



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-ES(2017)ICT-BG

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

BULGARIA

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 22 January 2018

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

The State Agency for Child Protection:

The State Agency for Child Protection (SACP) foresees a variety of measures to inform children about online risks by including specific measures in national strategic documents. State policy in this area is carried out jointly with civil society organisations, such as NGOs, as well as with companies having activities in information and communication technologies sector. In addition, the SACP website contains relevant information on the topic.

The Children's Council, set up as a governmental body aiming to stimulate children participation in the discussions and application of policies that are of direct relevance to them. The Children's Council has regular awareness-raising campaigns about online risks amongst children of similar age.

In addition, the yearly National Programme for Child Protection adopted by the Council of Ministers gives particular importance to the measures and activities aimed at protecting children from violence and various kinds of abuse. The 2017-2018 Action Plan of the National Programme for the Prevention of Violence against Children and Child Abuse 2017-2020 lists specific operational targets related to child protection online together with the respective responsible and/or partner organisations and institutions responsible for their achievement.

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Ministry of Education and Science:

Children and students are informed about question for sexual abuse and exploitation in biology and health education classes. They take many activities related to the subject, with the support of the National Center of Public Health and Analyses (NCPHA) and the assistance of the medical specialists at school, a lot of brochures are distributed, and different videos are presented to the students.

A Mechanism for Counteracting Harassment was introduced in schools in 2017, which was supplemented by measures against cyberbullying.

The Ministry has developed measures related to enhance students' digital literacy and awareness for safe behaviour in social networks and how to use in safety manner the information in internet.

The Central Commission and the Local Commissions for Prevention of Juvenile Delinquency:

The Central Commission and the Local Commissions for Prevention of Juvenile Delinquency do not provide specialized prevention in relation to the issues included in the Thematic Questionnaire for the Second Round of Monitoring of the Lanzarote Committee on the Protection of Children from Sexual Exploitation and Sexual Violence assisted by information and communication technologies (ICT). In this regard, it may be noted that specific prevention especially concerning the creation and distribution of "self-generated sexually explicit images and / or videos" and / or "self-generated sexual content" ("Self-generated sexual content") that were included in the Questionnaire was not carried out by the Local Committees for PJD as it had not been part of its responsibilities.

According to the Report on the Condition and Trends of Crime and Juvenile Delinquency. Crimes against them, the activity of the Central and Local Committees for Prevention of Juvenile Delinquency, 2016" has been focused on preventive action against the dangers for children in Internet.

The most important and interesting themes of some programs, strategies and campaigns were: "Protect children from all forms of abuse, violence and exploitation; "How to react if our child is a victim of violence"; "Who is on the opposite side on the net"; "How Children Are Victims of Paedophilia".

The analysis of Local Commission Good Practices, reflected in the annual activity reports, reflects a number of interesting preventive initiatives for providing safe internet for children. Activities include children from 1 to 12 grades in schools, and some of the initiatives are also targeted at parents.

Prevention through children's training on Internet hazards and safe network use:

- 50 students aged between 12-15 years have been trained by the Local Commission in Novo Selo municipality to develop skills to tackle cyberbullying; to create habits, not to respond to provocation; to shape attitudes to report to relevant professionals and institutions for existing cyber-attacks. The purpose of the training was to improve the social skills of children and to encourage their moral reasoning about the danger of Internet abuse.
- In the municipality of Loznitsa a training was organised for the students - "How to work safely on the Internet".

Prevention through Peer to Peer Education:

- In the city of Stara Zagora, under the initiative of the Students' Parliament, and through the partnership of the Local Commissions and School Prevention Committees, a campaign was organized: "United against Violence", with 300 participants. By the peer-to-peer education method, children-trainers attended the School Class with the pupils from the 4th to the 8th grade and held discussions on the topic: "Internet Friendship, Useful or Dangerous?"
- "Safe Internet Communication" campaign was organized in schools in the town of Hissar. The aim of the campaign was to raise awareness of the dangers in dating online; sharpen the attention to crossing the border "virtuality-reality"; how students can become familiar with the rules for safe communication on the Internet. The campaign was carried out in schools by "Peer to Peer" method and the peer educators explained to their classmates what the opportunities of getting rid of dangers in Internet are.

Prevention through Campaigns:

- The Local Commission in the city of Veliko Tarnovo conducted campaigns on regular basis about current Internet safety issues on the topic "Dangers and Risks on the Internet". "Five dictionaries of the most common Internet-terminals" were disseminated among students.
- "Safe Internet Communication" campaign was organized in the town of Hissar, The aim of the campaign was to raise awareness of the dangers in dating online; sharpen the attention to crossing the border "virtuality-reality"; how students can become familiar with the rules for safe communication on the Internet. The campaign was carried out in schools by "Peer to Peer" method.
- For a third consecutive year, a preventive and information campaign "Month for Safer Internet" was held in the city of Razgrad with the help of the municipal Department of Education and the Regional Directorate of the Ministry of Interior. The aim was to raise awareness among children, parents and teachers about the risks in the Internet and how to overcome them through a variety of information and creative events and activities. The campaign was performed with lessons, presentations, videos, posters and three types of flyers.

At the official launch of the campaign, an initiative group of 35 students from 9 schools in the city developed and adopted a declaration on their inclusion in the "Movement for a Hateless Language 2016 - 2017", announced by the Council of Europe and supported by the National Safer Internet Center - Sofia. The declaration was distributed and signed by many schools in the city. Using preventive materials, many activities were carried out at school level in secondary schools, high schools and primary schools in the city and the district.

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Ministry of Education and Science:

Parents are actively involved in school life by participating in the School Councils, often participating in the development of risk behaviours of adolescents.

They participate in parents' meetings focused on risk behaviours and information and distribute brochures. Schools have the freedom to work on risk prevention policies taking into account the needs of students and the community.

There is very good cooperation between NGOs and schools as well as other organizations working on this topic.

The State Agency for Child Protection:

The SACP organises seminars and participates in trainings for school headmasters and teachers raising awareness about safe internet and smartphone applications use. The aim is to ultimately reach out to parents with advice how they can control and restrict inappropriate content on their children's mobile devices.

**The Central Commission and the Local Commissions for Prevention of Juvenile Delinquency:
Preventive Work with Parents to Provide Safe Internet for Children:**

- In connection with the safe use of the Internet, the Local Commission in Madan municipality printed a leaflet: "STOP! Protect Your Children", which was targeted on parents and was developed by the National Safer Internet Center.
- The Local Commission in city of Gotse Delchev at the invitation of the school directors and the school board, has held seminars for parents on the topic: "Dangers on the Internet".
- Lectures and discussions with parents in kindergartens on the territory of the municipality related to upbringing, aggression and violence in family life were held in Rudozem municipality. Presentations on the topic "Dangers in the Internet Space" were presented to the children's parents.

