrative liability for these crimes has yet to be discerned.²⁵⁷ Bulgaria should ensure that Article 83a of the *Administrative Violations and Sanctions Act* is systematically enforced against corporations and should also consider imposing criminal liability against corporations for all CSEC crimes.

The Bulgarian Government should consider raising the age of sexual consent to enhance protection for children against sexual abuse and exploitation. The *Criminal Code* indicates that the age of sexual consent in Bulgaria is 14 years, as inferred from Article 149(1) and 151(1), which makes it illegal to perform sexual intercourse or any sexual act with a person under the age of 14 years, regardless of consent. While this age should be raised, Bulgaria should also consider including a “close in age” exemption to avoid criminalising consensual sexual activity between peers.

The youth justice system is of particular concern in Bulgaria and the government should prioritise its reform to ensure that child victims of CSEC are not treated as offenders. The *Criminal Code* defines the age of criminal responsibility as anyone over 18 years.²⁵⁸ A minor, defined as anyone over 14 and less than 18 years of age, can be held criminally responsible if he/she “was able to understand the nature and meaning of the act and to manage his actions.” Minors who cannot be considered culpable of their acts are, by a decision of the court, admitted to a correctional boarding school or other appropriate establishment.²⁵⁹ Minors who have committed a “socially dangerous act” may face educational measures.²⁶⁰ While the *Criminal Code* states that children under the age of 14 years are free of criminal responsibility,²⁶¹ children as young as 8 years old may face imposed educational/correctional measures according to the *Juvenile Delinquency Act*.²⁶² Juveniles over the age of eight that committed or who have demonstrated “preconditions for committing” anti-social acts are often placed in correctional boarding schools.²⁶³ The interpretation of “socially dangerous act” has left minors who are victims of CSEC and trafficking at risk of being treated as offenders, rather than as victims in need of care and protection (see Prostitution Section).

Fortunately, Bulgaria has recognised this need for reform of the juvenile justice system. In August 2011, the Bulgarian Government adopted a *Concept for State Policy in the Sphere of Juvenile Justice*, which acknowledges that the *Juvenile Delinquency Act* is out-dated and inconsistent with international standards.²⁶⁴ The concept seeks to abolish the system surrounding “anti-social acts” and replace it with measures that are in accordance with CRC recommendations.²⁶⁵ However, no steps for the practical realisation of this concept have so far been taken.²⁶⁶ The Bulgarian Government should make it a priority to push this reform process forward.

There have been increased measures introduced to help facilitate a child-friendly justice process. The *Child Protection Act* requires a hearing of any child over 10 years of age, so long as it is not harmful to his/her interests,²⁶⁷ and lays out additional steps that must be taken when working on cases that involve children, such as providing an appropriate surrounding and including a social worker or other appropriate specialist for hearings and consultations with children.²⁶⁸ Accordingly, there are special premises for the questioning of children at some police departments; for example, the Sofia Directorate of the Interior has one room that is especially furnished for children and another room in which the child victim can identify the suspect from behind a glass mirror.²⁶⁹ Article 140(1) of the *Penal Procedure Code* requires the presence of a pedagogue or a psychologist in the interrogation of juvenile witnesses, and Article 140(4) provides the option of interrogating juvenile witnesses by videoconference if necessary.²⁷⁰

However, as noted in the *European Union Agency for Fundamental Rights (FRA) Trafficking Report*, “the regulations regarding interrogation of children do not comply with para. 15 of Recommendation Rec (2003) 20 of the CoE Committee of Ministers to the member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, since the interrogating body may decide whether or not to involve child specialists and parents/guardians in cases where the child is 14 to 18 years old.”²⁷¹ NGOs have also expressed concern that often the only person present when questioning child victims of trafficking is an inspector from the Child Pedagogic Department.²⁷² In addition, the CRC has highlighted that professionals within the justice system are not sufficiently trained and that there is a lack of child psychiatrists. Furthermore, Bulgaria does not have an independent body to monitor the observance of the rights of the child or the administration of the juvenile justice system. This highlights the need for a Children’s Ombudsman in Bulgaria.

PROSTITUTION OF CHILDREN

Child prostitution, as defined in section 2(b) of the OPSC, is the use of a child in sexual activities for remuneration or any other form of consideration.²⁷³ Under section 3(1)(b) of the OPSC, child prostitution covers all elements of “offering, obtaining, procuring or providing a child for child prostitution.” While recent amendments to the *Criminal Code*, mostly notably the addition of Article 154a in 2009, have significantly enhanced child prostitution laws, these laws are not wholly in compliance with international standards, Article 158 marking the most notable departure. There are three main gaps in the legislative framework for child prostitution: (1) there is no definition of child prostitution in the Bulgarian *Criminal Code*, (2) the element of offering is not covered and (3) there is a risk that child victims of prostitution might be treated as offenders.

The provisions that pertain to prostitution in

the *Criminal Code* are under Section VIII.²⁷⁴ While prostitution itself is not a criminal offence in Bulgaria, certain conduct in relation to prostitution is criminalised and the exploitation of children in prostitution is illegal, though child prostitution is not explicitly defined. Procuring is the only element of child prostitution that is adequately covered in the *Criminal Code*. Offences pertaining to obtaining and providing a child for prostitution are not comprehensive, and there is no offence that criminalises the element of offering. Article 154a provides that “anyone, who gives or promises a benefit and commits fornication activities or sexual intercourse with a minor individual who is engaged with prostitution is subjected to a penalty of imprisonment for a term up to three years.” This provision criminalises obtaining a child for prostitution, and by using the term “benefit” it allows for remuneration or any other form of

consideration. Furthermore, by including “fornication activities” as well as sexual intercourse, this offence likely captures all sexual activities, as required by the OPSC.²⁷⁵ However, for clarity purposes, Bulgaria should consider substituting the specific language used in the OPSC to avoid any confusion/misinterpretation.

Further weakening this provision is the lack of a definition/explanation for a “child engaged in prostitution” and the age limitation of it only applying to minors. A minor is defined as “a person who has completed 14 years of age, but has not completed 18 years of age yet.”²⁷⁶ Therefore, this offence does not apply to an offender who obtains a child under the age of 14 for prostitution. Both an “act for the purpose of arousing or satisfying sexual desire”²⁷⁷ and sexual intercourse²⁷⁸ with a child under the age of 14 are prohibited and accompanied with a penalty between 1-6 years imprisonment. This provides children younger than 14 with protection against sexual activities of any kind; however, it does not specifically punish offenders for the offence of child prostitution. To enhance clarity and consistency, and to ensure crime statistics reflect the actual offence committed, the *Criminal Code* should be amended so that the same offence of child prostitution applies to all children under 18. It is also urgent that Bulgaria repeal Article 158, which states that “for cases of Articles 149-151 and 153, the perpetrator shall not be punished, or the imposed punishment shall not be served, if prior to the enforcement of the sentence there follows a marriage between the man and the woman.”²⁷⁹ This provision absolves perpetrators who have committed acts of sexual violence or abuse against children (including sexual acts or intercourse with a child under the age of 14) if they marry their victim, which risks removing any course of action against an offender who obtains a child under 14 for prostitution.

