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LANZAROTE CONVENTION

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

Comments on the replies to the thematic questionnaire

BULGARIA

NATIONAL NETWORK FOR CHILDREN

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 23 March 2018

Introduction and aims and objectives of the document

The current contribution is prepared by a group of experts and civil society organizations working to protect children's rights and committed to preventing and combatting sexual exploitation and sexual abuse of children in Bulgaria.

The aim of the report is to complement the official state party report and provide information and input from experts and civil society organizations' based on their work with children and young people and other stakeholders such as parents, professionals working with children, etc.

In accordance with Rule 26§4 of the Committee's Rules of Procedure, the report is intended to provide NGOs views on the issues covered by the questionnaire and the replies submitted by the Government of Bulgaria.

The goal of the document is to support the Lanzarote committee in gathering information about the effective implementation of the Convention in Bulgaria through identifying challenges and suggesting possible recommendations for how they could be overcome.

NGOs views to the specific questions and State's replies

Prevention: The development of a National Programme for Prevention of Violence and Abuse of Children for the period 2017 – 2020 and the achievements of 'Improving Child Protection and Prevention of Juvenile Crime in Bulgaria' project are positive steps but extremely insufficient to protect children from the risks they face in Internet.

The web-sites of relevant bodies such as the State Agency for Child Protection, Ministry of Education and Science, General Directorate National Police, etc. don't publish on easily available place materials for children and their parents related to prevention of violence, sexual exploitation and abuse as well as the addresses and telephones where advice or help could be sought in case Internet-related problem with a child as well as information about the application Protectyourkid¹. There is a lack of a national-wide targeted campaign led by a public authority although such a measure exists in the National Programme for Prevention of Violence and Abuse of Children for the period 2017 – 2020.

Civil society involvement and co-operation: Civil society projects related to promotion of safe Internet and prevention of sexual exploitation and abuse are supported and the established good practices by Safer Internet Centre, Animus, SAPI, etc. are promoted by the State. At the same time, it should be acknowledged that there is no systemic policy and plans for encouragement of such prevention projects and their replication throughout the whole country and making them sustainable. The majority of the projects are usually initiated by NGOs who secure funding for them and seek formal approval/support from the state so that they could be implemented. There is no national programme funding NGO initiatives focused on on-line sexual abuse and exploitation.

¹ Application for parental control and on-line protection of children, <http://protectyourkid.bg/>

One of the successful on-line campaigns is “Think before” which encompasses 4 themes including sexting. It informs teens and parents and teachers on how to recognize the signs and to react adequately to violence and where they could find help and protection. The campaign “Think before” was officially launched on 02 of November 2016 in the Information office of the European Parliament in Bulgaria with a national seminar for teachers, adolescents, educational institutions, representatives of the Ministry of Education and Science, Agency for Social Assistance, State Agency of Child's Protection and NGO's.

The campaign includes films and programs available for teachers, school counsellors, social workers, psychologists and NGOs. On www.pomislipredi.net can be found videos, tests, stories of teenagers and other useful information on the topic of sexual abuse of children. The new website consists of 4 sections which aims are to provoke conversation, reaction, sharing between teens and among adults / parents, teachers, NGO's teams, institutions (raise the awareness of professionals and adolescents and equip them with appropriate tools).The campaign is carried out by SAPI.

The National programme for prevention of violence and abuse of children 2017 – 2020 as well as the Action plan for its implementation for the period 2017 – 2018 could be pointed out as concrete examples. Most of the activities envisaged in both documents are actually to be realized by the civil society sector in the name of Safer Internet Centre, co-ordinated by ARC foundation and Parents Association. There's lack of consistent measures and activities committed by the relevant state authorities with the exception of the General Directorate for Combatting Organized Crime of the Ministry of Interior work related to detection and investigation of sexual exploitation of children through information and computer systems.

As a kind of collaboration between NGOs and state institutions could be considered the working group Learning Action Partnership (LAP) <http://www.safesex.bg/en/ongoing-projects/the-art-to-inform/265>. It is a network for exchanging ideas and is working for prevention of sexual exploitation of children. Unites experts interested in and having experience in activities preventing violence from NGOs and some of the state institutions (MoH, MLCP, MES, SACP, NCCTHB). LAP is an initiative in the frame of one of the projects of Bulgarian Family Planning and Sexual Health Association (BFPA) <http://www.safesex.bg/en/about-us>, supported by OAK Foundation. The network is for reducing vulnerability of children for sexual exploitation and abusive practices. It is found during 2013 in a forum on prevention of sexual exploitation of children in institutions and is having regular meetings in three months. In November 2017 it had its first conference <http://www.safesex.bg/en/news/24-2010-03-25-09-43-55/339-2017-11-22-15-55-21> on prevention of sexual exploitation and sexual violence with the participation of the national Ombudsman, two deputy ministers – of MES and MLSP, the British Ambassador. Applied Research and Communications Fund (ARC Fund) covering the topics of safety internet is one of the active members of LAP.

A concerning fact was the attempt of the Ministry of Education and Science through an official letter sent in November 2017 to the heads of the regional education departments to severely limit the access of non-governmental organizations to schools and kindergartens in Bulgaria: "the visits to the institutions of the system of pre-school and school education ...

shall be carried out after the support of the Minister of Education and Science and / or the head of the respective regional education management ... The meetings with the pupils should be carried out in the presence of the management of the school or the school psychologist / pedagogical counsellor". Following negative reactions of civil society organizations and meetings with the deputy-minister Denitsa Sacheva, the Ministry of Education and Science agreed to publish a joint statement with NGOs working with children and families in the country in January 2018.