Prevention of Internet hazards through conferences and competitions:

- The Local Commission in the city of Assenovgrad, together with the Municipal Administration and the Center for Public Support, held a Fourth National Scientific and Practical Conference on "Modern Online Communication - Dangers and Protection". More than 70 guests from the country and about 60 participants from the Municipality of Assenovgrad took part in it. A collection of materials on the issue was prepared for the conference and 300 copies have been disseminated.
- The Local Commission in the city of Botevgrad received a prize from the Chairperson of the State Agency for Child Protection for winning third place in the National competition for an initiative / program / project entitled "Supporting Child Safety" within the campaign "I Surf Safely". The project, which won the third place, was developed and implemented by the Local Commission for Combating Organized Crime - Botevgrad Municipality.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

A number of initiatives are being implemented in the realization of these activities related to the prevention of sexual exploitation of children, trafficking in human beings and children for sexual purposes, dangers, harassment and violence and child pornography on the Internet. These initiatives are carried out within the framework of the preventive activities of the Local Commissions for Combating Juvenile Delinquency in implementation of the National Action Plan of the National Program for the Prevention of Violence and Child Abuse (2017-2020) of the State Agency for Child Protection (SACP), especially in the field of prevention of online sexual exploitation and safe Internet, coordinated by the Ministry of Interior, the National Safer Internet Center and SACP, as well as the National Program for Prevention and Counteraction of Trafficking in Human Beings coordinated by the National Commission for Combating Trafficking in Human Beings Africa / NCCTHB /.

In accordance with the Prevention of Juvenile Delinquency Act, there are 296 Local Commissions for Prevention of Juvenile Delinquency set up and operating in all municipalities with more than 10 000 inhabitants.

In order to obtain information about the prevention of children's Internet hazards on the territory of the municipalities in Bulgaria, some data could be applied for preventive initiatives for safe Internet, implemented among children in schools and among parents by the Local Commissions for Prevention of Juvenile Delinquency /Local Commissions/, Child Pedagogical Offices to the Police,

NGOs and other organizations.

Pursuant to Article 10, paragraph 1 of the Prevention of Juvenile Delinquency Act, Local committees, together with pedagogical rooms and educational authorities, and with broad public support, shall carry out the following tasks:

a / organize and coordinate the social and preventive activities on the territory of the country and the municipalities;

h / help parents who have difficulty in bringing up their children.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

a. self-generated sexually explicit images and/or videos?

Ministry of Education and Science:

The Ministry of Education and Science (MES) encourages the implementation of programs for prevention and projects by the civil society. The Ministry gives supporting letters for the implementation of projects and provide opportunities for funding under various programs and projects. MES involves its representatives in forums connected with issues related to the topic of sexual abuse of adolescents.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

a. self-generated sexually explicit images and/or videos;

Ministry of Education and Science:

Conducted Conferences:

Bulgarian Family Planning and Sexual Health Association (BFPA) - December 2017;

DigitalKidZ Foundation - December 2017;

National Safer Internet Center - December 2017;

Conference entitled "The Violence and the child of the XXI-st century" organized by the State Agency for Child Protection, Plovdiv University "Paisii Hilendarski", and the Municipality of Plovdiv in November 2017.

Ministry of Interior in co-operation with Safer Internet Centre - safenet.bg:

A national hashtag campaign by the Safer Internet Centre against provocative selfies #Облечисебе (#Dressup) - <https://www.safenet.bg/en/initiatives/242-dress-up>.

- "Cybescout" training programme of the Safer Internet Centre where one of the training modules is explicitly aimed to raise awareness and to teach ways for prevention and contact points to ask for help and support - <https://www.safenet.bg/en/initiatives/173-cybescouts>

- Dissemination of a guidebook for teenagers "The other dictionary of internet" explaining the main online risks with a special emphasis on provocative selfies, sexting, sextortion, revenge porn – https://www.safenet.bg/images/sampledData/Materiali/Drugiat_rechnik_za_Internet_small.pdf

b. self-generated sexual content? – **same as above**

Foundation "Association Animus" – works on the following projects:

1. "Support and Concern for Boys Surviving Sexual Violence". The project started in January 2017 will end in 2019. The goal is to build a supportive environment for potential victims sexual abuse from male. The aim is to train people to whom the victims would first ask to the aid. This can be achieved by setting up capacity building programs for specific professionals in various institutions such as children's telephone lines, schools, family-type accommodation, youth organizations and social services. The project focuses on children and gender inequalities, and through its activities will fight stereotypes. Funding from the DAPHNE program of the European Commission in partnership with four others organizations from European countries - Germany, Italy, Spain.

2. "Interaction - Participation and Raising Awareness of Safer Use of New Technologies" - The aim of the project is to protect children through new information technologies - protecting children separated from their parents and grown in institutions in Bulgaria and Romania. The project was implemented in 2011-2013 in partnership with Save the Children - Italy and Romania. An interactive Internet safety knowledge test, interactive games that teach children how to protect themselves against violence on the Internet, has been developed within the project. There is also a book: "On the Net - Powerful and Helpless".

Question3. National curriculum

3.1 Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Ministry of Education and Science:

Curriculums do not include explicit awareness of the risks of generating sexual images and videos, as well as self-generated sexual content. In essence, these issues are addressed in the Framework Requirements for Health Education Training Outcomes, which are Appendix 2 to Ordinance No. 13 on Civil, Health, Environmental and Intercultural Education of 21.09.2016. The quoted framework requirements set forth expected results such as: it is not forbidden to express your sexuality, taking into account desires, sovereignty and the rights of others; to be aware of the importance of personal choice and behaviour in interpersonal relationships so that they do not lead to a risk to health and personal safety and have an attitude of responsible sexual behaviour towards themselves and others.

**The Central Commission and the Local Commissions for Prevention of Juvenile Delinquency:
Prevention in schools through lectures, lectures, discussions, presentations:**

- The Local Commission In the city of Mezdra, together with the Child Pedagogical Office Inspectors has implemented preventive activities on the topic "Internet - opportunities and dangers" in the fifth grades of the municipal schools. There were 112 students attending a multimedia presentation, a film and a discussion. From the feedback with children, it has been found that a great part of the children accept the information presented on the Internet as an absolute truth. Besides, they do not state their real years, share personal information about themselves and their family and in most of the dating cases they have no idea who is on the other side of the monitor. From this information, it has become clear that the work of the Commission should continue informing parents, raising children's competence in social networking, preventing the occurrence of cyberbullying and other forms of violence generated by Internet communication.

- The Local Commission in city of Pazardzhik organized lectures and information meetings in schools on the theme "Safer Internet Communication".

- In all schools in the municipality of Vetovo, surveys, lectures and lectures were conducted. Their subject was age-appropriate and included the topic "Child Abuse on the Internet, responsible behaviour in the global computer network".

- A presentation - "Prevention of cyberbullying in school" was prepared in Pravets Municipality. The purpose of the presentation was – how students can acquire skills to prevent themselves and deal with violence and harassment among peers in school and outside school. All attendees were aware of the features of cyberbullying, basic forms, personal information, and ways to protect against dangerous effects of the Internet environment.

- Lectures and discussions on the topic "Cybercrime. European and international cyber security organizations "were held in municipality of Devin. Discussions were held on other Internet safety topics that were requested by schools.