Procuring a child for prostitution, more commonly referred to as “pimping,” is

adequately covered by Article 155(1), which criminalises those who “persuade an individual to practise prostitution or acts as procurer or procuress for the performance of indecent touching or copulation.”²⁸⁰

Article 188 also criminalises the specific act of compelling a child into prostitution. The element of providing is partially covered under Bulgarian law by Article 155(2) which states that “a person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished.” While this criminalises, for example, the owner of a brothel, Article 155(2) should be amended, or a new provision added, to more broadly capture any method of making a child available to someone for prostitution, such as a parent/relative selling a child for prostitution. Importantly, both offences 155(1) and 155(2) carry a stronger penalty if committed with regard to a person less than 18 years old.²⁸¹

Bulgaria has impressively attempted to address the act of “grooming” a child for prostitution with Article 155a (1), which criminalises providing information about oneself, on the Internet or otherwise, in an effort to establish contact with someone under 18 for certain purposes, including prostitution. This provision should be expanded to capture a wider variety of “grooming” methods. It is also important to mention Article 156, which covers the abduction of a person for “the purpose of her being placed at the disposal for acts of debauchery.”²⁸² There is a stronger penalty if the abducted person is under 18²⁸³ or if the act was committed by an individual acting on behalf of an organised criminal group.²⁸⁴

One particularly worrying aspect of the legislative framework around child prostitution is the potential for child victims of prostitution to be treated as offenders, rather than victims in need of support and protection. There is no provision in the *Criminal Code* that expressly prohibits the victims of child prostitution from

being convicted. Furthermore, the *Juvenile Delinquency Act* imposes educational and other corrective measures on children as young as eight who have committed “anti-social behaviour.”²⁸⁵ An “anti-social act” is defined as “an act which is harmful and illegal or contrary to morals and good manners.”²⁸⁶ This extremely broad and subjective definition leaves open a vastly wide range of acts that may subject minors to the measures provided for under the *Juvenile Delinquency Act*, and child prostitution has been included in this definition.²⁸⁷ Educational measures were imposed on 22 children in 2011 for the acts of prostitution and/or homosexuality.²⁸⁸ As reiterated by the international community,²⁸⁹ the *Juvenile Delinquency Act* is failing to treat children exploited in prostitution as victims with unique needs and vulnerabilities.

The enforcement of child prostitution offences cannot be assessed given that government crime statistics do not

disaggregate investigation/conviction data by legislative provisions, and there is no comprehensive data on child prostitution in Bulgaria to act as a basis for assessing the efficacy of law enforcement (see Data Collection Section). Given that there were 137 cases of children passing through child pedagogic offices for prostitution and/or homosexuality in 2011,²⁹⁰ and only 16 cases of children being victims of the crime of prostitution that same year,²⁹¹ statistics seem to suggest that law enforcement in this area is weak. However, according to the Bulgarian Government, this discrepancy is the result of many children who are not victims of prostitution passing through child pedagogic offices because they are involved in prostitution investigations or are at risk of becoming victims of prostitution.²⁹² Regardless, this discrepancy highlights the need for improved data collection and reporting mechanisms in Bulgaria.

CHILD PORNOGRAPHY

According to Article 2(c) of the OPSC, child pornography is defined as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.” Article 3(1)(c) of the OPSC requires the criminalisation of the following activities in relation to child pornography: production, offering, distribution and dissemination, and possessing. The Bulgarian *Criminal Code* provides a fairly comprehensive legislative framework against child pornography that largely complies with international standards. The main gaps are the absence of a clear definition of child pornography, the failure to criminalise virtual child pornography, as well as the offering, procuring and accession (intentional viewing) of child pornography, and the lack of reporting requirements on the part of the Internet Service Providers.

While there is no definition of child pornography in the Bulgarian *Criminal Code*,

CHILD SEXUAL ABUSE IMAGES

the 2007 addition of Article 93(28) provided a definition of “pornographic material” as: “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.” When this definition is imported into the pornography offences that specifically mention children, the *Criminal Code* is largely compliant with the OPSC definition. However, this definition is not in compliance with the Lanzarote Convention (Article 20.3), to which Bulgaria has not made any reservations) since it does not cover virtual child pornography (cartoons, anime, videogames, drawings, sculptures, etc.). Another significant weakness of this definition is the use of the terms “indecent, unacceptable or incompatible with public moral,” which are too vague and subjective

and risk having a limiting affect on the child pornography offences. The *Criminal Code* should be amended to remove these qualifying terms. For enhanced clarity it would also be beneficial if Bulgaria introduced a definition of child pornography specifically and aligned the language with that used by the OPSC.

A number of the activities relating to child pornography that should be criminalised under the OPSC are included under Article 159(1), which states that a “person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates pornographic material, shall be punished by deprivation of liberty of up to one year and a fine....”²⁹³ The penalty for this offence is increased to six years imprisonment and a higher fine if “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.”²⁹⁴ To augment this provision, the *Criminal Code* should include definitions relating to the scope of the terms used (produce, distribute, etc.) to ensure that they are inclusively interpreted to provide maximum protection against child pornography.

However, a number of these elements are further expanded/delineated in other provisions. Article 158a was introduced in 2009 and captures aspects of the production, distribution and dissemination, and viewing of child pornography. Article 159a (1) criminalises “anyone, who no matter by what means, recruits or forces particular minors or groups of minors to execute a sexual intercourse, fornication, sodomy, masturbation, sexual sadism, masochism or carnal display of human genitals...,”²⁹⁵ while Article 158a (2) increases the penalty if property benefits are obtained, and Article 158a (3) criminalises anyone who watches the act knowing about the conditions laid out in Article 158a (1). Further broadening the element of distribution and dissemination, Article 159(2) criminalises the broadcasting

of pornographic material on the Internet or in another similar way, with a stronger punishment if a person who is, or appears to be, less than 18 years of age is used.²⁹⁶ The involvement of an organised criminal group in any of the activities listed under Article 159(1)-(4) is an aggravating factor.²⁹⁷ Legislation should be amended to criminalise the offering and procuring of child pornography, as they are not captured in existing provisions.

With regards to possession, Bulgaria exceeds the OPSC requirements by criminalising the mere possession of child pornography, regardless of intent or purpose. Article 159(6) criminalises “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....” This provision also strengthens the scope of distribution or dissemination of child pornography. While this is a laudable provision, the offence should be amended to specifically prohibit both accessing and viewing of child pornography, so as to avoid a strict interpretation of possession. While Article 158a (3) criminalises certain aspects of viewing, it does not include viewing child pornography through the use of ICT (eg live streaming sites enabling real-time viewing of child pornography), as required by Article 20.1(f) of the Lanzarote Convention, to which Bulgaria declared a reservation. With the growth of ICT in Bulgaria, it is critical that Bulgaria withdraw this reservation and cover viewing/accessing child pornography by ICT in national legislation. Positively, Bulgaria has made an effort to criminalise the act of “grooming” a child for pornography. Article 155a(1) prohibits anyone from providing personal information online, or otherwise, in an effort to establish contact with a person under the age of 18 years for the purpose of creating pornographic material, among other things.

While the *Child Protection Act* imposes an obligation on anyone who becomes aware of a child in need of protection to report it to the municipal social assistance service, including on people who become aware of the child in the course of their work (irrespective of being bound by occupational secret),²⁹⁸ the ISPs and financial companies are not subject to any reporting obligations. This gap should be addressed to ensure an effective fight against child pornography that engages all relevant stakeholders.

