



Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

BULGARIA



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Contents

Glossary	4
Foreword	6
Methodology	8
Bulgaria: Introduction	11
National Plan of Action	12
Coordination and Cooperation	13
Prevention	16
Protection	18
Priority Actions Required	24
Endnotes	26

Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ARC Fund: Applied Research and Communications Fund

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CIS: Commonwealth of Independent States

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children 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. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

IT: Information technology

INHOPE: International Association of Internet Hotlines
ICTSD: International Centre for Trade and Sustainable Development
ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
IOM: International Organization for Migration
IRC: Internet Relay Chat
ISP: Internet service provider
MoU: Memorandum of Understanding
NCCP: National Council for Child Protection
NGO: Non-governmental organization
NPA: National plan of action
OSCE: Organisation on Security and Cooperation in Europe
ODHIR: Office for Democratic Institutions and Human Rights
QCS: Quality of care standards
SACP: State Agency for Child Protection
STIs: Sexually transmitted infections
UAM: Unaccompanied minors
UN: United Nations
UNDP: United Nations Development Programme
UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific
UNESCO: United Nations Educational, Scientific and Cultural Organisation
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund
UNIFEM: United Nations Development Fund for Women
UNOHCHR: United Nations Office of the High Commissioner for Human Rights
WHO: World Health Organization
WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

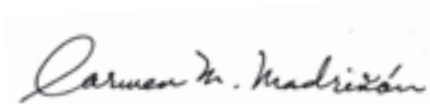
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

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 of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. 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 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.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. 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 would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, 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 through teleconferences, 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 reports feature: (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); and (vi) priority actions required.



BULGARIA

Bulgaria is mainly a transit country in terms of trafficking in children for sexual purposes. Foreign children are primarily trafficked from Ukraine, Romania, Moldova, Russia and Central Asia through Bulgaria, into western, southern and eastern Europe. They are usually approached by individuals (such as a young woman, acquaintances or persons introduced by mutual friends) who gain their trust and describe glamorous work opportunities abroad. Organised crime groups are mainly responsible for human trafficking, often posing as employment agencies or tour operators.¹ Bulgaria is also, to a lesser extent, a country of origin and destination. Trafficking in unaccompanied children to foreign destinations increased after Bulgarians were exempt from requiring visas to enter European Union (EU) states. The average age at which Bulgarian children are internally trafficked for sexual exploitation is between 14 and 18.² According to the Ministry of the Interior, girls under the age of 14 have been found to be victims of trafficking within Bulgaria and also in Italy. Bulgarian children are usually lured into prostitution due to poor living conditions and lack of education.³ Roma children continue to be disproportionately represented among the victims, and are being increasingly targeted by child prostitution rings.⁴ Some Roma girls are sold to traffickers by relatives.

Although up until now, hosting child pornography on Bulgarian websites has been limited, there is evidence that it is gradually increasing. Until 2003 no charges had been filed in this regard, however there were 14 cases in 2005 alone. In most cases the pornographic materials featured on such websites had been produced abroad, but in at least two cases the participation of Bulgarian children was confirmed.⁵ Cases have thus involved mainly the downloading of child pornography from foreign websites, with no indication of distribution, although possession of large amounts of child pornography has been detected. It is possible that certain Bulgarian websites are making available the material produced abroad while trying to become part of an international network. The Ministry of the Interior is devoting more resources to investigate the issue.

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

Law enforcement authorities and other stakeholders are aware of the risk and have started working on prevention.

Bulgaria participated in the First World Congress and adopted the *Stockholm Declaration and Agenda for Action* in 1996. It also reaffirmed its commitment in the Second World Congress in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

The *National Action Plan against the Commercial Sexual Exploitation of Children (2003 - 2005)* was adopted by the State Agency for Child Protection (SACP). The Plan envisaged activities in the five main areas of prevention, protection, rehabilitation and reintegration, child participation and "Provision of Information and International Cooperation".⁶ The Minister of the Interior and the SACP Chairperson were jointly responsible for coordinating its implementation. This NPA was comprehensive in the way it addressed the various manifestations of CSEC, identifying clear goals, assigning the responsible actors and allocating reasonable funds to its various activities. Its implementation has been highly effective and has led to a number of significant developments.