- The Local Commission in the Municipality of Stambolovo carried out preventive work with children from 6 to 9 grade and lectures were delivered, supported by presentations related to the topic of child pornography on the Internet. Approximately 250 children participated in this activity.

- The Local Commission in the city of Haskovo works every year with children on the topic of child safety on the Internet. Preventive work has been done primarily with children from primary school, and further with children from grades 8 to 9. Prevention activities covered all the threats on the Internet, and those relating to sexual exploitation and trafficking in human beings. These issues have been developed as topics for discussion by public educators at Local Commission, with about 500 children involved in activities.

Prevention through activities of Child Police Academy, realized by Child Pedagogical Office Inspectors:

- Two Child Police Academies were set up in the city of Vidin by inspectors from the Child Pedagogical Office, which functioned in one secondary and one primary school in the municipality. Joint events and lectures were organized focused on "Crime on the Internet" within the framework of those activities

Prevention through the Police Work Program in Schools, realized by inspectors of Child Pedagogical Offices:

- In connection with the National Program "Police work in schools", a schedule was prepared in cooperation with the Inspectors from the Child Pedagogical Office and it was approved by the Regional Directorate of the Ministry of Internal Affairs of the city of Rousse, where training sessions and trainings were held. Lectures were delivered to children from 1 to 11 grades on the topic "Safe Internet Behaviour".

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Ministry of Education and Science:

The curricula of the Bulgarian universities, despite their autonomy in the curriculum development, are based on disciplines related to the prevention of risk behaviours, incl. and to prevent the spread of sexual material.

State Agency for Child Protection:

Furthermore, the SACP is conducting a series of meetings with professors and students from major universities in the country (Sofia, Plovdiv, Blagoevgrad and Varna, amongst others). One of the main suggested topics was the introduction of media and online literacy as a university subject for students of education-related disciplines. Such a course is already being taught at the University of Sofia, preparing experts that can then convey this knowledge to children in schools.

The SACP also organised an international conference on children in the digital age, entitled "Children and the Media" held in Sofia University in November 2017. This conference is by-side event of the 17th informal ASEM seminar on human rights "Human rights and children" which took place in Sofia, in the period 6-8 November 2017. A report will be published with articles on media literacy, the right to private life, the ethics of new media and child safety in a digital environment and will also include the opinions of children that took part in the by-side event and the seminar.

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Ministry of Education and Science:

The Ministry of Education and Science, in co-operation with the Bulgarian Academy of Science, conducts two scale surveys related to aggression in, and cyberbullying, and studying adolescent attitudes about healthy behaviour.

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- a. self-generated sexually explicit images and/or videos as children have been shared online?
 - b. self-generated sexual content as children has been shared online?

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

**The Central Commission and the Local Commissions for Prevention of Juvenile Delinquency:
Survey among children:**

- The Local Commission in Novo Selo municipality organized and conducted a survey on "Cyberbullying and its Dangers in the Virtual Space" among 50 students aged 12-15 years. The aim was to identify pupils' awareness of how to use Internet and dangers in Internet. The interviewed children have been trained to develop skills to deal with cyberbullying, not to respond to provocation and report to relevant institutions for existing cyber-attacks.
- Surveys were conducted in all schools in the municipality of Vetovo. Their subject was age-appropriate and included the topic "Child abuse in Internet and appropriate behaviour of children in the global computer network".

Protection

Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Ministry Education and Science:

The Ministry Education and Science disseminates information about the free telephone line for children at risk 116 111 maintained by the State Agency for Child Protection, the telephone numbers of the National Commission for Combating Trafficking in Human Beings and the Victim Information and Support Facility or children at risk from the National Mobile Group for Psychological Support at the MES.

State Agency for Child Protection:

The SACP maintains a free of charge, 24 hour telephone hotline for children financed by the national budget with a common European number 116 111. In case, when children are at risk, give consultation and transfer the information to the relevant national institutions. The hotline is managed by the "Animus" association which has excellent expertise in assisting child and women victims of violence. This is a good example of a successful relationship between State institutions and civil society organisations.

Foundation: Animus Association:

The Foundation manages several relevant social services. Alerts to child protection or police departments, as well as primary consultation can be provided by:

1. The consultants of The National Telephone hotline 116 111
2. National hotline for people affected by violence by telephone numbers - 080018676 and 02/98117686. This line is supported by the Ministry of Justice.
3. Children's Center for Advocacy and Support Zone "Protection". This centre provides services to children who have survived violence and their families by introducing a specialized approach and services that combine good legal, medical, psychological and social practices with child-friendly procedures and environments. The centre provides on-going support throughout the entire case-by-case process, from the moment of the report of the violence and the start of the investigation to the completion of the recovery process. It is carried out with the support of UNICEF Bulgaria.

Ministry of Labour and Social Policy:

According to the Child Protection Act, any person who becomes aware that a child needs protection is obliged to immediately notify the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of Interior. The same obligation has a person to whom this has become known in connection with the profession or activity pursued by him, even if he is bound by professional secrecy.

- 6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:
- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Ministry of Labour and Social Policy:

The Child Protection Act is the main specialized law in the Bulgarian legislation regulating the state policy towards children at risk. The law guarantees the right of the child to protection against involvement in activities unfavourable to his/her physical, mental, moral and educational development. Every child has the right to protection against his/her dignity methods of upbringing, physical, psychological or other violence and forms of influence contrary to his / her interests.

It is essential to ensure the protection of the child victim of various forms of violence and abuse by the comprehensive efforts of all child protection bodies which, within the sphere of their competencies, take appropriate action to prevent the consequences of the experience and to cooperate timely assistance and protection. In this connection are the responsibilities of all child protection bodies, which are obliged to provide protection and care, are laid down in the Child Protection Act and its Implementing Regulations of the same Act, taking all necessary legislative and administrative measures in due time.

An Agreement on cooperation and coordination of the work of the territorial structures of child protection bodies was signed in March 2010. The Agreement has the specific engagement and engagement obligations of the involved authorities. The rules for the practical implementation of the Agreement are described in the Coordination Mechanism for Interaction in Child, Victim or At Risk Violence, and for Interaction in Crisis Intervention. The process involves team discussion of the case

by a multidisciplinary team, identifying specific activities, carrying out expert assessments, taking decisions and following up on the case, according to the competence of each participant. By implementing the Coordination Mechanism, rapid response and cooperation between the responsible institutions is achieved in case of a child at risk or a victim of violence.

It is important to note that in 2010 the Coordination mechanism for referral and care for cases of unaccompanied children and child victims was updated in order to better identify, target, protect and support child victims of trafficking and implement a multidisciplinary approach of traffic coming back from abroad. The objective of the mechanism is to ensure effective coordination in the implementation of the specific engagement obligations of the parties involved in the return from abroad and the provision of support to unaccompanied minors and children who are victims of trafficking.

The Child Protection System provides assistance, protection and support to child victims of violence and takes action to prevent child involvement in adverse activities and to overcome the trauma of the experience. In the case of detection of violence and / or other risks for the child, appropriate protection measures under the Child Protection Act shall be taken in order to protect his/her life, health and safety and guarantee his/her rights and interests. In working with child victims of violence, individual psychological work and counselling of the child must be carried out in order to improve his/her psycho-emotional state and overcome the trauma of the experience.