Given the lack of available data, enforcement of this legislation addressing child pornography cannot be discerned. While the number of children who are victims of child pornography offences is low,²⁹⁹ this does not reflect the number of child pornography offenders that were investigated and/or convicted. However, two positive developments for the enforcement of child pornography legislation have been the recent busts of child pornography rings in Bulgaria (see Introduction Section) and the establishment of a Cyber Crimes Police Unit.

TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

According to the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Woman and Children* (Trafficking Protocol), which Bulgaria has ratified, trafficking in persons is “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”³⁰⁰ Article 3(b) defines exploitation as including, at a minimum, “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”³⁰¹ The evolution of Bulgaria’s legal framework related to trafficking has brought it in line with international standards. In 2002, Bulgaria added Section IX to the *Criminal Code* that is entitled “Trafficking of People,”³⁰² and increased the penalties for trafficking offences in 2009, which have been recognised as sufficiently stringent.³⁰³ Where the legislative response to human trafficking in Bulgaria is lacking is in the enforcement, specifically with regards to corruption, and the absence of provisions to ensure child victims of trafficking are not treated as offenders.

While the *Criminal Code* does not provide an

explicit definition of trafficking in children, the trafficking provisions cover the elements of the definition as laid out in the Trafficking Protocol.³⁰⁴ Article 159a(1) criminalises “anyone, who recruits, transports, conceals or admits particular individuals or groups of people with the purpose of using them for debauched activities, forceful labour, dispossession of bodily organs or keeping them in forceful subjection, regardless of their consent.” This creates a broad trafficking offence irrespective of the means in which trafficking was achieved, instead including means as aggravating circumstances that carry a harsher penalty.³⁰⁵ Article 159b increases the penalty for cross-border trafficking. Both of these offences carry a longer sentence if the offence was committed with regards to a person less than 18 years of age, and if the offences are “qualified as dangerous recidivism or have been committed after an order or in implementation of a decision of an organised criminal group.”³⁰⁶ The introduction of Article 159c in 2009 marked an important addition to the Trafficking Section as it criminalised those who exploit a victim of trafficking, regardless of consent, imposing a sentence of imprisonment of 3 to 10 years, or a fine. However, this provision should be amended to provide a stronger penalty if the victim is a child. Taken together, these provisions provide a comprehensive legal framework for trafficking in children for sexual purposes. However, one critical aspect of the

legislative framework that is missing is a provision that explicitly protects a child victim of trafficking from being treated as an offender. The Bulgarian Government should adopt measures that prohibit victims of trafficking from being prosecuted for illegal activities that occurred as a result of their being trafficked. According to the US TIP Reports, there were no such prosecutions in 2010³⁰⁷ or 2011,³⁰⁸ however, there have been some reports of victims of trafficking being sentenced for illegal border crossing³⁰⁹ and many Roma victims of trafficking are said to not contact police for fear of reprisal from their traffickers or of prosecution for committing illegal acts during the trafficking.³¹⁰ Given the reportedly negative attitudes and social stigmatisation of law enforcement officials towards victims of trafficking, particularly those of Roma ethnicity,³¹¹ provisions that ensure child victims of trafficking are treated as victims and not offenders are especially critical. Positively, the government has recognised this need and has “proposed that the new Criminal Code, which is currently being drafted, exclude the prosecution of victims of trafficking under Article 279(5) of the Criminal Code.”³¹² The Bulgarian Government should ensure this proposition takes shape and is included in the new *Criminal Code*.

The 2012 US TIP Report acknowledged that Bulgaria stepped up law enforcement efforts for trafficking offences in 2011, as evidenced by higher conviction rates and a larger percentage of trafficking offenders receiving prison sentences.³¹³ Improvements in law enforcement were likely facilitated by the fact that in 2011, all 512 of the identified victims of trafficking chose to cooperate with law enforcement.³¹⁴ The number of investigations in 2011 marked a decrease from 2010; however, the number of prosecutions remained comparable. In 2011, the statistics related to sex trafficking offences were: 119 investigations, 102 prosecutions and 95 convictions. In 2010, there were 149 sex trafficking investigations, 113 prosecutions

and 112 convictions.³¹⁵ Bulgaria also convicted seven people for exploiting sex trafficking victims in 2010,³¹⁶ marking a strong start for the enforcement of Article 159c. Also a positive development is the increased enforcement of penalties against trafficking offenders. Approximately 48% of the convicted trafficking offenders in 2011 were sentenced to time in prison,³¹⁷ compared with 37% in 2010;³¹⁸ however, the percentage still remains relatively low. Augmenting and coordinating the punishments for trafficking offences will signify to the public the seriousness of the crimes/government’s intention to take them seriously and also undercut the judiciary/attorney’s tendency to not fully prosecute or charge offenders. Bulgarian police should also address the criticism that they primarily adopt a reactive approach, as opposed to a proactive approach, to trafficking investigations.³¹⁹

While the general trend of law enforcement has been positive over the last year, Bulgaria needs to enhance efforts to investigate, prosecute and convict corrupt government officials who are complicit in trafficking offences and ensure that punishment is enforced. There continue to be reports of government officials who are protecting or working with trafficking offenders and inadequate measures have been taken to address this.³²⁰ Only seven public officials were investigated for involvement in trafficking offences in 2011, marking a decrease from the 12 such investigations conducted in 2010.³²¹ There have so far been no convictions following these investigations.³²² “While the government prosecuted other officials for crimes related to facilitating the acquisition of fraudulent identity documents, it did not sufficiently investigate these cases to determine if the crimes entailed human trafficking as opposed to human smuggling.”³²³

It is commendable that national legislation guarantees certain protection and assistance measures for child victims of trafficking, as provided for by Article 1a of the *Law on*

Combating the Illegal Trafficking in Human Beings (2004). There have also been significant efforts to improve the identification of child victims of trafficking, though these efforts need to be backed up with sufficient funding and support to realise their full potential (see Coordination and Cooperation Section). According to the CM, when a child victim of trafficking is identified, the SACP and the Ministry of the Interior are informed within 24 hours.³²⁴ The CM is then implemented, as coordinated by the SACP, regardless of whether the victim is Bulgarian or a foreigner. However, despite this mechanism, the identification of victims remains inadequate and risks re-victimising child victims of trafficking. Cases have been reported in which the Child Protection Unit failed to identify

a child victim of trafficking, especially in cases where the parents are the traffickers of their own child.³²⁵ These children are then subjected to educational measures pursuant to the *Juvenile Delinquency Act*, and denied the assistance and protection they require. In March 2012, Bulgarian and Greek authorities met and it was acknowledged that in the event of identifying a Bulgarian child victim of trafficking in Greece, the authorities in both countries were unclear on who should be contacted.³²⁶ These cases illustrate the persistent gaps in victim identification methods, both within Bulgaria and abroad, and the lack of training of relevant staff to ensure they are adequately equipped to identify child victims of trafficking.

CHILD SEX TOURISM

Child sex tourism is not defined or specifically criminalised in Bulgarian legislation. Bulgaria should prioritise the adoption of child sex tourism offences that include the following elements: engaging in sexual conduct with a child abroad, travelling with the intent of engaging in sexual activities with a child abroad, advertising or promoting child sex tours, organising/making of travel arrangements for a person for the purpose of engaging in sexual activity with a child at a destination, and transporting a person for any of these purposes.

