



# EXECUTIVE SUMMARY

## Bulgaria\*



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## Introduction

Bulgaria is a parliamentary democracy with a population of approximately 7 million.<sup>1</sup> The years of social and economic unrest that followed the end of the communist rule led to the 1996-1997 economic and financial crises.<sup>2</sup> National reforms and international support in the aftermath of the crisis culminated in Bulgaria becoming a member-state of the European Union (EU) in 2007.<sup>3</sup> Even though some recovery signs have recently been demonstrated after the global financial crisis,<sup>4</sup> there are still concerns on how poverty levels affect ethnic minorities in Bulgaria. Romani communities have faced decades of social, political and economic exclusion.<sup>5</sup> Research suggests that this factor has left Roma children especially vulnerable to commercial sexual exploitation of children (CSEC).<sup>7</sup>

The extent of **child prostitution** is unknown, since the only available statistics on the matter are based on crime data and information about children who have passed through child pedagogic services, which have been illustrating a decrease in child prostitution in recent years.<sup>8</sup> However, this trend should be regarded with caution, due to the lack of a formal mechanism to identify child victims. Despite these barriers in understanding child prostitution, it is evident that this is a threat the government needs to address.

**Child pornography/child sexual abuse materials** is seen in Bulgaria as a growing threat, due to the expansion of Internet usage. Consequently, the Cyber Crimes Police Unit was created.<sup>9</sup> Civil society organisations (CSOs) have also engaged in fighting online

CSEC through conducting awareness-raising and training projects. The Bulgarian Internet Hotline for Fighting Illegal and Harmful Content in Internet was thus established in 2005.<sup>10</sup> Bulgaria is also involved in a two-year-long partnership with an international initiative called *Forensic Images and Video Examination Support (FIVES) project*.<sup>11</sup>

Bulgaria is mainly a source country for **child trafficking for sexual purposes**.<sup>12</sup> According to the *US Trafficking in Persons Report*, the number of identified trafficking victims has been on the rise in recent years,<sup>13</sup> despite child victims of trafficking being particularly difficult to identify.<sup>14</sup> On the other hand, while Bulgaria's accession to the EU has aided in their fight against trafficking in human beings in many ways, it has also eliminated visa restrictions, thus affording new opportunities for traffickers to exploit vulnerable children.<sup>15</sup>

There is no information or data on the prevalence of sexual exploitation of children in tourism in Bulgaria. However, given Bulgaria's growing tourism industry and the apparent incidence of child prostitution, there is a risk that this kind of exploitation of children is going on undetected in the country. In Bulgaria, the issue of **child marriage** is mostly concerned with informal marriage arrangements for Roma girls under the age of 14, despite it being illegal.<sup>16</sup> There are preventive activities in Bulgaria aimed to address the "early child marriage" phenomenon, but they are insufficient for reducing or eliminating this traditional Roma "practice."

## National Plan of Action

Despite creating a comprehensive and successfully implemented<sup>17</sup> *National Action Plan against Commercial Sexual Exploitation of Children 2003-2005* (CSEC NPA),<sup>18</sup> Bulgaria has not renewed this National Plan of Action (NPA). The measures to address CSEC are now contained in the annual National Strategy for Child Protection 2008-2018 (Child Strategy) and the annual *National Programme for the Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims* (Trafficking NPA). This policy shift has resulted in a less coordinated and comprehensive approach which only focuses on certain aspects of CSEC. The Child Strategy<sup>19</sup> is the main policy document that addresses CSEC, with the exception of trafficking. The level of detail is minimal and the document does not mention

child prostitution, measures that target child sex tourism or vulnerability reduction for Roma populations. The Child Strategy is delineated in an annual *National Programme for Child Protection* (Child Programme), which provides more specific details on the realisation of the Strategy objectives. Unfortunately, the Child Programmes have lacked substantive measures devoted specifically to CSEC. The Bulgarian government has adopted the Trafficking NPA annually since 2005. The 2012 Trafficking NPA is a comprehensive policy document that has narrowed in on some critical trafficking issues, though some important measures do not target children. This gap could result in ineffective protection of children against trafficking for sexual purposes.