One of the key options for supporting children, victims of violence and trafficking, is the Crisis Centre social service. The service is a complex of social services for children and / or victims of violence, trafficking or other forms of exploitation that are provided for a period of up to 6 months and are aimed at providing individual support, meeting daily needs and legal advice to consumers or socio-psychological assistance when immediate intervention is required, including through mobile crisis intervention teams.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

Ministry of Interior in co-operation with Safer Internet Centre (SIC), safenet.bg:

The main partner is the Safer Internet Centre (SIC), member of Insafe, coordinated by the Applied Research and Communications Fund and Association Parents – www.safenet.bg.

The SIC operates an internet Hotline, member of INHOPE, dealing with 2-3 thousand reports yearly about child sexual exploitation images and activities online. After evaluation the actionable reports are transferred to the national Cybercrime Unit of the Ministry of Interior, to other national Hotlines members of INHOPE and to the Interpol database via the ICCAM system.

The SIC also maintains a Helpline with trained consultants psychologists who are consulting children, young people, their parents and teachers in case of online incidents with them, providing advice, support and contacting the owners of the online platforms where the sexual content appeared in order to delete it as soon as possible.

Ministry of Education and Science:

The Ministry of Education and Science works with non-governmental organizations and other institutions involved in the issues in various formats such as commissions, implementation of mechanisms, drafting legal acts and others.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Ministry of Justice:

Self-generated sexually explicit images and/or videos, self-generated sexual content and non-pictorial self-generated sexual content produced by children are covered under the provisions of the relevant (applicable) offences provided for under Chapter Two „Crimes against the person“, Section VIII „Debauchery“ of the Criminal Code (Art. 149 – Art. 159). It should be pointed out that the abovementioned three categories are not explicitly mentioned under the provisions, as the latter of a general nature without explicitly specifying whether material (images, videos), content are self-generated or not. This kind of so to say „more general provisions“ is typical for the Bulgarian criminal law and tradition, as well as for the legislation technique for drafting the criminal law provisions. The more general character of the provisions makes it possible to encompass within their scope various acts and circumstances without the need of an exhaustive list of the acts, circumstances, ways etc. for the commission of a certain offence.

Please, see below extract of Section VIII „Debauchery“, Chapter Two „Crimes against the person“ of the Criminal Code (*please note that not all of the offences are applicable as for the commission of some of the corpora delicti self-generated sexually explicit images, sexual content, etc. are not applicable*):

„Criminal Code
Chapter Two „Crimes against the person“
Section VIII „Debauchery“

Article 149

(Supplemented, SG No. 28/1982, amended, SG No. 89/1986)

(1) (Amended, SG No. 107/1996, SG No. 75/2006) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with a person under 14 years of age, shall be punished for lewdness by imprisonment for up one to six years.

(2) (Amended, SG No. 107/1996, supplemented, SG No. 27/2009, amended, SG No. 74/2015)
The punishment for molestation shall be imprisonment from two to eight years, where the molestation has been performed:

- through the use of force or threat;

2. through bringing the victim into a helpless condition;
3. through taking advantage of the helpless condition of the victim;
4. through taking advantage of a state of dependence or supervision;
5. in respect of a person engaged in prostitution.

(3) (Amended, SG No. 107/1996, SG No. 38/2007) Where the act under the preceding paragraphs has been done for a second time, the punishment shall be imprisonment from three (3) to ten (10) years.

(4) (New, SG No. 107/1996) Lewdness shall be penalised by deprivation of liberty from three (3) to fifteen (15) years:

1. if committed by two or more persons;
2. (repealed, SG No. 62/1997, new, SG No. 74/2015) if committed in respect of a person who does not understand the nature or meaning of the act;
3. (repealed, SG No. 62/1997);
4. (repealed, SG No. 62/1997).

(5) (New, SG No. 62/1997) Lewdness shall be penalised by imprisonment from five to twenty years:

1. if committed with two or more minors;
2. if a severe bodily injury has been inflicted or a suicide has been attempted.
3. if it constitutes a dangerous recidivism;
4. (new, SG No. 38/2007) if it constitutes a particularly grave case.

Article 150

(Supplemented, SG No. 28/1982, amended, SG No. 89/1986, SG No. 107/1996, SG No. 75/2006)

(1) (Previous text of Article 150, amended and supplemented, SG No. 27/2009, amended, SG No. 26/2010) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with regard to a person who has completed 14 years of age, by using force or threat, by taking advantage of the helpless condition of that person or by reducing the person to such condition or by taking advantage of a state of dependence or supervision, shall be punished by imprisonment from two to eight years.

(2) (New, SG No. 74/2015) The punishment under Article 1 shall also be imposed on any person who commits the crime under Paragraph 1 in respect of a minor who is engaged in prostitution.

(3) (New, SG No. 27/2009, amended, SG No. 26/2010, renumbered from Paragraph 2, amended, SG No. 74/2015) When the crime under Paragraph 1 was committed in respect of a person who does not understand the nature or meaning of the act, or when the criminal act constitutes a particularly grave case, the punishment shall be imprisonment from three to ten years.

Article 151

(1) (Amended, SG No. 75/2006) A person who has sexual intercourse with a person who has not completed the age of 14 years, insofar as the act does not constitute a crime under Article 152, shall be punished by imprisonment for two to six years.

(2) (New, SG No. 74/2015) Where the act under paragraph 1 was committed:

1. through taking advantage of a state of dependence or supervision,
 2. in respect of a person who has not reached 14 years of age and who is engaged in prostitution;
 3. by two or more persons,
- the punishment shall be imprisonment from two to eight years.

(3) (New, SG No. 27/2009, amended, SG No. 26/2010, renumbered from Paragraph 2, SG No. 74/2015) Where the crime under Paragraph 1 was committed in respect of an underage person

by taking advantage of a state of dependence or supervision, the punishment shall be imprisonment from one to five years.

(4) (Renumbered from Paragraph 2, SG No. 27 of 2009, amended, SG No. 26/2010, renumbered from Paragraph 3, SG No. 74/2015) Anyone who has sexual intercourse with a person who has reached 14 years of age and who does not understand the nature or meaning of the act, shall be punished by imprisonment for up to five years.

Article 152

(1) A person who has sexual intercourse with a person of the female sex:

1. who is deprived of the possibility of self-defence, and without her consent;
2. by compelling her thereto by force or threat;
3. by reducing her to a state of helplessness shall be punished for rape by imprisonment for

two to eight years.

shall be punished for rape by imprisonment for two to eight years.

(2) For rape the punishment shall be imprisonment for three to ten years:

1. (amended, SG No. 92/2002) if the raped woman has not completed eighteen years of age;
2. if she is a relative of descending line;
3. (new, SG No. 28/1982) if it was committed for a second time.