Bulgarian courts are competent to prosecute foreign nationals who have sexually exploited children in Bulgaria (prostitution, pornography, trafficking for sexual purposes). In cases where Bulgarian nationals sexually exploit children in foreign countries, the *Criminal Code*, through the extra-territorial effect given to several of its provisions – including all CSEC-related offences, recognises the jurisdiction of Bulgarian courts to prosecute offenders.

Article 4(1) of the *Criminal Code* allows Bulgaria to exercise extra-territorial jurisdiction based on the nationality principle, permitting them to prosecute Bulgarian citizens under the Bulgarian *Criminal Code* for crimes that were committed abroad. This goes beyond the requirements of the OPSC; however, to comply with the Council of Europe's *Convention on the Protection*

of Children against Sexual Exploitation and Sexual Abuse, the jurisdiction outlined in Article 4(1) must be extended to include habitual residents of the State. Article 5 of the *Criminal Code* also grants jurisdiction based on the passive personality principle, allowing Bulgaria to prosecute foreign citizens for crimes committed against Bulgarian citizens abroad, according to the Bulgarian *Criminal Code*. However, Article 5 only applies to “crimes of a general nature abroad whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.” The Bulgarian Government should enact a provision that ensures CSEC offences are encompassed within the offences covered by the passive personality jurisdiction.

Given that Article 7 and Article 8 stipulate how punishments and sentences will be affected by time served abroad, it appears that

the double jeopardy rule does not apply.³²⁷ However, given the ambiguous wording of the statute, Bulgaria should amend its statute to have a clearer legal standard on the double jeopardy rule. The efficacy of extra-territorial jurisdiction is, however, shaped by the extradition limitation as stated under Article 4(2): “no citizen of the Republic of Bulgaria can be transferred to another state or an international court of justice for the purposes of prosecution, unless this has been provided for in an international agreement, which has been ratified, published and entered into force in respect to the Republic of Bulgaria.” Given that effective prosecution often requires offenders to be tried in the place where the offence was committed, this provision serves to limit the prosecution of travelling child sex offenders. While stipulations such as this are common, Bulgaria is encouraged to provide for the transfer of all CSEC-related offenders in existing treaties. Positively, Bulgaria has been applying the Council Framework Decision 2002/584/JHA of 13

June 2002 on the European Arrest Warrant and the surrender between member states since 2007.³²⁸ Pursuant to this framework, Bulgaria has agreed to extradition pursuant to a European Arrest Warrant, notwithstanding the double criminality rule, for certain offences – including sexual exploitation of children, child pornography and trafficking offences.³²⁹ Similar agreements should be pursued with non-EU member states to ensure that double criminality never restricts extra-territorial jurisdiction for CSEC offences.

Given that there is no data available on the application of extra-territorial legislation in Bulgaria, the efficacy/limitations of these provisions cannot be assessed. Bulgaria should ensure that extra-territorial jurisdiction is being exercised, that extradition for CSEC-offences is provided for, and that there is systematic data collection on these offences to facilitate improved policy development and the enhancement of law enforcement.

Child protection units

There are no law enforcement agencies that specifically deal with all manifestations of CSEC. There are government branches whose mandates relate to particular aspects of CSEC; however, these generally lack adequate attention or focus on children. To ensure a comprehensive law enforcement response and to sufficiently address this gap in the legal system, the government should undertake research on the extent and causes of continuing enforcement gaps and formulate targeted measures for addressing them.

The Cyber Crimes Unit is responsible for all cases involving criminal activity related to illegal or harmful content on the web, including child pornography. Moreover, there is a specialized team within the unit that is specifically mandated to deal with cases involving the distribution of pornography

and paedophilia on the Internet.³³⁰ Despite some successes in breaking up paedophilia networks and seizing pornographic material, the Cyber Crimes Unit lacks sufficient resources to ensure maximum protection against CSEC online given the breadth of online threats they are responsible for.³³¹ Ideally, this unit would be equipped with the resources necessary to specifically devote a team to tackling the sexual exploitation and abuse of children online.

Trafficking in Human Beings is a specialised unit that operates under the Chief Directorate for Combating Organised Crime. There is also an operative officer(s) at each of the 28 territorial units of the Chief Directorate for Combating Organised Crime that is expressly tasked with cases of trafficking in human beings. There is a trafficking team within the Unit for

Counteracting Cross-border Crimes and a specialised unit for the investigation of trafficking offences at the National Investigation Service.³³² However, none of these units appear to be specialised in cases dealing with child victims of trafficking.

The only child-centred law enforcement agency is the Child Pedagogic Office. Child pedagogic officers work in the prevention of “anti-social” behaviour, which has been interpreted to include children exploited in prostitution. Specialised inspectors who are appointed by the Ministry of the Interior

have the exclusive task of handling cases that involve children and supervise the pedagogic officers.³³³ Unfortunately, there are no such bodies that are specialised in working with children in courts, investigative services, or prosecution services.³³⁴ The Bulgarian Government has acknowledged that there needs to be more specialised bodies for working with children in the law enforcement and judicial systems;³³⁵ however, there does not appear to be any initiatives underway for institutionalising these needed changes. This should be a priority policy area that is imminently addressed.

Support services for children

Strategies for the recovery and reintegration of victims of CSEC should contain immediate and long-term policies. Immediate assistance can include medical and psychological care, and the provision of adequate shelter and legal assistance. Longer-term assistance could include reintegration into school, return to the family or community when possible, and sound plans for social and economic rehabilitation and reintegration. In relation to child victims who have been trafficked into Bulgaria from other countries, it is also important to have in place specific support mechanisms for children without Bulgarian identity.

Support services for children victims of CSEC in Bulgaria are currently inadequate. Increased resources are needed to ensure that support services and facilities are sufficiently equipped to deliver immediate, medium and long-term support programmes that are specifically tailored for children. There also needs to be increased attention devoted to the unique needs and vulnerabilities of CSEC victims.

HELP LINES

There are several helplines in Bulgaria that are available to CSEC victims to access advice and counselling services; however, there is a lack of helplines tailored to respond to the specific needs of CSEC victims. One exception to this is the Bulgarian Helpline, which was established under the framework of the SIC and provides advice on safe Internet use as well as counselling services for actual or potential victims of online sexual exploitation or abuse (see text box in Prevention Section for more details). With a broader mandate, the Bulgarian National Helpline for Children, 116 111, was launched in 2011 and offers information, counselling

and help to children facing a wide spectrum of problems.³³⁶ The SACP finances and monitors the National Helpline for Children, while the Animus Association Foundation is currently responsible for running it. With national coverage, the Helpline is a free service that is offered on a 24-hour basis. The counsellors working at the Helpline are specially trained and offer a range of support services. In 2011, the Helpline received 69,540 calls and made a total of 17,368 consultations.³³⁷ The Helpline also seeks to identify at-risk children and refer such cases to child protection services. In addition, callers can report at-risk children. Sustained

efforts should be focused on raising awareness about the helplines to ensure they are widely used. Furthermore, additional help lines that are CSEC-specific should be established, or

extensive CSEC training should be provided to the staff of the National Helpline for Children to ensure that the CSEC victims are receiving adequate and effective assistance.