## Coordination and Cooperation

At the national level, Bulgaria has a number of organisations that pursue a coordinated approach to human trafficking. It was thus in the spirit of ensuring “co-operation and co-ordination between the bodies of state and the municipalities,”<sup>20</sup> that the National Commission for Combating Trafficking in Human Beings (NCCTHB) and the Local Commissions were established. The *National Mechanism for Referral and Support of Trafficking Persons* (NRM) and the *Coordination Mechanism for Referral, Care and Protection of Repatriated Unaccompanied Minors* were respectively created to act as tools for effective and enhanced victim identification and support,<sup>21</sup> and to set up a system for inter-institutional referral of cases.<sup>22</sup> With regard to manifestations of CSEC, an initiative worthy of note is the National Public Council on Safer Internet Use in Bulgaria (the Council) which is responsible for the supervision of the Bulgarian Hotline and Safer Internet Node.

Regional and international cooperation in Bulgaria is also very well developed in the area of combating trafficking in persons, but

limited regarding other manifestations of CSEC. Bulgaria has been participating in a number of projects involving governmental and non-governmental partners which are mainly focused on the investigative aspect of online child sexual abuse and exploitation.<sup>23</sup> Some of the most notable examples are: the *Comprehensive Response to On-line Child Sexual Abuse and Exploitation in South-East Europe project* 2010-2013,<sup>24</sup> the FIVES Project 2009-2011,<sup>25</sup> participation in The Regional Child Trafficking Response Program (CTRP),<sup>26</sup> and the 2009-2010 partnership with the Netherlands to implement the project *Trafficking in human beings in Bulgaria and the Netherlands – common efforts in counteraction*.<sup>27</sup>

Bulgaria is also a member of INTERPOL and EUROPOL and has participated in several projects at the regional and international level that aim to deter not only trafficking in human beings, but also child trafficking in particular. A number of bilateral cooperation agreements with neighbouring countries were also signed in order to facilitate transnational enforcement of trafficking.<sup>28</sup>

The Bulgarian government has been leading a number of prevention initiatives heavily focused on human trafficking. It has sponsored public awareness-raising campaigns which also have targeted schools. However, it has been reported that such efforts have not been conducted in segregated Roma-only schools.<sup>29</sup> NGOs also played a critical role in raising awareness about trafficking. The *REACT – Raising Awareness and Empowerment against Child Trafficking* project is one example of a prominent NGO-led awareness-raising campaign.<sup>30</sup> Unfortunately, there have been no government or NGO prevention activities specifically targeting the sexual exploitation of children in tourism or child prostitution in recent years.

Regarding private sector involvement, there are currently ten companies in Bulgaria who are signatories to the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* (The Code).<sup>31</sup> However, research indicates that the signatory companies reportedly lack the capacity to assume their responsibilities under the Code.<sup>32</sup>

There have also 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. As part of the 2003–2005 CSEC NPA, schools developed

curricula that included CSEC information and relevant training was provided to teachers.<sup>33</sup> However, there is no information available as to whether this initiative has been ongoing. The Bulgarian Safer Internet Centre (SIC) has also been involved in a number of education and training programmes for students and teachers about staying safe online.<sup>34</sup> There have also been some initiatives to provide training on human trafficking and online risks to other professionals outside of the school environment. For example, trafficking training was provided to diplomats, consuls and military attaches at the Diplomatic Institute of the Ministry of Foreign Affairs in Bulgaria.<sup>35</sup> 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.<sup>36</sup>

The government has shown its commitment to help reduce the vulnerability of Roma communities by becoming a member of the *Decade of Roma Inclusion 2005–2015* (Roma Decade)<sup>37</sup> and by launching the *Prevention of trafficking in human beings who belong to ethnic groups with a focus on the Roma minority in Bulgaria* project.<sup>38</sup> A few initiatives that target child sex offenders were also implemented by the government, the most notable being the criminalisation of the use of services of trafficked persons in 2009.<sup>39</sup>