(3) (Amended, SG No. 28/1982) For rape the punishment shall be imprisonment for three to fifteen years:

1. if it has been performed by two or more persons;
2. if medium bodily injury has been caused;
3. if an attempt at suicide has followed;
4. (new, SG No. 92/2002) if it has been committed in view of forceful involvement in further

acts of debauchery or prostitution;

5. (renumbered from Item 4, SG No. 92/2002) if it constitutes a case of dangerous recidivism.

(4) (Amended, SG No. 28/1982, SG No. 92/2002) The punishment for rape shall be of ten to twenty years, where:

1. the victim has not turned fourteen years of age;
2. severe bodily injury has been caused;
3. suicide has ensued;
4. it qualifies as a particularly serious case.

Article 153

(Amended, SG No. 75/2006)

A person who copulates with another, by compulsion using the other's material or official dependency upon him, shall be punished by imprisonment for up to three years.

Article 154

Sexual intercourse between relatives in ascending and descending line, between brothers and sisters, and between adopters and adopted persons shall be punished by imprisonment for up to three years.

Article 154a

(New, SG No. 27/2009)

(1) (Previous text of Article 154a, amended, SG No. 74/2015) Anyone who performs acts of molestation or copulation with an underage person who is engaged in prostitution shall be punished by imprisonment for up to three years.

(2) (New, SG No. 74/2015) When the crime under Paragraph 1 was committed repeatedly or by two or more persons, the punishment shall be imprisonment from one to five years.

Article 155

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002, SG No. 26/2004, SG No. 75/2006) A person who persuades an individual to practise prostitution or acts as procurer or procuress for the performance of indecent touching or copulation, shall be punished by imprisonment of up to three years and by a fine from BGN 1,000 to 3,000.

(2) (Amended, SG No. 10/1993, SG No. 62/1997, SG No. 75/2006) A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished by deprivation of liberty for up to five years and by a fine from BGN 1,000 to 5,000.

(3) (New, SG No. 62/1997, amended, SG No. 92/2002, SG No. 75/2006) Where acts under Paragraphs 1 and 2 above have been committed with a venal goal in mind, punishment shall be imprisonment from one to six years and a fine from BGN 5,000 to 15,000.

(4) (New, SG No. 21/2000, amended, SG No. 75/2006) A person who persuades or forces another person to using drugs or analogues thereof for the purposes of practising prostitution, to performing copulation, indecent assault, intercourse or any other acts of sexual gratification with a person of the same sex, shall be punished by imprisonment for five to fifteen years and by a fine from BGN 10,000 to 50,000.

(5) (New, SG No. 21/2000, amended, SG No. 92/2002, supplemented, SG No. 75/2006, amended, SG No. 38/2007) Where the act under Paragraphs 1 - 4 has been committed:

1. by an individual acting at the orders or in implementing a decision of an organized criminal group;

2. with regard to a person under 18 years of age or insane person;

3. with regard to two or more persons;

4. repeatedly;

5. at the conditions of a dangerous recidivism,

the punishment under pars. 1 and 2 shall be imprisonment from two to eight years and a fine from BGN five thousand to fifteen thousand, under Paragraph 3 - imprisonment from three to ten years and a fine from BGN ten thousand to twenty five thousand, and under Paragraph 4 - imprisonment from ten to twenty years and a fine from BGN hundred thousand to three thousand.

(6) (Renumbered from Paragraph 3, SG No. 62/1997, renumbered from Paragraph 4, SG No. 21/2000, repealed, SG No. 75/2006).

(7) (Renumbered from Paragraph 4, SG No. 62/1997, renumbered from Paragraph 5, SG No. 21/2000, amended, SG No. 92/2002, effective 1.01.2005 in respect of the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, repealed, SG No. 103/2004).

Article 155a

(New, SG No. 38/2007, amended and supplemented, SG No. 27/2009, amended, SG No. 26/2010, SG No. 74/2015)

(1) Anyone who, by using information or communication technology or otherwise, discloses or collects information about a person under 18 years of age for the purpose of establishing contact with that person so as to perform molestation, copulation, sexual intercourse, or prostitution, or to create pornographic material, or for the purpose of involvement in a pornographic show shall be punished by imprisonment from one to six years and a fine from BGN 5,000 to BGN 10,000.

(2) The punishment under Paragraph 1 shall also be imposed on anyone who, by using information or communication technology or otherwise, establishes contact with a person under 18 years of age so as to perform molestation, copulation, or sexual intercourse, or to create pornographic material, or for the purpose of involvement in a pornographic show.

Article 155b

(New, SG No. 27/2009, supplemented, SG No. 26/2010)

(1) (Previous text of Article 155b, amended, SG No. 74/2015) A person who persuades a person who is under the age of 14 to participate in or to observe actual, virtual or simulated sexual

intercourse between persons of the same or different sex or lascivious demonstration of human sexual organs, sodomy, masturbation, sexual sadism or masochism shall be punished by imprisonment for up to three years or probation.

(2) New, SG No. 74/2015) When the crime under Paragraph 1 was committed:

1. through the use of force or threat;
2. through taking advantage of a state of dependence or supervision;
3. by two or more persons who have conspired in advance;
4. repeatedly,

the punishment shall be from two to ten years.

Article 155c

(New, SG No. 74/2015) Anyone who, through the use of force or threat or through taking advantage of a state of dependence or supervision, persuades an underage person to participate in an actual, virtual or simulated act of molestation, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism, as well as in lascivious exhibition of human sexual organs, shall be punished by imprisonment for up to five years.

Article 156

(Amended, SG No. 10/1993)

(1) (Previous Article 156, amended, SG No. 62/1997, SG No. 75/2006) A person who abducts another person for the purpose of her being placed at the disposal for acts of debauchery shall be punished by imprisonment for three to ten years and by a fine of up to BGN 1,000.

(2) (New, SG No. 62/1997, amended, SG No. 75/2006) The punishment shall be imprisonment for five to twelve years, if:

1. the abducted person is under 18 years of age;
2. the abducted person has been placed at disposal for acts of debauchery, or
3. the abduction has been carried out for the purpose of placing the person at disposal for acts of debauchery beyond the borders of this country.

(3) (New, SG No. 75/2006) The punishment shall be imprisonment from five to fifteen years and a fine from BGN 5,000 to 20,000 where:

1. the act was committed by an individual acting on the orders or in execution of a decision of an organised criminal group;
2. the abducted person was handed over for sexual activities outside the borders of the country;
3. the act constitutes dangerous recidivism.

Article 157

(Amended and supplemented, SG No. 28/1982, SG No. 89/1986, amended, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002, SG No. 26/2004, SG No. 103/2004, amended and supplemented, SG No. 75/2006, amended, SG No. 74/2015)

(1) Anyone who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using force or threat to that end, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility for self-defence, shall be punished by imprisonment for two to eight years.

(2) Where the act under Paragraph 1 was committed in respect of an underage person engaged in prostitution, the punishment shall be imprisonment from three to ten years.

(3) When the act under Paragraph 1 was committed in respect of a person under the age of 14, the punishment shall be imprisonment from three to twelve years.

(4) Anyone who performs sexual intercourse or acts of sexual gratification with a person of the same sex under the age of 14 shall be punished by imprisonment from two to six years.