In terms of protection, the Plan has been successful in pushing forward the harmonisation of national legislation with international standards, and encouraging public discussion between law enforcers, the judiciary, prosecution offices, and others, for the effective punishment of perpetrators; establishing hotlines for reporting sexual crimes against children; and creating a 'Coordination mechanism for referral, care and protection of repatriated Bulgarian unaccompanied minors (UAM) and children – victims of trafficking returning from abroad'.⁷

The NPA also outlined a series of activities to improve support for victims. A national hotline was established to provide psychological assistance to children, and there have been improvements in the conditions of existing temporary homes for minors in difficult situations, including CSEC victims. The construction of three crisis centres, with special arrangements for trafficked children, is planned for 2006.

In addition, the NPA provided for the participation of children and young people in developing national programmes undertaken by the National Child Protection Council,⁸

whereby they took part in the work of the Council and advised on policy making. To enhance cooperation, the following activities were undertaken: the creation of a special website on CSEC; collection and dissemination of information on good practices; a research on risk factors and groups; an analysis of Bulgaria's compliance with international obligations; and establishing an international partners' network.

An evaluation of the implementation of the Plan was conducted, and has already led to the incorporation of a set of rehabilitation, support and protection measures in the 'National Programme for Child Protection' that started in 2006. These are based on an integrated approach to children's rights, and also include research and the provision of more shelters and care programmes. A new NPA is expected to be developed soon.

Furthermore, the 2004 *Act on Combating Trafficking in Human Beings*, although not directly focused on trafficking in children for sexual purposes, led to the creation of the 'National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims', designed by the Council of Ministers⁹ and carried out by SACP, the Ministries of the Interior, Education and Science, international governmental organisations and other institutions working with children. It involves public awareness raising; targeting children at risk in existing prevention programmes; developing measures to reduce involvement in trafficking through the Internet; improving support to child victims; training for social workers who work directly with child victims; and finalising and implementing the 'Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad'. Under this programme, the *Manual of Good Practices for Police Officers and Investigators* on legal procedures related to child victims will be circulated. According to the local non-governmental organization (NGO) Neglected Children Society, the ECPAT group in Bulgaria, the provisions listed above have been well implemented so far.

COORDINATION AND COOPERATION

Local and National Level

Active partnerships between state agencies, NGOs and other key stakeholders, have been established, many of them coordinated by SACP, the Ministry of the Interior and other governmental

bodies. The ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad’, and the local commissions for Combating Trafficking in Human Beings, are examples of well-designed mechanisms that have been very effective in improving coordination at various levels. At the same time, many successful cooperation efforts are in their early stages and need appropriate follow up to ensure sustainability of results.

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

The National Commission for Combating Trafficking in Human Beings¹⁰ is responsible for implementing the 2005 *Act on Combating Trafficking in Human Beings*, as well as the ‘National Programme for the Prevention and Counteraction of Trafficking in Human Beings and the Protection of Victims’. The Commission includes representatives from various ministries and NGOs. To support such work at the local level, Local Commissions for Combating Trafficking in Human Beings are being established in all major cities across the country. They will coordinate planned activities, including the establishment of support centres to provide victims with specialised psychological and medical services; and will work with relevant departments of child protection state agencies already in place in several towns. Good collaboration between several stakeholders is gradually being established through such a dynamic structure, which is based on a strong multi-stakeholder approach.