Bulgaria has ratified the principal international treaties relating to child rights such as the Convention on the Rights of the Child (CRC), the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC), the Convention on the Worst Forms of Child Labour and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol). At the regional level, Bulgaria has ratified the key regional instruments that relate to CSEC, namely the Council of Europe Convention on Action Against Trafficking in Human

Beings, the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse and the Council of Europe Convention on Cyber Crime. Even though the Bulgarian *Criminal Code's* recent amendments show some level of development and harmonisation of the CSEC legal framework,<sup>40</sup> there are still legislative gaps which need to be addressed. For example: 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 criminalising child sex tourism.<sup>41</sup>

## Prostitution of children

There is no specific definition of child prostitution in the Bulgarian *Criminal Code*. Moreover, offences related to obtaining and providing a child for prostitution are not comprehensive, and there is not a provision broad enough that would entail the criminalisation of any method of making a child available for prostitution.<sup>42</sup> There is potential for child victims of prostitution to be treated as offenders and there is no legislation that prohibits the conviction of victims of child prostitution. Furthermore, the *Juvenile Delinquency Act* imposes educational and other corrective measures on children as young as eight who have exhibited “anti-social behaviour.”<sup>43</sup>

## Child pornography/Child sexual abuse materials

Bulgaria has a comprehensive legal framework against child pornography. However, the same fails to provide a clear definition of child pornography and to criminalise virtual child pornography. Some provisions show a first effort to tackle the distribution/dissemination and viewing of child pornography and also to criminalise the act of “grooming” a child for pornography. The framework for reporting cases of child pornography is incomplete, as Internet Service Providers (ISPs) and financial companies do not have any reporting obligations.<sup>44</sup>

## Trafficking in children for sexual purposes

In Bulgaria, the legal provisions on trafficking in human beings have been recognised as sufficiently stringent.<sup>45</sup> However, the fact that they do not provide an explicit definition of trafficking in children creates a broad trafficking offence, irrespective of the means in which trafficking was achieved.<sup>46</sup> There is also a need for a provision that explicitly protects child victims of trafficking from being treated as offenders and measures to guarantee their protection and assistance. Bulgaria also needs to enhance efforts to investigate, prosecute and convict corrupt government officials who are complicit in trafficking offences.<sup>47</sup>

## Sexual exploitation of children in tourism

The sexual exploitation of children in tourism is not defined or specifically criminalised in Bulgarian legislation. Thus, Bulgaria should prioritise the criminalisation of CSEC in tourism. On the other hand, Bulgarian courts are competent to prosecute foreign nationals who have sexually exploited children in Bulgaria. Article 4(1) of the *Criminal Code* allows Bulgaria to exercise extraterritorial jurisdiction based on the nationality principle, permitting them to prosecute Bulgarian citizens under the Bulgarian *Criminal Code* for crimes that were committed abroad.

## Child protection units

The Cyber Crimes Unit is responsible for all cases involving criminal activity related to illegal or harmful content on the web, including child pornography.<sup>48</sup> *Trafficking in Human Beings* is a specialised unit that operates under the Chief Directorate for Combating Organized Crime.<sup>49</sup> The only child-centred law enforcement agency is the

Child Pedagogic Office which works in the prevention of “anti-social” behaviour, which has been interpreted to include children exploited in prostitution.<sup>50</sup> Unfortunately, there are no such bodies that work with children in courts, investigative services or prosecution services.<sup>51</sup>

## Support services for children

Support services for victims of CSEC in Bulgaria are currently inadequate and in need of resources. There are several helplines available to CSEC victims to access advice and counselling services, but most are not tailored to respond to their specific needs. There is also a need to increase the number of crisis centres for victims of CSEC.<sup>52</sup> For Bulgarian victims of trafficking identified abroad,<sup>53</sup> there are some institutionalised measures in place to help ensure their repatriation. Additionally, foreign victims of trafficking in Bulgaria have the same right to assistance as Bulgarian nationals.<sup>54</sup> 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. Victims of trafficking are the only CSEC victims explicitly covered under the Act, but other

victims of sexual exploitation may qualify for support under certain circumstances.