(5) When the act under Paragraph 4 was committed in respect of a person under the age of 14 who is engaged in prostitution, the punishment shall be from two to eight years.

(6) Anyone who performs sexual intercourse or acts of sexual gratification with a person of the same sex under who is under the age of 14 and who does not understand the nature or meaning of the act shall be punished by imprisonment from two to six years.

(7) When the criminal act under Paragraphs 1 – 6 constitutes a particularly grave case, the punishment shall be imprisonment from five to twenty years.

Article 158

(Amended, SG No. 28/1982, repealed, SG No. 74/2015).

Article 158a

(New, SG No. 27/2009, amended, SG No. 74/2015)

(1) Anyone who, in any manner whatsoever, recruits, supports, or uses an underage person or a group of such persons to participate in a pornographic show shall be punished by imprisonment for up to six years.

(2) Anyone who forces a person under the age of 18 or a group of such persons to participate in a pornographic show shall be punished by imprisonment from one to six years.

(3) When the act under Paragraph 1 or 2 was committed in respect of a person who has not reached 14 years of age, the punishment shall be imprisonment from two to eight years.

(4) Where a material benefit has been received as a result of the criminal act, the punishment shall be:

1. in the cases under Paragraph 1 or 2 - imprisonment from two to eight years and a fine from BGN 10,000 to 20,000;

2. in the cases under Paragraph 3 - imprisonment from three to ten years and a fine from BGN 20,000 to 50,000;

(5) Anyone who watches a pornographic show involving a person under 18 years of age shall be punished by imprisonment for up to three years.

Article 158b. (New, SG No. 74/2015) For a crime under Articles 149 - 157 or Article 158a, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, sus-paragraphs 6 or 7.

Article 159

(Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002)

(1) (Amended, SG No. 38/2007) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates a pornographic material, shall be punished by imprisonment of up to one year and a fine from BGN 1,000 to 3,000.

(2) (New, SG No. 38/2007, supplemented, SG No. 27/2009, amended, SG No. 74/2015) Anyone who distributes pornographic material by means of information or communication technology or in another similar manner shall be punished by imprisonment for up to two years and a fine from BGN 1,000 to 3,000.

(3) (Renumbered from paragraph 2 and amended, SG No. 38/2007) An individual who displays, presents, offers, sells, rents or distributes in another manner a pornographic material to a person who has not turned 16 years of age, shall be punished by imprisonment of up to three years and a fine of up to BGN 5,000.

(4) (Amended, SG No. 75/2006, renumbered from Paragraph 3, amended, SG No. 38/2007, SG No. 74/2015) For acts under Paragraphs 1 - 3, the punishment shall be imprisonment for up to six years and a fine of up to BGN 8,000, where:

1. a person who has not reached 18 years of age (or anyone who looks like such a person) has been used for the production of the pornographic material;

2. a person who does not understand the nature or meaning of the act has been used for the creation of the pornographic material;
3. the act has been committed by two or more persons;
4. the act has been committed repeatedly.

(5) (Renumbered from paragraph 4 and amended, SG No. 38/2007) Where acts under paras. 1 - 4 have been committed at the orders or in implementing a decision of an organized criminal group, punishment shall be imprisonment from two to eight years and a fine of up to BGN ten thousand (10,000), the court being also competent to impose confiscation of some or all the possessions of the perpetrator.

(6) (Renumbered from paragraph 5 and amended, SG No. 38/2007, SG No. 74/2015) Anyone who, by means of information or communication technology or otherwise, possesses or provides for himself/herself or to another person pornographic material for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used shall be punished by imprisonment of up to one year or a fine of up to BGN 2,000.

(7) (New, SG No. 74/2015) The punishment under Paragraph 6 shall also be imposed on anyone who, by means of information or communication technology, has intentionally accessed pornographic material, for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used.

(8) (New, SG No. 74/2015) In the cases under Paragraphs 1 - 7, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, sub-paragraphs 6 or 7.

(9) (Renumbered from Paragraph 6, SG No. 38 of 2007, renumbered from Paragraph 7, SG No. 74/2015) The object of criminal activity shall be confiscated to the benefit of the State, and where it is not found or has been expropriated, its money equivalent shall be awarded."

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

8.3. Are there specificities related to the fact that more children appear on the:

- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:⁶

- a. possess child self-generated sexually explicit images and/or videos?
- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Ministry of Justice:

Yes, it does. The envisaged materials will be considered as pornographic material under Art. 93, para. 28. of the Criminal Code, according to which: *"Pornographic material" is material, produced in any way, which is indecent, unacceptable or incompatible with the public moral, with contents that expresses real or simulated molestation, copulation, sexual intercourse, including*

sodomy, masturbation, sexual sadism or masochism, or lascivious exhibition of the sexual organs of a person“. As it is obvious by the wording of the said provision (*which is of a general character – please, see above the explanation to the general character of some of the provisions of the Bulgarian Criminal Code*) it is irrelevant whether the materials (*i.e. images/videos/content*) are self-generated or not, as both hypothesis are covered. The possession and/or distribution and/or transmission of the types of images, videos, content, etc. envisaged in question 9.1. letters a), b) and c) are criminalised under Art. 159 of the Criminal Code. Please see below the text of the provision of Art. 159 of Criminal Code:

„Article 159

(Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002)

(1) (Amended, SG No. 38/2007) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates a pornographic material, shall be punished by imprisonment of up to one year and a fine from BGN 1,000 to 3,000.

(2) (New, SG No. 38/2007, supplemented, SG No. 27/2009, amended, SG No. 74/2015) Anyone who distributes pornographic material by means of information or communication technology or in another similar manner shall be punished by imprisonment for up to two years and a fine from BGN 1,000 to 3,000.

(3) (Renumbered from paragraph 2 and amended, SG No. 38/2007) An individual who displays, presents, offers, sells, rents or distributes in another manner a pornographic material to a person who has not turned 16 years of age, shall be punished by imprisonment of up to three years and a fine of up to BGN 5,000.

(4) (Amended, SG No. 75/2006, renumbered from Paragraph 3, amended, SG No. 38/2007, SG No. 74/2015) For acts under Paragraphs 1 - 3, the punishment shall be imprisonment for up to six years and a fine of up to BGN 8,000, where:

1. a person who has not reached 18 years of age (or anyone who looks like such a person) has been used for the production of the pornographic material;

2. a person who does not understand the nature or meaning of the act has been used for the creation of the pornographic material;

3. the act has been committed by two or more persons;

4. the act has been committed repeatedly.

(5) (Renumbered from paragraph 4 and amended, SG No. 38/2007) Where acts under paras. 1 - 4 have been committed at the orders or in implementing a decision of an organized criminal group, punishment shall be imprisonment from two to eight years and a fine of up to BGN ten thousand (10,000), the court being also competent to impose confiscation of some or all the possessions of the perpetrator.

(6) (Renumbered from paragraph 5 and amended, SG No. 38/2007, SG No. 74/2015) Anyone who, by means of information or communication technology or otherwise, possesses or provides for himself/herself or to another person pornographic material for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used shall be punished by imprisonment of up to one year or a fine of up to BGN 2,000.