The ‘Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad’

The mechanism, jointly developed by SACP and the International Organization for Migration (IOM) in 2005, includes a system of inter-institutional referral to facilitate and speed up the follow-up of cases (reported either from abroad or from within the country). Different institutions are involved in the identification, removal, rehabilitation and reintegration of the child,¹¹ namely state child protection agencies, the Ministry of the Interior, the National Commission for Combating Trafficking in Human Beings and NGOs. In addition, multi-disciplinary teams are being created within the child protection departments to include representatives of the Police Child Pedagogical Services, the Police Homes for Temporary

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

The effectiveness of this new system will be ensured by regular training of experts as well as by the dissemination of manuals for action. As the system is new, it will be regularly evaluated and further enhanced if necessary, following reporting on achieved results by the Coordinating Expert Council, SACP and the Ministry of the Interior.

SACP's 2005 National Programme for Child Protection' focused on protecting children from abuse and exploitation in general. SACP and the Ministry of the Interior were the main organisations responsible for the activities, some of which were undertaken together with NGOs.¹²

Finally, in 2003, a Public Council to Regulate Safe Internet Use, composed of government representatives, major Internet service providers (ISPs) and NGOs, was established. It provides a coordination platform for various stakeholders involved in limiting the distribution of harmful and illegal content and protecting the rights of users, particularly children. The Public Council will also supervise the hotline SAFE-NET Bulgaria.¹³

Regional and International Level

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

A number of agreements to combat human trafficking have been signed with other member states of the Black Sea Economic Cooperation Organisation (BSECO), which includes Albania, Armenia, Azerbaijan, Georgia, Greece, Moldova, Romania, the Russian Federation and Ukraine. Bulgaria also signed a cooperation protocol with Romania for

combating cross-border crime, with special emphasis on child trafficking and the sexual exploitation of children.¹⁴

PREVENTION

Several training programmes and public awareness campaigns, mostly by NGOs, have been carried out in many cities and schools all over the country. The majority of such initiatives focus on trafficking in children, and the number of projects to promote child safety online is increasing. The SACP is actively fulfilling its role in terms of promoting prevention initiatives.

Since 2002, the Neglected Children Society has conducted a permanent prevention programme, Child world without prostitution, trafficking and exploitation. It has distributed a wide range of materials against CSEC and organised training sessions and lectures, targeting children, the police and institutions working on child rights. Training of trainers with a view to establishing peer schemes in schools has also been carried out.

The NGO Face to Face Bulgaria also conducted public awareness programmes to prevent the prostitution of children and trafficking, targeting disadvantaged young girls, orphans living in institutions and abused girls. They released a film, *Svetlana's Journey*, based on the true story of a 13-year-old Bulgarian girl forced into prostitution.¹⁵

IOM Bulgaria and the Bulgarian Red Cross conducted a campaign called 'Open your eyes', with a focus on trafficking in women and children. The campaign publicised the hotlines and helplines operated by them, the Animus Association Foundation and the Nadia Centre, for victims of trafficking and sexual violence. The campaign materials, an IOM educational film on the issue, form the basis for a number of training programmes for police inspectors and child experts.

Between 2003 and 2005, SACP conducted the campaign 'Internet and Children's Rights'. Information materials for teachers, parents and students were distributed nationwide. To mark the end of the campaign, SACP held a public discussion to present the findings of a survey with 1,600 schoolchildren, teachers and parents.¹⁶ The project was very successful in raising awareness about child safety online. As a result of the subsequent support from the media and the Ministry of the Interior, several national and international networks distributing child pornographic materials on the Internet have since been discovered and

shut down.

