



Convention on the Rights of the Child

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Summary Record of the 1266th Meeting

Held at the Palais Wilson, Geneva, on Monday, 24 September 2007, at 10 a.m.

Chairperson: Ms. Lee

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (item 4 of the agenda) (continued)

Initial report of Bulgaria on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/BGR/1); list of issues to be taken up (CRC/C/OPAC/BGR/Q/1); written replies by the State party concerning the list of issues (CRC/C/OPAC/BGR/Q/1/Add.1)

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1. At the invitation of the Chairperson, the delegation of Bulgaria took places at the Committee table.
2. **Ms. Banova** (Bulgaria) said that the two Optional Protocols had been ratified in November 2001, incorporated into national law and were taken into account in the implementation of children's policies, preventive measures, the multisectoral approach to the issues faced by child victims, the establishment of child-specific social services, public information and the training of relevant professionals.
3. The ratification of the Protocols had coincided with the creation of the State Agency for Child Protection and the establishment of child protection departments which implemented the Child Protection Act adopted in 2000. The State had placed emphasis on the prevention of violence and all forms of exploitation or abuse of children, and on protecting, helping and rehabilitating victims. The Protection from Domestic Violence Act and the Combating the Illegal Sale of Persons Act had been adopted in 2005 and 2003 respectively. Furthermore, the National Commission on Combating Trafficking in Persons, which was increasingly active, coordinated the adoption of a National Programme for the Prevention and Counteraction of Trafficking in Persons and the Protection of Victims.
4. With support from the United Nations Children's Fund (UNICEF) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International, the State Agency for Child Protection held the first Conference on "Sexual abuse and sexual exploitation of children" in June 2001; the Conference brought together representatives from State institutions, international organizations and -governmental organizations (NGOs), contributed to cross-sector cooperation and enabled issues to be identified and addressed. A brochure on "Child sex abuse" had been published subsequently.
5. In 2003, the Council of Ministers had adopted the National Action Plan against Sexual Exploitation of Children for Commercial Purposes, which had been formulated at the second conference on that issue. Resources had been allocated to carry out the activities planned by the various institutions. The Plan resulted inter alia in the establishment of a coordination mechanism to report cases of unaccompanied children and victims of sale returning from abroad, and to take care of them. The mechanism made it possible to identify problems such as the difficulty in identifying child victims and the lack of coordination at local level as well as to resolve certain issues by, for example, establishing special services for child victims of sale and for unaccompanied minors upon their return from other countries. Training courses had been held for the staff who would be providing these new services.

6. Victims of trafficking and their families also received direct aid under a project run by the International Labour Organization against the worst forms of child labour. The activities in question, which were conducted at national level, demonstrated the need to prevent the sale of children and the involvement of children in severe forms of exploitation.

7. The Bulgarian State also laid emphasis on prevention of violence and in a short space of time set up three crisis centres to meet the daily needs of people who had experienced violence or been victims of trafficking and to establish personalized social integration programmes for them. It became evident that cooperation with other countries was necessary in order to draft adequate methods of work.

8. The Ministry of Labour and Social Policy and the State Agency for Child Protection also developed a new social service method of work for the social service ("Mother and child") to prevent child abandonment. As a result pregnant women and mothers who were victims of violence or trafficking would be able to be accommodated within one of the 11 existing facilities and to be assisted by trained, supervised staff.

9. The child protection system provided an opportunity to raise public awareness of the problem of violence towards minors. It was now possible to report instances of violence and provide support to victims. The work undertaken by the State Agency for Child Protection to prevent violence undertaken had been the starting point for a number of projects intended to reduce serious problems associated with child safety and child protection in Bulgaria. The Agency operated a specialist website on issues surrounding the sexual exploitation of children which received reports and complaints. There was also an on-line help service which took reports of unlawful and harmful material on the internet. Furthermore the Agency, in cooperation with the United Nations Development Programme, had conducted the project "The Internet and the rights of the child", which aimed to encourage a responsible attitude among children when doing schoolwork on a network and on the web.