(7) (New, SG No. 74/2015) The punishment under Paragraph 6 shall also be imposed on anyone who, by means of information or communication technology, has intentionally accessed pornographic material, for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used.

(8) (New, SG No. 74/2015) In the cases under Paragraphs 1 - 7, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, sub-paragraphs 6 or 7.

(9) (Renumbered from Paragraph 6, SG No. 38 of 2007, renumbered from Paragraph 7, SG No. 74/2015) The object of criminal activity shall be confiscated to the benefit of the State, and where it is not found or has been expropriated, its money equivalent shall be awarded.“

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Ministry of Justice:

No, there are no special circumstances under which the above mentioned cases are not prosecuted and/or do not lead to conviction. All cases are duly investigated.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

Ministry of Justice:

The legal consequences are that for such behaviours, which represent crimes of a general nature (*i.e. such for which, in all cases, the competent authorities – prosecution offices, are obliged by law to institute criminal proceedings*) are instituted criminal proceeding under the rules of the Criminal Procedure Code, perpetrators are held criminally responsible and once the commission of the offence is proven (*as proscribed by the Criminal Procedure Code*) – the latter are sentenced and serve their punishments.

9.4. Does national law criminalise cases when adults:⁷

- a. possess child self-generated sexual content?
- b. distribute or transmit child self-generated sexual content to other adults?
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexualcontent?

Ministry of Justice:

Please see above the answer to Question 9.1. letters a), b) and c) as the reply to the present question is identical.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Ministry of Justice:

No, there are no special circumstances under which the above mentioned cases are not prosecuted and/or do not lead to conviction. All cases are duly investigated.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Ministry of Justice:

The legal consequences are that for such behaviours, which represent crimes of a general nature (*i.e. such for which, in all cases, the competent authorities – prosecution offices, are obliged by law to institute criminal proceedings*) are instituted criminal proceeding under the rules of the Criminal Procedure Code, perpetrators are held criminally responsible and once the commission of the offence is proven (*as proscribed by the Criminal Procedure Code*) – the latter are sentenced and serve their punishments.

- 9.7. Does national law criminalise cases when children:⁸
- a. produce self-generated sexually explicit images and/or videos?
 - b. possess self-generated sexually explicit images and/or videos?
 - c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
 - d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
 - e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
 - f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Ministry of Justice:

Children are not punished for production and possession of self-generated sexually explicit images and/or videos. The Criminal Code is not applied in cases when children produce or possess such materials for their own use. The same, meaning that criminal responsibility is not applied to them, refers to cases envisaged under letters c) and d) – only adults (*under letter d) of the question*) are held criminally responsible in such cases under Art. 159, para. 6 of the Criminal Code, as they possess (*and/or distribute, transmit further*) such materials for the creation of which are used underaged persons. Concerning the questions envisaged under letters e) and f) – these cases should be examined case by case, depending on the concrete circumstances of each case, no general answer could be given. But it should be pointed out that in all cases adults, as mentioned above, will be held criminally responsible for the possession of such images/ videos for which creation are used children.

- 9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Ministry of Justice:

Please above the answer to Question 9.7. a), b), c), d), e) and f).

- 9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

Ministry of Justice:

Please above the answer to Question 9.7. a), b), c), d), e) and f).

- 9.10. Does national law criminalise cases when children:⁹
- a. produce self-generated sexual content?
 - b. possess self-generated sexual content?
 - c. distribute or transmit self-generated sexual content to peers?
 - d. distribute or transmit self-generated sexual content to adults?
 - e. distribute or transmit self-generated sexual content of other children to peers?
 - f. distribute or transmit self-generated sexual content of other children to adults?

Ministry of Justice:

Please above the answer to Question 9.7. a), b), c), d), e) and f). The answers are identical as what is applicable for „self-generated sexually explicit images and/or videos“ is also applicable for „self-generated sexual content“.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Ministry of Justice:

Please above the answer to Question 9.7. a), b), c), d), e) and f). The answers are identical as what is applicable for „self-generated sexually explicit images and/or videos“ is also applicable for „self-generated sexual content“.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Ministry of Justice:

Please above the answer to Question 9.7. a), b), c), d), e) and f). The answers are identical as what is applicable for „self-generated sexually explicit images and/or videos“ is also applicable for „self-generated sexual content“.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Ministry of Justice:

Such cases are not criminally prosecuted in practice.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Ministry of Justice:

Please see below for example the provisions of Art. 155a, 155b, 155c, 158a and 159, para. 6 of the Criminal Code:

„Article 155a

(New, SG No. 38/2007, amended and supplemented, SG No. 27/2009, amended, SG No. 26/2010, SG No. 74/2015)

(1) Anyone who, by using information or communication technology or otherwise, discloses or collects information about a person under 18 years of age for the purpose of establishing contact with that person so as to perform molestation, copulation, sexual intercourse, or prostitution, or to create pornographic material, or for the purpose of involvement in a pornographic show shall be punished by imprisonment from one to six years and a fine from BGN 5,000 to BGN 10,000.

(2) The punishment under Paragraph 1 shall also be imposed on anyone who, by using information or communication technology or otherwise, establishes contact with a person under 18 years of age so as to perform molestation, copulation, or sexual intercourse, or to create pornographic material, or for the purpose of involvement in a pornographic show.

Article 155b

(New, SG No. 27/2009, supplemented, SG No. 26/2010)

(1) (Previous text of Article 155b, amended, SG No. 74/2015) A person who persuades a person who is under the age of 14 to participate in or to observe actual, virtual or simulated sexual intercourse between persons of the same or different sex or lascivious demonstration of human sexual organs, sodomy, masturbation, sexual sadism or masochism shall be punished by imprisonment for up to three years or probation.

(2) New, SG No. 74/2015) When the crime under Paragraph 1 was committed:

1. through the use of force or threat;
2. through taking advantage of a state of dependence or supervision;
3. by two or more persons who have conspired in advance;
4. repeatedly,

the punishment shall be from two to ten years.

Article 155c. (New, SG No. 74/2015) Anyone who, through the use of force or threat or through taking advantage of a state of dependence or supervision, persuades an underage person to participate in an actual, virtual or simulated act of molestation, copulation, sexual intercourse, including sodomy, masturbation, sexual sadism or masochism, as well as in lascivious exhibition of human sexual organs, shall be punished by imprisonment for up to five years.

Article 158a

(New, SG No. 27/2009, amended, SG No. 74/2015)

(1) Anyone who, in any manner whatsoever, recruits, supports, or uses an underage person or a group of such persons to participate in a pornographic show shall be punished by imprisonment for up to six years.

(2) Anyone who forces a person under the age of 18 or a group of such persons to participate in a pornographic show shall be punished by imprisonment from one to six years.

(3) When the act under Paragraph 1 or 2 was committed in respect of a person who has not reached 14 years of age, the punishment shall be imprisonment from two to eight years.