SHELTERS AND CENTRES

Bulgaria needs to increase the number of crisis centres for children, specifically focused on victims of CSEC to ensure they provide support services and trained staff dedicated to caring for CSEC-victims, devote more attention to reintegration and rehabilitation, and increase the allocation of resources for the centres to ensure that they are equipped to provide effective services.

As of 2011, there were 10 crisis centres for children in operation that provided accommodation, food, healthcare, psychological support, life and social skill development, education opportunities and preparation for reintegration.³³⁸ Each of these shelters has the capacity to house up to 10 children,³³⁹ and one-hundred children were reported to have passed through these crisis centres in 2008.³⁴⁰ A child's stay in a shelter can be prolonged if necessary, and when the child does leave the shelter, the child and the family are supervised by social workers for one more year.³⁴¹ It may also be possible for low-income families to receive additional assistance.³⁴²

Reportedly, 79 child victims of trafficking were provided shelter assistance through these centres in 2010 and 67 in 2011.³⁴³ Repatriated children who are victims of trafficking are accommodated in crisis centres for a certain period, during which the Child Protection Department monitors them.³⁴⁴ Foreign victims of trafficking are also eligible for the same crisis centre services; however, there have been no such cases so far.³⁴⁵ Moreover, these centres provide services to children who are victims of all kinds of violence, thus CSEC victims may not receive the specialised support they require. Only the crisis centre in Balvan village, Veliko Tarnovo district works operationally with girls that are victims of, *inter alia*, sexual exploitation, child trafficking, prostitution and sexual abuse.

The crisis centres require increased government funding to achieve their objectives and deliver effective services. By enhancing their capacity, these centres will also be able to better provide CSEC victims with the specialised support services that they require. While the government did recently increase the budget for child crisis centres,³⁴⁶ they continue to lack the resources to effectively deliver their services. The standard allowance of 7.21 BGN (approximately \$4.50) per place per day does not cover the actual costs of running the shelters,³⁴⁷ and they therefore suffer "inadequate material conditions" and require external funding to properly function.³⁴⁸ However, despite these reported drawbacks, a recent study conducted by NCS revealed that 75% of girls in child crisis centres were satisfied with the care they received.³⁴⁹ It is also positive that the Bulgarian Government has reported that during the period 2010-2014, they will develop strategies for the improvement of social services, including the establishment of 43 new crisis centres³⁵⁰ and 23 temporary accommodation shelters.³⁵¹ These projects should be prioritised and the development of specialised services for CSEC victims should be included in the strategy. There should also be increased attention given to re-integration efforts, which are currently significantly lacking since children victims of trafficking that leave the centre are reportedly at a high risk of re-trafficking.³⁵² The crisis centres must ensure that sufficient resources and attention

are allocated to long-term support services to counteract the potential of re-victimisation with effective reintegration strategies.

ECPAT Bulgaria's *Situational Analysis of Some Groups of Children at Risk* reports that the crisis centres for children in Bulgaria need to be specialised. Currently, children are housed in "mixed" accommodations and it is important that staff who are facilitating these crisis centres are adequately trained to deal with children specifically. There is a need to train social workers from the Social Assistance Directorate (Child Protection Departments - CPD) to treat each child on a case-by-case basis and address the individual needs of each child. Crisis centres need to increase capacity in order to function as short-term accommodation for child victims in emergency circumstances. There is currently a tendency to combine the functions of crisis centres to include general residential-type care for children. This should be ceased so that the centre can focus on addressing the needs of children in "crisis."

Crisis centres in Bulgaria lack sufficient funding and resources to employ psychologists and provide adequate training to crisis centre staff. Some of the crisis centres have psychologists who work as consultants, but are not available to offer assistance to children in crisis on a daily basis. Crisis centre staff should receive regular trainings on crisis intervention, identification of trauma symptoms and victim recovery. There is also a serious shortage of social services and financial support for those children who leave the crisis centres. It is of utmost importance to establish long-term psychosocial and rehabilitation programmes and services to support the child victims' reintegration into the community and allow them to become self-sufficient. Additional resources and financial support are required to allow municipalities to offer support services to address the needs of the children during their rehabilitation period.³⁵³

Shelters and support centres for victims of trafficking are also specifically provided for under the *Combating Trafficking in Human Beings Act* (CTHBA), Articles 2.2 and 2.3, and in 2011, the budget for the NCCTHB was increased by 60,000 BGN (approximately \$37,700) to enhance the protection of trafficking victims.³⁵⁴ The Shelters for Temporary Housing of Victims of Trafficking are to be set up by the NCCTHB, or by individuals or NGOs who have been entered into a National Commission Register³⁵⁵ and will provide victims with food, medications, emergency medical and psychological services, and assistance in contacting relatives and/or agencies/organisations.³⁵⁶ Victims of trafficking are to be accommodated for up to 10 days, but this may be extended by an additional 30 days if required.³⁵⁷ While Article 22 of the CTHBA stipulates that children victims of trafficking will be accommodated in separate premises from adults,³⁵⁸ the establishment of shelters for children victims is not provided for. CTHBA should be amended to specifically delineate the establishment of child-friendly shelters for victims of trafficking, which would reduce pressure/demand on the child crisis centres and ensure that child victims of trafficking receive tailored support programmes.

NGOs are also critical in the delivery of support services to trafficking victims. The NRM includes a list of 14 NGOs who provide services for trafficking victims, including the identification of trafficked persons and provision of emergency and long-term psychological, social, health and legal services.³⁵⁹ In the implementation of the La Strada Programme, the Animus Association Foundation is running a Centre for Rehabilitation, Counselling and Psychotherapy, which consults women and children who are victims of trafficking or at risk of being trafficked.³⁶⁰ The centre provides comprehensive specialised services for victims of trafficking, with a strong emphasis on re-integration and the prevention of re-

trafficking. Including the good practices as an integral part of the Centre, NRM has recognised the quality of the services provided at this Centre.³⁶¹ However, due to the intensive nature of the services, the Centre is only able to accommodate approximately 50 trafficked persons each year. The Bulgarian Government should support the expansion of these services and adopt the standards and procedures employed by the Centre in any current or new child support centres. If the government chooses to delegate service provision tasks/responsibilities to NGOs, it must ensure they have sufficient resources to operate effectively and that they are meeting established standards.