### Training law enforcement personnel

Both the government and NGOs have been developing *ad hoc* training programmes for law enforcement officials in recent years.<sup>55</sup> Government trainings have been mainly focused on best practices in countering trafficking for sexual and labour exploitation,<sup>56</sup> rather than other initiatives focusing on child protection more generally.<sup>57</sup> NGOs have also been providing training related to child pornography. The International Cyber Investigation Training Academy (ICITA)<sup>58</sup> is implementing a project aimed at enhancing the capacity of law-enforcement, prosecution and court personnel in combating online crime.

## Child and Youth Participation

The Bulgarian government has shown strong commitment toward including meaningful participation of young people on the issue of CSEC, as it is a fundamental principle of the *National Strategy for Children, 2008-2018*. The State Agency for Child Protection (SACP) has also promoted child and youth participation through the Charter for Children's Participation<sup>59</sup> and the establishment of mechanisms at the local and national levels for achieving their participation.<sup>60</sup> However, despite these developments, the government has not provided any evidence of meaningful child and youth participation.<sup>61</sup>

There has been, however, some child and youth participation outside the realm of policy making. This can be evidenced by the help they provided in developing the Cyber Crimes Unit website,<sup>62</sup> in designing the research methodology and questionnaires in the *Comprehensive Response to On-Line Child Sexual Abuse and Exploitation in Bulgaria Project*<sup>63</sup> and in developing trafficking awareness materials under the framework of the *REACT – Raising Awareness and Empowerment against Child Trafficking project*.<sup>64</sup> ECPAT Bulgaria also published a report in 2012 analysing the opinions of child victims of trafficking accommodated in residential care.<sup>65</sup>

## Priority Actions Required

### National Action Plans

A National Plan of Action that thoroughly addresses all forms of CSEC should be developed. The *National Strategy for Child Protection 2008–2018* should also be amended so that other manifestations of CSEC (child prostitution and child sex tourism) are included. The establishment of an independent Children's Ombudsman who would monitor and assess the implementation of the NPAs is also advised.

### Cooperation and Coordination

Bulgaria should establish a body that is responsible for coordinating all CSEC-related activities by state actors, NGOs and the private sector. Resources and funding should also be provided so that the NCCTHB and the SACP can effectively coordinate an anti-trafficking response. The systems for data collection on all manifestations of CSEC should also be strengthened.

### Prevention

Prevention efforts need to be expanded mostly through the creation of specialised trainings on CSEC prevention and a school curriculum that includes CSEC education. Awareness-raising campaigns should also be implemented in vulnerable communities. The efforts to improve the social and economic inclusion of these communities should be expanded and augmented. The Bulgarian

government should incentivise increased private sector involvement in the fight against all forms of CSEC, including the promotion and implementation of The Code.

### Protection

The Bulgarian juvenile justice system requires reform to ensure child-friendly processes that treat CSEC victims as such. The Bulgarian *Criminal Code* needs to provide clear definitions for all manifestations of CSEC that are compliant with international standards, especially regarding child prostitution and child sex tourism. Bulgaria should ensure that officials pursue investigations into corrupt government officials complicit in trafficking offences.

### Recovery and Integration

Bulgaria should increase the number of child crisis centres, focussing on the needs of victims of CSEC. It is also necessary for the Child Protection Department to carefully monitor CSEC cases in the crisis centres.

### Child and Youth Participation

The SACP should ensure that their child participation platforms/mechanisms are being utilised in a meaningful way. Bulgaria should also place an emphasis on child and youth participation in the development of new action plans and in the approval of new laws.

## Endnotes

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