10. A large number of policy documents had been adopted. The amendments to the 2003 Child Protection Act had allowed the objectives and activities resulting from all those policy documents to be incorporated into an annual National Programme for Child Protection and a National Strategy for Child Protection. Similarly, the principal objectives and activities set out in the National Action Plan against Sexual Exploitation of Children for Commercial Purposes had been incorporated after 2005 into subsequent national programmes for child protection. Finally, the National Integrated Plan for the Implementation of the Convention on the Rights of the Child 2006-2009 had been adopted with a view to safeguarding the welfare of children in Bulgaria. The Integrated Plan linked national child protection strategies and policies to each other, while identifying the medium and long-term roles and obligations of all institutions responsible for ensuring that the rights of the child were observed. Furthermore, it set out and provided for the financial resources for the activities of the various bodies concerned, including a UNICEF-funded freephone helpline for children, which would open in October 2007.

11. Coordinated short-term and long-term policies were yet to be put in place with the human and financial resources they required, a task that was difficult to achieve in a society which had to face change and major hardships. Bulgaria was currently drawing up a long-term strategy for children for the period 2007-2017 which would be based on partnership and the establishment of integrated policies for children.

Initial report of Bulgaria on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

12. **Mr. Puras** noted with satisfaction that Bulgaria had harmonized its domestic law with the provisions of the Optional Protocol on the involvement of children in armed conflict, that pursuant to its Constitution all ratified international agreements were part of domestic law, that Bulgarian law did not contain any provisions providing for the recruitment of persons under 18 years of age into the armed forces and that following the amendment to the Defence and Armed Forces Act, the conscription of men between the ages of 18 and 27 would be suspended as from January 2008 with the aim of establishing a professional army.

13. He would welcome details of the measures taken to train staff attached to peacekeeping operations abroad, particularly with regard to the rights of the child and the Protocol, and to disseminate the Protocol among children and professionals working with children. It would also be useful to know whether NGOs had been involved in the preparation of the report and in the dissemination of information about the Protocol.

14. The delegation might indicate whether Bulgaria had established a monitoring and identification mechanism enabling it to keep a record of child asylum-seekers suffering the after-effects of involvement in armed conflict and whether it had procedures to rehabilitate those children.

15. It would be useful to have information on the role of the Children's Ombudsman and other national institutions with responsibility for protecting the rights of the child and monitoring the implementation of the Protocol, as well as information on the opportunity for those bodies to intervene, especially in the event of a violation of the rights of the child within a public institution.

16. **Ms. Smith** noted that no legal provision of the State party explicitly criminalized forced recruitment of minors or their use in hostilities and said that that shortcoming would have to be rectified in order for extraterritorial jurisdiction to be established in that matter.

17. **Mr. Filali** asked whether the State had any laws allowing court proceedings to be brought against non-nationals on Bulgarian territory who were suspected of recruiting persons under age 18 in another country and whether staff in the judicial system had been trained in the appropriate procedures.

18. It would be interesting to know whether pupils in military schools had military status, what proportion of lessons was allocated to humanitarian law and human rights, whether they learned arms drills, whether there was any form of monitoring for pupils enrolled in a military school abroad and whether, in exceptional circumstances, minors might, in the best interest of the State, be recruited into the armed forces.

19. **Ms. Aidoo** asked what were the reasons that led children who had finished their compulsory schooling to enrol in a military school, what was the nature of the agreement signed by the children and their parents or guardians for admissions purposes, whether the pupils were aware of their rights and of the existence of the Convention on the Rights of the Child and the Protocol, and whether their instructors had taken any training in the rights of the child and humanitarian law.

20. **Mr. Parfitt** enquired whether children attending military schools had access to the Children's Ombudsman and whether there were plans to extend the Ombudsman's mandate to monitoring the implementation of the Convention and Protocols. He asked whether Bulgarian laws on the export of light weapons prohibited the sale of such weapons to organizations which conscripted child soldiers and criminalized intermediaries who purchased arms in Bulgaria for re-sale elsewhere.

21. **Mr. Polar** would like to know whether the bodies responsible for implementing the Protocol made regular assessments of the state of play in that regard and with what degree of effectiveness; he also asked for information on children from regions affected by armed conflict. The delegation might also indicate what stage had been reached in debates on the provision concerning the suspension of forced conscription which was due to take effect in 2008.

22. **Mr. Citarella** asked what the exact structure was of the bodies responsible for child protection and whether the members of those bodies had special powers in the field covered by the Protocol.

23. **Mr. Lee** asked how and by whom the initial report of the State party had been prepared; it was very brief and did not follow the Committee's guidelines; he regretted that the written replies did not supply the information requested in the list of issues to be taken up.

24. The delegation might therefore state at what age young people were able to enter a military school, supply details about the training agreement that persons under age 18 had to sign upon admission to a military school, given that signature of such an agreement was the subject of a declaration by the State party upon ratification of the Protocol, and provide information on the curricula at military schools and the number of children who were studying there.