Furthermore, in 2005 the ARC Fund began a two-year project to establish a national hotline under the EU Safer Internet Programme. The Internet hotline – SAFE-NET Bulgaria – will facilitate the reporting of harmful and illegal web content, including child pornography.¹⁷

SACP has also been involved in promoting the *Code of Conduct for the Prevention of Trafficking in Children and Sexual Exploitation of Children in Tourism*.¹⁸ The project is a joint initiative by the Organisation for Security and Cooperation in Europe (OSCE), SACP, the Animus Association Foundation and Respect, the Austrian ECPAT affiliate.¹⁹ A questionnaire was distributed to tourism industry employees to assess their knowledge about child sex tourism. This was followed up with training on how to combat the problem. Leaflets and posters were also disseminated. A Permanent Monitoring Committee, which includes representatives from SACP, various ministries, tourism associations and NGOs, was formed to monitor implementation of the Code.²⁰

Tourists and Code of Conduct signatories take a stand

A tour operator signatory to the *Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism* canceled a contract with a hotel in Varna following reports from tourists that the hotel operated in an almost brothel-like manner.²¹

Training sessions for professionals working with children - police inspectors, secretaries of Local Commissions, social workers, teachers, school councilors, etc - on strategies to prevent and combat child sexual exploitation and trafficking have been conducted by the Neglected Children Society, within the framework of the 'Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes' implemented by the ECPAT Europe Law Enforcement Group.

Recent CSEC research projects include a survey to assess students' awareness of child prostitution and trafficking, undertaken by the Neglected Children Society in partnership with five Bulgarian NGOs. The survey also interviewed parents, teachers, professionals working in children's institutions and specialist police units.²² The results were presented at the First National Roundtable for Creating a National Coalition against CSEC. A survey²³ was also carried out on public attitudes towards child trafficking. The results were presented

during the Second National Roundtable for Protection against Child Trafficking, and at a number of national conferences and professional meetings.

While the children interviewed through the Neglected Children Society's survey got information on child trafficking mainly from their parents, the parents interviewed were not really well acquainted with the issue. They generally obtained information on the subject from the media, which is often inaccurate. Some children were tempted to work abroad even when they did not have much information about the potential job. It thus appears that children are not properly informed about the real risks of being trafficked.

PROTECTION

Bulgaria ratified the *Convention on the Rights of the Child (CRC)* in 1991, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2001 and the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2002. It ratified *ILO Convention 182* in 2000. At regional level, the *Convention on Cybercrime* was ratified in 2005 and entered into force the same year. Bulgaria has not signed the Council of Europe's *Convention on Action against Trafficking in Human Beings*.

Legislation

Prostitution of Children

Bulgarian law does not offer a definition for the prostitution of children, so it is unclear whether it addresses all the acts listed in the *Optional Protocol*, namely obtaining, offering, procuring or providing a child for prostitution. And, while Bulgarian law prohibits forcibly prostituting a minor, the *Optional Protocol* considers any sexual contact prohibited regardless of the use of force. On the whole, Bulgarian law requires reform to protect children better against the prostitution of children.

Under the Bulgarian *Penal Code*, the age of sexual consent is 14 years of age (for

both heterosexual and homosexual contacts).²⁴ The *Penal Code* thus prohibits sexual intercourse with children (defined as under the age of 14), and with young persons (defined as under the age of 18) when they do not understand the nature and implications of the act.²⁵

Prostitution in itself is not illegal in Bulgaria, but the law punishes procurers and pimps. Article 155 of the *Penal Code* prohibits the incitement of children and young persons to prostitution and punishes this offence with imprisonment for two to eight years'.²⁶ The Code also prohibits forcing a minor (under 18 years old) to engage in prostitution. Punishment for this offence is imprisonment for up to five years.²⁷

Trafficking in Children for Sexual Purposes

Based on the information obtained, Bulgarian law appears to meet international child protection standards on trafficking.

Reform of national legislation began in 1999 in order to include trafficking as a specific area of regulation. In 2002, the *Penal Code* was amended to include a section on “Trafficking in Human Beings”.²⁸

Article 159 of the *Penal Code* defines trafficking in persons as the recruitment, transportation, harbouring or receipt of persons for the purpose of using them for acts of debauchery, compulsory labour, removal of organs and other forms of exploitation. The definition applies to cross-border as well as to internal trafficking. Punishment ranges from one to eight years' imprisonment and a fine of up to 8,000 levs (US\$ 4,800). When the offence is committed against persons under 18 years of age, punishment is increased to two to ten years imprisonment and a fine of up to 10,000 levs (US\$ 6,200), or five to ten years imprisonment and a fine of up to 15,000 levs (US\$ 9,300) for cross-border trafficking.²⁹ If the case constitutes dangerous recidivism, or if the act is carried out in connection with organised crime, punishment is five to 15 years' imprisonment and a fine not exceeding twenty thousand levs (US\$ 12,400), with or without confiscation of property.