By ensuring access to various support services and reintegration programmes, with special

attention paid to child victims of trafficking and non-EU citizens who are identified as victims of trafficking in Bulgaria,³⁶² the NRM provides a valuable victim-centered approach to supporting victims of trafficking. The requirement that victims be identified in order to receive support services has been recognised as a significant barrier in the protection of trafficking victims.²⁶³ However, this barrier may be overcome with the full realisation of the NRM, which provides for trafficked persons to receive access to all support measures included in the CTHBA and NRM, regardless of their consent to cooperate with law-enforcement bodies.³⁶⁴ In 2011, the government assisted 150 victims of trafficking under the NRM framework, an increase from the 110 assisted victims in 2010.³⁶⁵

REPATRIATION

A large number of Bulgarian victims of trafficking are identified abroad, either by police authorities in the destination country or by a foreign NGO working with people in prostitution.³⁶⁶ There are some institutionalised measures in place to help ensure the repatriation of Bulgarian victims of trafficking abroad. Article 16 of the CTHBA requires diplomatic and consular missions of the Republic of Bulgaria to support and assist Bulgarian nationals who are victims of trafficking to return to Bulgaria and Article 17 provides for the speedy and timely issuance of identity documents to Bulgarian victims of trafficking. A comprehensive legislative framework for repatriated child victims of trafficking is provided for in both the CM and the NRM, which define the processes and responsible institutions for the return of child victims of trafficking. In 2008, the Bulgarian Government reported that 25 children-victims of trafficking were repatriated, followed by 16 in 2009³⁶⁷ and 48 in 2010.²⁶⁸ Fifteen of the repatriated children in 2010 were victims of sexual violence and exploitation.³⁶⁹ When a child arrives at the

border, they are “met by an inspector from the directorate ‘Social Assistance’ who participates in the first conversation with the child and ensures that his/her rights are not violated.”³⁷⁰

The *Law on Bulgarian Identity Documents* provides one mechanism for protecting repatriated children from re-trafficking.³⁷¹ As of 2005, Article 76a prevents a child from leaving the country and identity documents from being issued, or provides for the documents being taken away, if there is evidence that while previously abroad the child was involved in activities listed in Article 11 of the *Law of Protection of the Child*. This includes involvement in prostitution, sexual abuse and pornography, and has been interpreted to include trafficking. Article 76a was enforced for 51 children that were identified as victims of trafficking in 2008, 36 in 2009 and 31 in 2010.³⁷² Also important to note regarding the *Law on Bulgarian Identity Documents* is the proposed amendment that would issue new identity documents for free to victims of trafficking whose documents had been destroyed.³⁷³

FOREIGN VICTIMS OF TRAFFICKING

While there were no foreign victims of trafficking identified in 2010, and only one identified in 2011,³⁷⁴ it is still critical that Bulgaria has the framework in place to adequately support and protect child foreign victims. The key policies related to trafficking include special measures for foreign victims of trafficking, including the NRM, the CM and the CTHBA all of which provide foreign victims of trafficking with the same assistance provided to Bulgarian victims.³⁷⁵ Once a foreign child is identified as a victim of trafficking, the CM is implemented with the inclusion of a representative from the State Agency for Refugees.³⁷⁶ The NRM states that once a foreign citizen is identified as a trafficked person, the status of illegal resident is removed and the person receives a status of temporarily residing foreigner.³⁷⁷ Foreign citizens who have entered Bulgaria illegally and then become victims of trafficking can also take advantage of the NRM and the CTHBA.³⁷⁸ However, there are limited guidelines within the CM that pertain to foreign victims on Bulgarian soil, while more extensive guidelines are provided for under the NRM. However, it is unclear how the guidelines specifically for child victims of trafficking, and those for non-EU citizens who are victims of trafficking interact under the NRM since the relationship between the CM and NRM is not sufficiently delineated.

According to the CTHBA, after victims of trafficking have been identified they are to be notified about the option to receive

special protection if within one month they agree to cooperate with the investigation.³⁷⁹ This reflection period may be extended to two months if the victim is a child.³⁸⁰ If foreign victims of trafficking cooperate with authorities, they will be granted permission for long-term stay in the country,³⁸¹ which includes the same rights as a permanent residence holder except that the individual cannot leave Bulgaria and re-enter without a visa until the period of residence granted has expired.³⁸² Long-term stay permission is granted for non-EU citizens for either six months or the duration of the criminal proceedings,³⁸³ permission is not granted to individuals that do not possess identity documents and refuse to cooperate with their identification.³⁸⁴ In 2010, no foreign victim opted for special protection.³⁸⁵ If foreign child victims of trafficking choose not to cooperate with the investigation, they are permitted to stay in Bulgaria for 70 days (compared to 40 days for adults) before facing mandatory repatriation.³⁸⁶ NGOs have raised concerns about the implementation of these measures since reportedly foreign victims are often extradited before being identified and given the opportunity to cooperate with authorities,³⁸⁷ and the reflection period is not really applied.³⁸⁸ Another limitation of the reflection period is that it only applies to victims of trafficking. The procedures and the 70-day reflection period should apply to all CSEC victims, regardless of whether they cooperate with police.

COMPENSATION AND VICTIM ASSISTANCE

There are some promising mechanisms in place for providing compensation and assistance to CSEC victims and the allocation of \$27,000 for trafficking victim assistance programs in 2011³⁸⁹ illustrates the government's growing commitment to these efforts. Article 3(3) of *The Law on Support and Financial Compensation to Crime Victims* provides Bulgarian or EU citizens who are

victims of certain crimes with state support and financial compensation. Included in the list of crimes are "sexual molestation and rape, as a result of which serious health damages have been caused; traffic of people; crimes, committed by an order or in fulfilment of a decision of an organised criminal group, as well as other serious deliberate crimes as a result of which death or serious bodily

harm have been caused as *corpus delicti* consequence.”³⁹⁰ Medical care, psychological consultation, free legal support and practical assistance are provided for under this Act,³⁹¹ as is financial compensation under certain conditions.³⁹² Victims of trafficking are the only CSEC victims who are explicitly covered under the Act; however, other victims of sexual exploitation may be eligible for support, for example if the exploitation was conducted by an organised criminal group, or if the offence was deemed to otherwise fall under Article 3(3). Procedural requirements,

such as the need to provide copies of bills as proof of damages are also a significant barrier to providing compensation and support to CSEC victims.³⁹³ Bulgarian authorities should explicitly make state compensation available to all victims of CSEC, regardless of nationality and residential status, and should continue their efforts to provide information to victims about their rights to compensation and the ways in which they can access it.³⁹⁴ The Bulgarian Government should also ensure that the process is victim and child-friendly.

Training law enforcement personnel

There have been training programmes for law enforcement personnel, undertaken by both government agencies and NGOs; however, generally these programmes are not institutionalised and therefore lack consistency and continued implementation. The trainings also fail to comprehensively cover all CSEC manifestations, instead focusing narrowly on trafficking or more broadly on child protection. The Bulgarian Government should mandate training about all CSEC issues and child friendly procedures for relevant law enforcement personnel to ensure maximum protection of children in the justice system. Trainings should also be more inter-disciplinary and engage youth, psychologists and social service staff to discuss the detection and identification of children at risk, as well as best practices for working with potential or actual child victims of CSEC.