The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.

25. **Mr. Tehov** (Bulgaria) said that in order to raise awareness among participants in United Nations peacekeeping operations the Bulgarian authorities had introduced training modules in humanitarian law, human rights law and the two Optional Protocols, stressing the prohibition on recruitment of persons under age 18 into the armed forces.

26. The Children's Ombudsman also dealt with the civil, political, economic and social rights of the child and oversaw the implementation of the Protocol.

27. **Ms. Banova** (Bulgaria) said that a specialist unit set up in 2003 received and dealt with complaints about violations of the rights of the child and conducted inspections in public institutions; the unit had five regional offices.

28. **Mr. Tehov** (Bulgaria) said that since 1999 no secondary schools had been run by the Ministry of Defence. Young people usually left secondary education at age 19. The declaration made upon ratification of the Protocol related to the unlikely scenario where a young person completed his or her secondary education before age 18 and wanted to enter a military academy. Such candidates would be able to do so with their parents' permission provided they attained the age of 18 during the calendar year at the time, but would not be treated as a member of the military personnel. They would not be able to sign a contract with the army until attaining the age of majority and after obtaining the military academy qualification. Article 97 of the Defence and Armed Forces Act established that no-one was able to sign a contract to enter the armed forces before attaining 18 years of age.

29. **Mr. Filali** asked what technical means were available to the State party to enable it to determine an applicant's age in the event of any ambiguity or a false declaration.

30. **Mr. Tehov** (Bulgaria) explained that in Bulgaria each individual was given a registration number at birth, the first six figures of which indicated the year, month and day

of birth. No two individuals could have the same number. Information on the birth certificate was cross-referenced with information held electronically.

31. **Ms. Banova** (Bulgaria) said that the two Protocols had been published in the journal of the State Agency for Child Protection and on its website. An implementation handbook for the Convention had been published in Bulgarian with UNICEF support, and the Agency had set up regular training courses for trainers for the years 2005-2007. In 2007, training sessions had been held in the six regions of Bulgaria for the different groups of professionals working with children. The Agency supported many training activities conducted as part of NGO projects, and these were coordinated by the National Council on Child Protection whose members included all the Deputy Ministers at the Ministries involved in child protection and representatives of 11 NGOs.

32. **Mr. Krappmann** asked whether instruction in human rights and peace was given to children at school to raise their awareness of the peaceful settlement of disputes.

33. **Mr. Tehov** (Bulgaria) replied that instruction in human rights covering the settlement of disputes and interethnic relations, among other topics, was part of the school curriculum.

34. **Ms. Banova** (Bulgaria) said that that instruction was given in secondary schools as part of civic education but was also imparted in primary schools, and that new modules were being added all the time, a fact which demonstrated the effort being made by the authorities.

35. **Ms. Borissova** (Bulgaria) said that under article 97, paragraph 1, of the Defence and Armed Forces Act the minimum age for recruitment of young people into the armed forces was set at 18 years. Any official who recruited a child under age 18 would be liable to prosecution pursuant to that provision. There was therefore no need to legislate to make the recruitment of persons under age 18 unlawful.

36. The provisions in the Penal Code allowed Bulgaria to exercise extraterritorial jurisdiction, as indicated in the written response to question 2 on the list of matters to be taken up.

37. **Mr. Zermatten** commented that it was impossible to enforce, a law that did not exist in domestic law by way of extraterritorial jurisdiction and said that the act of making it a specific criminal offence in Bulgarian criminal law to engage in any form of recruitment or use of persons under age 18 in armed conflict would enable proceedings to be brought against individuals or armed groups, whether acting on Bulgarian soil or abroad, who recruited Bulgarians under 18 years of age.

38. **Mr. Tehov** (Bulgaria) said that the delegation would forward that recommendation to the Bulgarian authorities and said that the matter would be studied by experts. He observed that armed groups which were not answerable to the Bulgarian authorities were strictly prohibited in Bulgaria. Anyone who tried to organize such a group would be liable to criminal proceedings. That general prohibition did not relate solely to minors.

39. **Ms. Atanossova** (Bulgaria) said that her country had introduced various mechanisms to protect the rights of refugee and asylum-seeking children. According to the information available, although several children who were currently refugees in Bulgaria came from areas where there was conflict, none of them had been involved in an armed conflict in their countries of origin. All child asylum-seekers, whether accompanied or

otherwise, were questioned by social services to determine why they were seeking asylum. All such children were closely monitored by the child protection services and were able to participate in special programmes to encourage them to integrate.