Child Pornography

Bulgarian legislation offers inadequate protection against child pornography and requires further reform to meet international standards. At present it does not specifically define child pornography, and it is unclear whether it considers all the broad elements described in the *Optional Protocol* as child pornography. Furthermore, Bulgarian law should criminalise all acts of producing, distributing, disseminating, importing, exporting, offering and selling child pornography. On the other hand, a positive aspect of current Bulgarian legislation is that it criminalises the mere possession of pornographic material involving children, and not only the possession of such material for the purpose of distribution.

Article 159 of the *Penal Code* prohibits the production of pornography. The offence is punishable with imprisonment for up to one year and a fine of 1,000 to 3,000 leva (US\$ 600 to 1,800). When such materials are created using children, young persons or persons appearing as such, punishment is imprisonment for one year and a fine of up to 8,000 leva (US\$ 4,900).

The *Penal Code* also prohibits the display, presentation, broadcast, distribution, sale, rent or dissemination of pornographic works. The offence is punishable with deprivation of liberty for up to one year and a fine of 1,000 to 3,000 leva (US\$ 600 to 1,800). When these activities are targeted at a person under 16 years old, the offence is punishable with imprisonment for up to three years and a fine of up to 5,000 leva (US\$ 3,000). In all cases, when the materials involved were created using children, young persons or persons appearing as such, punishment is imprisonment for one year and a fine of up to 8,000 leva (US\$ 4,900).

The mere possession of pornography depicting minors under the age of 18 years or persons appearing as such, is punishable by imprisonment for up to one year or a fine of up to two thousand leva (US\$ 1,230). If any of the abovementioned offences is committed by an organised criminal group, increased penalties of two to eight years' imprisonment and a fine of up to 10,000 leva (US\$ 6,200) apply.

Current legislation also covers computer-facilitated offences: Article 159(3) of the *Penal Code*, when read in conjunction with Article 159(1), criminalises, *inter alia*, “otherwise circulating works with a [*child*] pornography content” (emphasis added).³⁰

Extraterritorial Legislation

Article 4 of the *Penal Code* provides that a Bulgarian citizen who commits a crime outside of Bulgaria is liable under Bulgarian law.³¹

Child Protection Units

Experts on combating the commercial sexual exploitation of children are placed in a number of special police departments that deal with prostitution and related cases. They work under the Ministry of the Interior, and when appropriate liaise with the National Agency for Combating Organised Crime. The 'Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad' has greatly facilitated interaction between the various law enforcement, social service departments and state agencies for child protection dealing with CSEC cases.

In the course of legal proceedings, child victims are questioned in the presence of a pedagogue or psychologist, and sometimes also in the presence of a parent or legal guardian. The 'Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad' has helped to ensure that either social workers, or a representative of the Local Commissions, are present to assist the child during the proceedings. The same rule applies to young person witnesses, when deemed necessary.³² Every police station has a special facility for children, and video-recording is used so that the child does not need to testify repeatedly.

The *Law on Combating the Illegal Trafficking in Human Beings*, which came into force in 2003, is a comprehensive piece of legislation setting out the obligations of the state and assisting agencies towards trafficking victims. For example, it stipulates that child victims are to be accommodated in separate premises, granted education and the possibility of seeking their family or having guardianship established. It also allows more time for investigation, which gives the child the right to stay longer in the shelter, to have contact with SACP and to receive treatment according to the *Child Protection Act*.³³

Support Services for Children

Support services for child victims of trafficking have been greatly improved by the establishment of the 'Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM and children – victims of trafficking returning from abroad'. Also, a range of local NGOs and IOM provide helplines and services to assist victims of sexual violence and trafficking. But services designed for child victims of sexual exploitation need to be developed and staffed by appropriately trained caregivers.