There have been a number of *ad hoc* training programmes for law enforcement officials in recent years; however, they have generally lacked a specific focus on child victims. In 2011, the National Institute of Justice provided training on trafficking to police officers, investigators, prosecutors and judges.³⁹⁵ The Bulgarian Government also provided training to over 60 police officers, local officials and NGO representatives on best practices in countering trafficking for sexual and labour exploitation.³⁹⁶ In 2010, 400 police officers, 50 diplomats and 80 judges, prosecutors and investigators were given anti-trafficking training from the NCCTHB as part of their standard curricula.³⁹⁷ The government has also pursued partnerships with NGOs and IOM to provide trafficking training to 72 law enforcement officials and social workers on victim referral and assistance, including a section on Roma victims.³⁹⁸

Training related to child pornography has been provided by NGOs, while the Bulgarian Government has not been active in this regard. The International Cyber Investigation Training Academy (ICITA),³⁹⁹ which was established in 2009, is implementing a project aimed at enhancing the capacity of law enforcement, prosecution and court personnel in combating online crime, with assistance from the SIC. In 2011, trainings were held in five judicial districts and involved more than 260 law enforcement officers and magistrates.⁴⁰⁰ These training are planned to continue until 2015.⁴⁰¹

There have also been some government initiatives aimed at child protection trainings more generally. For example, the SACP and the National Institute of Justice hold annual training seminars for social workers and magistrates on *Child Protection Act* provisions

that pertain to children who are involved in civil or criminal cases.⁴⁰² However, the Bulgarian Helsinki Committee reported that there were no trainings in 2011 for police, prosecutors or judges on the observance of children's rights during pre-trial and criminal

proceedings.⁴⁰³ Trainings based on the distributed Interpol Manual of Best Practices for working on crimes against children were recorded in 2007,⁴⁰⁴ though there is no evidence of these workshops being held in more recent years.

CHILD AND YOUTH PARTICIPATION

Despite strong government commitments and promising platforms for child and youth participation, sustained and meaningful involvement of children in the development of policies and programmes that affect them is weak.⁴⁰⁵

Children and youth participation is a fundamental principle of the *National Strategy for Children, 2008-2018*. SACP has also promoted child and youth participation through the Charter for Children's Participation⁴⁰⁶ and the establishment of mechanisms for achieving their participation.⁴⁰⁷ There is a City Council of the Child that acts as an advisory body at the local level and a District Board of Children that acts as an advisory body to the governor. At the national level, the Council of Children acts as an advisory body to SACP. The Council of Children participates in discussions on legislation that relates to children, attends meetings of the National Council for Child Protection, and participates in the implementation of national campaigns and initiatives that promote children's rights.⁴⁰⁸ However, despite these impressive mechanisms, the government has not provided any evidence of meaningful child and youth participation.⁴⁰⁹

While not policy-level involvement, children and youth have participated in a number of efforts to prevent online sexual exploitation. For example, children reportedly contributed to the development of the Cyber Crimes Unit website.⁴¹⁰ The SIC also has a Youth Panel consisting of children aged 15-17 years old who are consulted about the

latest trends related to online activities and provide input on prevention activities and materials.⁴¹¹ The city Major of Varna approved the establishment of a Varna municipal peer-team, which consists of members of the SIC Youth Panel.⁴¹² The *Comprehensive Response to On-Line Child Sexual Abuse and Exploitation in Bulgaria Project* included extensive child and youth participation in the design of the research methodology and questionnaires, and conducting the interviews for the study.⁴¹³ Child and youth also developed trafficking awareness materials under the framework of the *REACT – Raising Awareness and Empowerment against Child Trafficking* project.⁴¹⁴ These projects are lauded for including child and youth participation; however, increased attention needs to be devoted to ensuring that children and youth have the opportunity to participate in their governance or policy creation and implementation.⁴¹⁵

ECPAT Bulgaria has actively sought to include children in their projects, publishing a 2012 report analysing the opinions of child victims of trafficking, accommodated in residential care. This study looks specifically at services these children received from professionals who had undergone training as part of the Mario project.



PRIORITY ACTIONS REQUIRED

National Action Plans

- It is necessary for the SACP, the coordinating body for child protection, to urgently develop a comprehensive National Plan of Action that thoroughly addresses all forms of CSEC.
- In accordance with the *Rio Declaration and Call for Action*, children and youth should be afforded meaningful participation in the development of a new CSEC policy, and any other policies that affect children.
- Substantive measures relating to the trafficking of children for sexual purposes should be included in the *National Programmes for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims*, coordinated by NCCTHB.
- The *National Strategy for Child Protection 2008-2018* should be amended to include thorough coverage of all CSEC manifestations; most notably child prostitution and child sex tourism need to be included, and more substantive CSEC-related objectives.
- An independent Children's Ombudsman should be established in Bulgaria and should be assigned the task of monitoring and assessing the implementation of NPAs and strategies that relate to children, to ensure an unbiased evaluation.

Cooperation and coordination

- Bulgaria should create a body that is in charge of coordinating all CSEC-related activities by state actors, NGOs and the private sector. The SACP is most well suited to assume this position.
- The government should ensure that NCCTHB and the SACP have the resources needed to effectively coordinate an anti-trafficking response, and NGOs should be granted full participation rights at the NCCTHB meetings so that they can contribute to shaping national trafficking policies.
- The NRM, coordinated by NCCTHB and SACP, should be provided with sufficient funding to actualise its potential and maximise the coordinated response to identifying and supporting child victims of trafficking.
- The various stakeholders fighting child pornography should develop a common agenda for action that serves as the basis for a National Plan of Action on sexual exploitation of children, or more comprehensive coverage within existing NPA structures.
- To comply with the *Rio Declaration and Call for Action*, Bulgaria must strengthen systems for data collection in relation to all forms of CSEC, not only for trafficking, disaggregated by sex, age and ethnic or social origin, and ensure that these statistics are analysed and used as a tool for developing effective CSEC policies and activities.

- Bulgaria should continue to seek out regional and international cooperation agreements related to all forms of CSEC, including child sex tourism and child prostitution, to share best practices and enhance a coordinated approach to fighting CSEC in the region.

Prevention

- Prevention efforts need to be expanded to focus on all forms of CSEC, including child prostitution and child sex tourism.
- Wide spread CSEC awareness raising campaigns need to be implemented through media and special programmes and events to educate the general public about the issue.
- Specialised trainings on CSEC prevention need to be facilitated among the specialised police workers and social workers dealing with child protection issues.
- CSEC awareness raising campaigns need to be implemented in the vulnerable communities, particular Roma neighbourhoods and schools.
- More tourism operators/companies should be encouraged /incentivised to sign the Code and training should be provided to ensure its effective implementation.
- Mobile phone operators and Internet Service Providers should develop a code of conduct in line with that identified and agreed to by the EU framework for mobile phone operators.
- CSEC-education should be a mandatory part of all school curricula to ensure these programmes are sustained, consistent and widespread.
- Efforts to improve the social and economic inclusion of Roma populations should be expanded and augmented, and meeting the objectives laid out in the *National Action Plan for Roma Inclusion Decade 2005-2015* and the *National Roma Integration Strategy of the Republic of Bulgaria* should be a national priority that involves a multi-stakeholder approach.
- Further efforts to reduce the demand of CSEC are needed, including a programme for changing the behaviour of child sex offenders.

Protection

- The juvenile justice system requires imminent reform to ensure child-friendly processes that treat CSEC victims as such, and not as offenders in need of educative/corrective measures.
- The Bulgarian *Criminal Code* needs to provide clear definitions for all manifestations of CSEC that are compliant with international standards and use internationally accepted language and terms.
- The law on prostitution should be augmented to include offering and child pornography laws should be expanded to specifically include offering, procuring and accessing/viewing of child pornography as well as virtual child pornography.
- Child sex tourism needs to be specifically defined and criminalised.
- Provisions should be enacted that prohibit the criminalisation of CSEC-victims, ensuring they are treated as victims in need of protection and support.