40. During the preparation of the report under consideration, the State Agency for Child Protection had worked with public bodies (Ministry of Defence, Ministry of Justice, Ministry of Education and the National Housing Office) and several NGOs.

41. **Mr. Draganov** (Bulgaria) said that the recruitment of individuals under age 18 into the armed forces was strictly prohibited even in crisis situations.

42. Two major commissions had authority over arms control: one was responsible for issuing authorizations to arms-exporting companies every year and the other issued authorizations for all transactions involving arms. There was no evidence of any lack of vigilance on the part of Bulgaria in relation to arms sales and exports.

43. **Ms. Banova** (Bulgaria) said that the State Agency for Child Protection was drawing up coordinated policies to protect children. The Child Protection Act 2000 had established child protection departments where social workers had responsibility for implementing child protection measures within families and outside them. Child protection departments essentially operated at municipal level. Child protection institutions, including day centres for children with disabilities, crèches and nurseries, were regularly inspected.

44. **Mr. Parfitt** asked whether the Children's Ombudsman's mandate allowed him to intervene in all areas, including defence.

45. **Mr. Citarella** asked whether the State Agency for Child Protection included representatives from NGOs and children's associations.

46. **Mr. Draganov** (Bulgaria) said that the Children's Ombudsman had competence in all fields and was not subject to any constraint whatever in the exercise of his duties. The Children's Ombudsman Act had been drawn up in close cooperation with the Office of the United Nations High Commissioner for Human Rights.

47. **Ms. Banova** (Bulgaria) said that the management body of the State Agency for Child Protection, namely the National Council, included 11 representatives from NGOs, who were elected for a two-year term and had the right to vote.

The meeting was suspended at 11.55 a.m. and resumed at 12.05 p.m.

Initial report of Bulgaria on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

48. **Ms. Vuckovic-Sahovic** regretted that the report under consideration chose to overlook the problems and difficulties encountered by the State party in implementing the Optional Protocol and that it was generally non-self-critical. She asked whether all the provisions of article 3 of the Optional Protocol were fully covered by Bulgarian law and requested information on all aspects of the sexual exploitation of children.

49. **Ms. Herczog** welcomed the adoption in 2003 of the National Action Plan against Sexual Exploitation of Children for Commercial Purposes, and the involvement of NGOs in its formulation; she asked for details on the specifics of its implementation and about the results obtained hitherto.

50. It would be useful to have information on the problems of poverty, school dropout, domestic violence and their links to the sexual exploitation of children, and to hear the delegation's views on the scandal unleashed by the BBC's broadcast of a very critical documentary on abandoned children in Bulgaria, especially on the living conditions in a home in the town of Mogilino. The delegation might also indicate whether time was set aside in school to address the issue of sexual exploitation, especially in sex education programmes, and whether awareness had also been raised among professionals who had contact with children (doctors, police officers, psychologists, magistrates, etc.).

51. As adopted children were a particularly vulnerable group it would be useful to know, on the one hand, how many Bulgarian children were given up for intercountry adoption, which age groups they belonged to and whether there were mechanisms to monitor them so they could be protected and, on the other hand, whether Bulgarian women were still going to Greece to give birth and sell their newborn babies to mafia-type groups, or whether appropriate legislation and adequate professional help with unwanted pregnancies had brought that issue to an end.

52. **Ms. Smith** welcomed the amendments made to the Penal Code in 2006 and 2007, which now clearly defined the offence of child pornography and satisfied most of the conditions set forth in the Protocol with regard to incrimination. It was, however, yet to be established whether the definition of child prostitution fully covered the criterion of remuneration, as this was essential in order to bring it into conformity with the definition in the Protocol. No specific legal text appeared to outlaw the sale of organs. The conditions set forth in article 5 of the Protocol, on extradition, did not appear to be satisfied.

53. The delegation might indicate whether it was true that the penalty for rape following the administration of a drug had been lessened and, if so, why, and state whether the phrase "when such offences are committed against a person under 16 years of age" as it appeared in paragraph 13 of the report should be interpreted as meaning "when pornography in the creation of which a person under 16 years of age is used".

54. In relation to judicial proceedings, it was regrettable that child victims appeared to be treated as if they were children in conflict with the law. Further information on the status and protection of child witnesses was required. Details on the implementation of the measures described in paragraph 29 of the report to prevent "double victimization" would be welcome.