At present, Bulgarian minors who are victims of trafficking share short-term shelter with adults. Some are initially sent to one of the five homes for temporary accommodation, administered by the Ministry of Interior, located in Sofia and in four other towns. Others are placed in municipal facilities provided by local governments, which shows a positive commitment from the local authorities. SACP is planning to establish crisis centres for child victims of trafficking as well as temporary stay asylums for victims, where children will be accommodated in special

premises and separated from adults. There they will receive medical and psychological help and assistance to reintegrate them with their families and social environment.³⁴

The Neglected Children Society develops methodologies and training on rehabilitation, working with NGOs that provide psychological assistance in shelters to underage girls who have been victims of prostitution and trafficking.³⁵ However, more specialist training is needed to address the usually low levels of effective rehabilitation.

Training Law Enforcement Personnel

Providing training for law enforcers on issues related to the commercial sexual exploitation of children has intensified in the last few years, with a number of well-designed initiatives taking place.

Pilot training for police officers (and social workers) was conducted in 2005 by the Neglected Children Society, within the framework of the 'Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes'. On the basis of the Bulgarian adaptation of the Project's training manual, training modules were created for students at Sofia University, the Police Academy, police inspectors from the Police Child

Pedagogical Offices and social workers from child protection departments. Future training sessions are being planned, as well as the further distribution among child experts of the *Training manual for police officers and caregivers on children's rights and child protection in relation to trafficking in children for sexual purposes*.


SACP has started distributing the *Manual of Good Practices* to police officers, following the new amendment in the trafficking legislation which specifies that police investigators, judges and prosecutors shall receive specialised training in human trafficking, including child trafficking.

IOM has produced materials and conducted trainings for police inspectors (and children's experts) mainly on child trafficking. Furthermore, the Neglected Children Society and police inspectors from the Police Child Pedagogical Services have received training as part of the British programme 'The Policeman in the School', which included a special module on child trafficking and CSEC.



**PRIORITY
ACTIONS
REQUIRED**

- The vulnerability of Roma children needs to be considered when developing policies and programmes.
- Resources need to be made available to improve international cooperation through the establishment of joint projects and information exchange systems between local NGOs and foreign organisations. Collaboration must also be improved to assist children who are trafficked to foreign countries.
- Bulgaria should sign and ratify the Council of Europe's *Convention on Action against Trafficking in Human Beings*.
- Bulgarian law does not offer a definition of child prostitution, so it is unclear whether it addresses all the acts listed in the *Optional Protocol*. Also, the law prohibits 'forcibly' prostituting a minor, but any sexual contact in this context should be prohibited whether or not force is used.
- Bulgarian law should clearly define what is considered child pornography and criminalise all acts of producing, distributing, disseminating, importing, exporting, offering and selling it.

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- In order to strengthen law enforcement and effectively apply existing legal provisions for child protection and support, it is strongly recommended that a specialised unit within the Judiciary be established, to deal with child trafficking and CSEC cases.
 - More sophisticated documentation systems need to be put in place to monitor law enforcement against the commercial sexual exploitation of children. In addition, a unified system for collecting data on child trafficking and the sexual exploitation of children should be set up as a matter of urgency.
 - Whereas several prevention and protection measures are in progress, specialist support services for victims of sexual exploitation need to be greatly improved and training of staff reinforced.