(4) Where a material benefit has been received as a result of the criminal act, the punishment shall be:

1. in the cases under Paragraph 1 or 2 - imprisonment from two to eight years and a fine from BGN 10,000 to 20,000;

2. in the cases under Paragraph 3 - imprisonment from three to ten years and a fine from BGN 20,000 to 50,000;

(5) Anyone who watches a pornographic show involving a person under 18 years of age shall be punished by imprisonment for up to three years.

Article 158b. (New, SG No. 74/2015) For a crime under Articles 149 - 157 or Article 158a, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, sus-paragraphs 6 or 7.

Article 159

(Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002)

(1) (Amended, SG No. 38/2007) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates a pornographic material, shall be punished by imprisonment of up to one year and a fine from BGN 1,000 to 3,000.

(2) (New, SG No. 38/2007, supplemented, SG No. 27/2009, amended, SG No. 74/2015) Anyone who distributes pornographic material by means of information or communication technology or in another similar manner shall be punished by imprisonment for up to two years and a fine from BGN 1,000 to 3,000.

(3) (Renumbered from paragraph 2 and amended, SG No. 38/2007) An individual who displays, presents, offers, sells, rents or distributes in another manner a pornographic material to a person who has not turned 16 years of age, shall be punished by imprisonment of up to three years and a fine of up to BGN 5,000.

(4) (Amended, SG No. 75/2006, renumbered from Paragraph 3, amended, SG No. 38/2007, SG No. 74/2015) For acts under Paragraphs 1 - 3, the punishment shall be imprisonment for up to six years and a fine of up to BGN 8,000, where:

1. a person who has not reached 18 years of age (or anyone who looks like such a person) has been used for the production of the pornographic material;

2. a person who does not understand the nature or meaning of the act has been used for the creation of the pornographic material;

3. the act has been committed by two or more persons;

4. the act has been committed repeatedly.

(5) (Renumbered from paragraph 4 and amended, SG No. 38/2007) Where acts under paras. 1 - 4 have been committed at the orders or in implementing a decision of an organized criminal group, punishment shall be imprisonment from two to eight years and a fine of up to BGN ten thousand (10,000), the court being also competent to impose confiscation of some or all the possessions of the perpetrator.

(6) (Renumbered from paragraph 5 and amended, SG No. 38/2007, SG No. 74/2015) Anyone who, by means of information or communication technology or otherwise, possesses or provides for himself/herself or to another person pornographic material for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used shall be punished by imprisonment of up to one year or a fine of up to BGN 2,000.

(7) (New, SG No. 74/2015) The punishment under Paragraph 6 shall also be imposed on anyone who, by means of information or communication technology, has intentionally accessed

pornographic material, for the production of which a person under 18 years of age (or anyone who looks like such a person) has been used.

(8) (New, SG No. 74/2015) In the cases under Paragraphs 1 - 7, the court may also impose a punishment which entails deprivation of rights under Article 37, Paragraph 1, sub-paragraphs 6 or 7.

(9) (Renumbered from Paragraph 6, SG No. 38 of 2007, renumbered from Paragraph 7, SG No. 74/2015) The object of criminal activity shall be confiscated to the benefit of the State, and where it is not found or has been expropriated, its money equivalent shall be awarded."

Question 12. Jurisdiction rules

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Ministry of Justice:

The following provisions apply:

„Criminal Code:
GENERAL PART

Chapter One „Objective and scope of application of the Criminal Code“

Section II „Scope of application of the Criminal Code“

Article 3

(1) The Criminal Code shall apply to all crimes committed on the territory of the Republic of Bulgaria.

(2) The issue of liability of foreign citizens who enjoy immunity with respect to the penal jurisdiction of the Republic of Bulgaria shall be decided in compliance with the norms of international law adopted thereby.

Article 4

(1) The Criminal Code shall apply to the Bulgarian citizens also for crimes committed by them abroad.

(2) (Amended, SG No. 75/2006) No citizen of the Republic of Bulgaria can be transferred to another state or an international court of justice for the purposes of prosecution, unless this has been provided for in an international agreement, which has been ratified, published and entered into force in respect to the Republic of Bulgaria.

Article 5

The Criminal Code shall also apply to foreign citizens who have committed crimes of general nature abroad, whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

Article 6

(1) The Criminal Code shall also apply to foreign citizens who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected.

(2) The Criminal Code shall also apply to other crimes committed by foreign citizens abroad, where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party.

Article 7

In the cases of Articles 4 and 5 the pre-trial detention and the punishment served abroad shall be deducted. Where the two punishments are different in kind, the punishment served abroad shall be taken into consideration in determining the punishment by the court.

Article 8

(Previous Article 8, SG No. 33/2011, effective 27.05.2011)

(1) Any sentence of a foreign court for a crime to which the Bulgarian Criminal Code is applicable shall be taken into consideration in the cases specified in an international agreement to which the Republic of Bulgaria is a party.

(2) (New, SG No. 33/2011, effective 27.05.2011) Any binding conviction decreed in another EU Member State for an act which constitutes a crime according the Bulgarian Criminal Code shall be taken into consideration in every criminal proceedings against the same person conducted in the Republic of Bulgaria.“

„Criminal Procedure Code:

Article 4 „Ratione loci“

(1) Criminal proceedings instituted by the authorities of another state or a sentence in force issued by a court in another state, said proceedings or sentence not being recognised in pursuance of this Code, shall be no obstacle to the institution of criminal proceedings by the authorities in the Republic of Bulgaria in respect of the same criminal offence against the same individual.

(2) (Amended, SG No. 15/2010) A sentence in force issued by a court in another state, which has not been recognised in pursuance of the Bulgarian legislation, shall not be subject to enforcement by the authorities of the Republic of Bulgaria.

(3) The provisions of Paragraphs 1 and 2 shall not apply if otherwise provided for by an international treaty to which the Republic of Bulgaria is a party where said treaty has been ratified, publicised and has entered in force.“

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

a. in law enforcement?

Cybercrime sector is a part of the GCDPC-Ministry of Interior and it has a functional competence to prevent, intercept and reveal instances of on-line sexual exploitation of minors.

b. in prosecution?

There are no prosecutors in the Prosecutor's Office of the Republic of Bulgaria who work on Cybercrime and are divided into the Economic and Criminal Areas.

c. in courts?

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

a. there is a victim identification function?

Ministry of Interior:

In the Cyber Crime Sector there is a group dealing with online sexual exploitation of children, which is the only unit in the country to counteract this type of Internet crimes. The head of this group is a member of the EMPACT Working Group on Child Sexual Exploitation at Europol, responsible for drawing up annual strategic plans.

b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

Ministry of Interior:

The group has a link to the Interpol ICSE database where there is a functional victim identification feature. The Cyber Crime Sector has a dedicated filtering software for sites containing child sexual exploitation materials for the sector. Filtering takes place through interaction between the industry and 7 major Internet providers in the country that are connected to the specialized software.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

a. law enforcement agents (in particular for front desk officers)?

b. prosecutors?

c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

Prosecution of the Republic of Bulgaria:

During the period 2014-2016, trainings were conducted for 13 public prosecutors and 5 investigators to counter online child sexual abuse, part of these trainings were conducted in EU member states - Germany and Romania with participation of Europol representatives

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?