55. **Mr. Siddiqui** said that in the case of Bulgaria as with other Eastern European countries, the Committee faced a lack of disaggregated data and he therefore urged the State party to disaggregate data on child prostitution and child trafficking by sex, region of origin and ethnic group. He asked which body was responsible for coordinating the collation of statistical data.

56. Another problem was that the data referred only to instances reported to the police, which would definitely represent only the tip of the iceberg. Significant research was required to determine the extent of problems such as sex tourism and under-recording of the offences described in the Protocol. Moreover, some definitions were not fully in conformity with those in the Protocol, a factor which served only to complicate the analysis of the data.

57. **Mr. Puras** noted that the number of children placed in institutional care was very high in the Central and Eastern European Countries. Some able-bodied children were even abandoned by their parents in institutions for the disabled. Such children were particularly vulnerable to abuse and sexual exploitation. It would therefore be useful to know what the

State party intended to do to restrict placements in care institutions and to prevent and eradicate abuse within them. Independent inspection was important and the experience of the Committee was that the best way to achieve it was to involve NGOs in the inspection process.

58. **Mr. Parfitt** asked whether the new legislation criminalizing child pornography also referred to animated films and enquired what measures had been taken to protect children from pornographic images on the internet. Up-to-date information on the activities conducted under the Cooperation Agreement signed with the Embassy of the United Kingdom would be welcome. Further information would be useful on the services available to victims, especially services provided in conjunction with the International Organization for Migration, and the measures taken to repatriate victims.

59. **Mr. Zermatten** requested further details about the status of a child victim or a child witness as described in the Protocol, emphasizing that children should be heard by a specialist unit both during the trial phase and the police investigation and pretrial procedural phases. Furthermore, any interview of a child had to be conducted by duly trained staff and take place in the presence of a parent or other responsible person chosen by the child, who also had to have the opportunity to call on psychological assistance services if he or she so wished. Once the trial was completed, the child victim or witness had to be informed of the follow-up given to his or her statements and the decision made by the judicial authorities – a step that was often overlooked. Similarly, measures had to be taken to assess the credibility of evidence given by children. The Committee lacked information on the situation in Bulgaria on all those points and on the programmes implemented, whether by the State or by NGOs, for the purpose of providing assistance, protection and compensation to victims.

60. **Ms. Aidoo** enquired whether the Protocol had been incorporated into the 2007-2017 strategy, whether its provisions had been brought to the attention of the press and the tourist industry and whether, given that many victims were girls, all staff responsible for implementing the Protocol, especially police officers, had received awareness training on sex equality. Given that the delegation had acknowledged that there were problems in Bulgaria with coordination, some information about what was going to be done to rectify the situation would be welcome.

61. **Mr. Krappmann** asked whether measures to raise awareness of the risks posed by the sale of children, child prostitution and child pornography had been conducted as part of parenting education programmes and the school curriculum.

62. **Mr. Polar** asked for details on the international agreements signed by Bulgaria to prevent or combat matters covered by the Protocol and the results obtained. It would be useful to hear the position of the Bulgarian Government on the European Funds allocated to the programme to integrate ethnic minorities, given that most child prostitutes were from disadvantaged environments and that the fact of belonging to certain ethnic groups was unquestionably a risk factor. The delegation might also explain whether all child victims were given victim protection status or whether that status was reserved just for children who cooperated with the judicial authorities; it might also outline the methods and effectiveness of the witness protection programme and other activities conducted by the State in that field.

63. Further information on the procedures for registering persons who had disappeared and collating data on missing children would be useful. It would be useful to know whether studies had been carried out with a view to identifying whether the simplified border crossings which had been introduced as a result of accession to the European Union had led to an increase in abuses.

64. **The Chairperson** was surprised to read in the report that girl victims were placed in homes for adult women and urged the State party to comply with the principle of separating children from adults.

65. She asked the delegation for its reaction to reports to the effect that children placed in institutional care would be offered money or food for sexual services. She noted that there was a lack of consistency in the terminology used in the report and asked whether the terms "children" "juveniles" and "minors" were synonymous. The same report referred to various plans and strategies, many of which had been due to end in 2005 and it would therefore be useful to know whether they had been renewed or incorporated into the national action plan. The delegation might also explain why the establishment of an emergency telephone line for children had been intended only as a pilot scheme.

The meeting rose at 1 p.m.