Endnotes

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- ⁴ Save the Children, Italy (European Network Against Child Trafficking). *Bulgarian Socio-Economic Context*. Accessed on 26 July 2005 from: http://www.savethechildren.it/enact/view_news.asp?id=162.
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- ⁶ SACP. *National Action Plan against the Commercial Sexual Exploitation of Children*. Accessed on 1 August 2005 from: <http://www.stopech.sacp.government.bg/file.php?fid=136>.
- ⁷ SACP. *Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children – Victims of Trafficking Returning from Abroad*. Accessed on 2 August 2005 from: http://www.stopech.sacp.government.bg/?sid=professional_eng&pid=0000000046.
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- ¹⁰ Members of the Commission include representatives of all relevant Ministries at the level of Deputy Minister, as well as deputies of the Chair of the Supreme Court of Cassation, of the Prosecutor General and of the Director of the National Investigative Service, as well as representatives of Bulgarian NGOs and international organisations working in the area of preventing and combating human trafficking.
- ¹¹ The Ministry of the Interior, State Agency for Child Protection, Social Assistance Agency, Ministry of Education and Science, Ministry of Foreign Affairs, National Commission for Combating Trafficking in Human Beings, IOM, ILO etc.
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- ¹³ EUROPA-Europe's Information Society Thematic Portal. *Hotline for Bulgaria*. Accessed on 9 August 2005 from: http://europa.eu.int/information_society/activities/sip/projects/hotlines/index_en.htm.
- ¹⁴ European Network Against Child Trafficking (ENACT). *A Report on Child Trafficking: Bulgaria, Denmark, Italy, Romania, Spain, the United Kingdom*. Save the Children Italia ONLUS. March 2004.
- ¹⁵ Face to Face Bulgaria. *Project Svetlana's Journey: Goals*. Accessed on 29 July 2005 from: <http://www.facetoface.bg/facetoface/home.nsf/0/8659F75B72FA05B8C2256F3600375216?OpenDocument>.
- ¹⁶ OHCHR. *United Nations Study on Violence against Children: Response to questionnaire received from the Government of Republic of BULGARIA*. Accessed on 1 August 2005 from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/Bulgaria.pdf>.
- ¹⁷ ARC Fund. *ARC Fund to implement a Safer Internet Hotline*. Accessed on 23 April 2005 from: <http://>

- www.arc.online.bg/artShow.php?id=6419.
- ¹⁸ Signatories include the Bulgarian Hotel and Restaurant Association; the Bulgarian Tourism Chamber (BTC); the Bulgarian Association of Travel Agents (BATA); the Bulgarian Business Leaders Forum; the Bulgarian Convention and Visitors Bureau (BCVB); P.M.K. Hotels; Hotel Ambassador; Radisson SAS Grand Hotel Sofia; Correct lee Travel (a tourist agency); and, USIT Colours Bulgaria.
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- ²⁰ Representatives of the State Agency for Child Protection, the Ministries of: Foreign Affairs, Ministry of the Interior, Ministry of Economy, Ministry of Education and Science, Ministry of Culture and Tourism, tourism organisations, travel agents and hotel & restaurant associations, Animus Association Foundation and the ECPAT Bulgaria Affiliate.
- ²¹ Karlsson, Mia. *Deras hotell var en bordello*. 28 June 2005. Accessed on 18 April 2006 from: <http://www.expressen.se/index.jsp?a=307221>.
- ²² Of surveyed participants: 560 students were in classes 7 to 12 from target schools; 50 parents; 50 teachers; 50 school specialists /principals, pedagogical councilors and 50 persons who work for the specialised units in Police and other institutions.
- ²³ Of 600 students, 60 teachers and 60 experts were from three target Bulgarian cities, working at Local Commissions for the Prevention of Juvenile Delinquency, Police Child Pedagogical Service, Departments for Child Protection, street children asylums and other institutions dealing with the children's issues.
- ²⁴ OHCHR. *United Nations Study on Violence against Children: Response to questionnaire received from the Government of the Republic of BULGARIA*. Accessed on 1 August 2005 from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/Bulgaria.pdf>.
- ²⁵ Ibid.
- ²⁶ Legislation Online. Accessed on 12 April 2006 from: <http://www.legislationonline.org/view.php?document=55369>.
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