- Increase enforcement of CSEC crimes, and compile disaggregated data on law enforcement to evaluate strengths and weaknesses.
- Bulgaria should ensure that officials pursue investigations, prosecutions and convictions of corrupt government officials complicit in trafficking offences.
- There should be reporting obligations imposed on ISP's and financial companies that become aware of child pornography.
- Child protection units/law enforcement units that are specifically trained to investigate and identify CSEC crimes and work with child victims of CSEC need to be created.

Recovery and integration

- Increase the number of child crisis centres, focusing on the needs of children and ensure that staff receive CSEC-specific training and can deliver the most beneficial and specialised care possible.
- Crisis centres need financial support in order to employ psychologists and provide adequate training to ensure all crisis centre staff are sufficiently qualified. Supervision should be provided for less experienced psychologists. Greater attention should be paid to reintegration and rehabilitation services to protect against the re-victimisation of children.
- Expand the reflection period for all foreign victims of CSEC, regardless of cooperation with authorities.
- Improve the victim assistance program to be more accessible and child-friendly and to explicitly include all CSEC victims as eligible. Continued efforts to increase awareness of this program should also be prioritised.
- It is necessary for the Child Protection Department to carefully monitor CSEC cases in the crisis centres and ensure protection of the child is maintained in the family environment.
- Long-term psychosocial rehabilitation programmes and services should be developed to facilitate the reintegration of child victims and allow them to develop skills to become self-sufficient. Additional financial support needs to be provided to support municipalities in their efforts to offer services that adequately meet the needs of children during their rehabilitation and reintegration into the community.

Child and youth participation

- More meaningful and sustained participation of children and youth is required to comply with the *Rio Declaration and Call for Action*.
- The SACP should ensure that their child participation platforms/mechanisms are being utilised in a meaningful way.
- Bulgaria must place an emphasis on child and youth participation in the development of new action plans and in the approval of new laws.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the “grooming” of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the “grooming” of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

- (1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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- 253 The CRC noted that the very limited number of CSEC cases that actually make it to court, suggesting weak enforcement of these provisions. See: Committee on the Rights of the Child. Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Bulgaria. 2008. Page 18. Accessed on 24, May, 2012 from: <http://www2.ohchr.org/english/bodies/crc/crcs48.htm>. It has also been reported that CSEC-related cases involving victims from Romani ghettos are rarely investigated. See: Kukova, Slavka. Romani Children at Risk in the Child Protection System. Bulgarian Helsinki Committee. Sofia. June 2011. Page 26. Accessed on 30, May, 2012 from: <http://www.bghelsinki.org/en/publications/bhc-reports/special-reports/>.
- 254 Criminal Code. Section VIII (Debauchery).
- 255 Article 157(1) of the Criminal Code: "A person who performs sexual intercourse of acts of sexual satisfaction with a person of the same sex, by using for that purpose force or threat, or by taking advantage of a position of dependency or supervision, as well as with

a person deprived of the possibility of self-defence, shall be punished by deprivation of liberty for two to eight years." Article 157(2) increases the penalty if the act under paragraph 1 was committed in respect to a child below 14 years of age.

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- 258 Criminal Code. Article 31(1).
- 259 Criminal Code. Article 31(2).
- 260 Criminal Code. Article 32(2).
- 261 Criminal Code. Article 32(1).
- 262 Fighting Against Anti-Social Acts of Minors and Underage Persons Act. Article 12.1.
- 263 Bulgarian Helsinki Committee. Human Rights in Bulgaria in 2011: Annual report of the BHC. March 2012. Sofia. Page 49. Accessed on 28, May, 2012 from: <http://www.bghelsinki.org/en/publications/bhc-reports/>.
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- 268 Child Protection Act. Article 15(4).
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- ²⁷¹ Kukova, Slavka. FRA Thematic Study on Child Trafficking: Bulgaria. European Union Agency for Fundamental Rights. August 2008. Page 8. Accessed on 24, May, 2012 from: http://fra.europa.eu/fraWebsite/research/background_cr/cr_child_traff_0709_en.htm.
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- ²⁷³ OPSC. Section 2(b).
- ²⁷⁴ OPSC. Section 3(1)(b).
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- ²⁷⁶ Criminal Code. Article 31(2).
- ²⁷⁷ Criminal Code. Article 149(1).
- ²⁷⁸ Criminal Code. Article 151(1).
- ²⁷⁹ Criminal Code. Article 158.
- ²⁸⁰ Criminal Code. Article 155(1).
- ²⁸¹ Criminal Code. Article 155(5)(2).
- ²⁸² It should be noted that the use of the term “her” in this offence risks having it only apply to females. This should be removed to ensure the offence is sex-neutral.
- ²⁸³ Criminal Code. Article 156(2.1).
- ²⁸⁴ Criminal Code. Article 156(3.1).
- ²⁸⁵ Law to Combat Delinquency of Minors. Articles 12 and 13.
- ²⁸⁶ Law to Combat Delinquency of Minors. Article 49a(1).
- ²⁸⁷ The National Statistics Institute (NSI) maintains statistics on the number of children who pass through child pedagogic offices for anti-social acts. Prostitution is one of the categories NSI has listed as an anti-social act. (<http://www.nsi.bg/otrasalen.php?otr=50&a1=2158&a2=2180&a3=2184#cont>).
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- ²⁸⁹ The CRC noted with concern the discrepancy between the high number of children who reportedly passed through child pedagogic centres for prostitution and the low number of children reported as victims of prostitution. Committee on the Rights of the Child. Summary Record of the 1319th Meeting: Second periodic report of Bulgaria. Geneva. 26 May 2008. Page 5. Accessed on 14, May, 2012 from: <http://www2.ohchr.org/english/bodies/crc/crcs48.htm>. It should, however, be noted that the Bulgarian Government responded to this concern by explaining that the children who pass through child pedagogical offices were not necessarily involved in prostitution or sexual exploitation and may instead have been passing through due to some connection to prostitution, such as for police protection or for an investigation. (CRC, Summary Record of the 1319th Meeting: Second Periodic Report of Bulgaria. Geneva. 26 May 2008. Page 5. Accessed on 14, May, 2012 from: <http://www.2.ohchr.org/english/bodies/crc/crcs48.html>).
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- ²⁹⁴ Criminal Code. Article 159(3).
- ²⁹⁵ Criminal Code. Article 158a(1).
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- ²⁹⁷ Criminal Code. Article 159(6).
- ²⁹⁸ Child Protection Act. Articles 7(1) and (2).
- ²⁹⁹ National Statistics Institute. Minor and Juvenile Persons, Victims of Crimes – Time series. Accessed on 17, May, 2012 from: <http://www.nsi.bg/otrasalen.php?otr=50&a1=2158&a2=2180&a3=2182#cont>.
- ³⁰⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. Article 3(a).
- ³⁰¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations

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- ³⁰² Criminal Code. Section IX: Trafficking of People. (New, SG No. 92/2002).
- ³⁰³ U.S. Department of State. Trafficking in Persons Report. United States. 2012. Page 100. Accessed on 20, June, 2012 from: <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>.
- ³⁰⁴ Criminal Code. Articles 159a(2.1-2.6).
- ³⁰⁵ Criminal Code. Article 159a(2.1) and Article 159b(2).
- ³⁰⁶ Criminal Code. Article 159d.
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