Another fact which should be noted is the reaction of the MES Minister Krasimir Valchev who in the context of the discussion on the ratification of the CE Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) at the beginning of this year said: "There will be no changes in the curricula in connection of the Istanbul Convention, nor "gender training". He was one of the eight ministers who voted against the ratification of the Istanbul Convention at 5 January 2018 during the meeting of the Council of Ministers. The others were: the Minister of Defence Krasimir Karakachanov, the Minister of Economy Emil Karanikolov, The Minister of Environment and Water Nino Dimov, The Minister of Healthcare Kiril Ananiev, the Minister of Transport Ivaylo Moskovski, the Minister of Finance Vladislav Goranov and the Minister of Tourism Valeri Simeonov.

National curriculum: As pointed out in the reply by the Ministry of Education and Science, national curriculum does not include awareness-raising about the risks of self-generated sexually explicit images and/or video and self-generated sexual content.

The school programmes for primary and education until 7th grade were improved and now include basic knowledge and skills related to improvement of digital-media competences of students. Unfortunately, the development of these skills is still recognized by MES primarily as a task for the IT modelling and IT classes which cannot on their own meet the requirements of the digital era for such competences.

It is recommended that the MES undertakes a comprehensive review of all school programmes for students from 1st till 12th grade in order to assess and plan the necessary development of digital-media competences in all relevant school subjects.

Research

We are not aware of research undertaken or supported by public authorities on the issues related to self-generated sexually explicit images and / or vide, sexual content or psychological effects on the persons.

Protection and Prosecution

The SafeNet Hot-Line is run and managed by the ARK foundation and Parents association who work in good co-operation and partnership with the necessary authorities. However, it should be noted that there's no state funding for this service and it totally relies on external and/or project funding.

In Bulgaria there are no generic victim support services (i.e. services not restricted to a particular category or categories of victims).

There is also a lack of professional competence standards (in terms of knowledge, skills and attitudes) and systematic induction and on-going training programmes for professionals who come into contact with victims of crime such as police officers, prosecutors, judges, court staff, etc. NGOs are involved in delivering and running trainings for special target groups such as police officers, social workers, etc. but usually this is within a specific programme or project framework.

It is concerning that according to the official information provided by the Agency for Social Assistance which is the executive agency responsible for the management of the Child protection departments (CPDs) established at local / Municipal level, there's no disaggregated information about the types of abuse, the place it has occurred, age of children, gender, disability, etc.

At the moment, the information about children victims of abuse is collated using different indicators primarily with the aim to serve the administration rather than in order to monitor and evaluate the impact of policies, practices and co-ordination between the responsible bodies. According to the official information provided by the ASA, the referrals to the CPDs and the cases they have opened as a consequence of them have dropped significantly for 2017 in comparison with previous years. In 2015 and 2016, the referrals are approximately 3,700 and 3,200, and the opened cases are 957 for 2015 and 681 for 2016. The No. of referrals for 2017 is 1,282 and the opened cases are 382.² For comparison, in 2007 there were 4,693 identified cases of violence / abuse out of which 3,929 were registered.³

SAPI, ANIMUS and UNICEF put significant efforts to establish child advocacy centres Zona ZaKmila (Barnahus like services) in Bulgaria. At the moment these centres although licensed by the state need more recognition, respectively state funding. Also, as the National Mechanism for Coordination in Cases of Violence does not require obligatory presence of a representative of the social services, often the coordination is done without the representative of a social service. Another challenge listed in the State Agency for Child Protection (SACP) analysis for the implementation of the co-ordination mechanism are the difficulties in interactions with the Prosecution given that there's one prosecutor who gets involved in the initial actions who later on when the files are distributed is changed with another one. Another issue which comes out of the completed information cards used by the SACP for the analysis is that there's a worrying trend for the Prosecution office not to bring pre-trial proceedings. Only 37.6% from the educators and respectively 11.7% from the doctors have taken part in multi-disciplinary meetings related to the cases⁴.

Other available services for children victims of violence are community support centres (CSC) and crisis centres. CSCs have a national coverage but not all of them could handle cases of sexual violence, including on-line sexual abuse and exploitation.

² Official information provided by the ASA to the National Network for Children – Bulgaria.

³ <https://www.unicef.bg/assets/PDFs/new/18.pdf>, p. 17

⁴ <https://sacp.government.bg/bg/%D0%BC%D0%BE%D0%BD%D0%B8%D1%82%D0%BE%D1%80%D0%B8%D0%BD%D0%B3-%D0%BD%D0%B0-%D0%BF%D1%80%D0%B8%D0%BB%D0%B0%D0%B3%D0%B0%D0%BD%D0%B5%D1%82%D0%BE-%D0%BD%D0%B0-%D0%BA%D0%BE%D0%BE%D1%80%D0%B4%D0%B8%D0%BD-2/>, page 8.

Crisis centres also face some challenges as lack of appropriate quality and financial standards for the sustainable service running and management and guaranteeing the rights of vulnerable children and women.

SAPI conducted a research with national coverage on the Involvement of Child Victims in Legal Procedures with more than 1,100 respondents from the police, prosecution, social care system, judges, doctors, psychologists, etc. in 2016. The research was focused on the implementation of Directive EU/29/2012. Some of the findings concerning the current monitoring round are:

- There is a shortage of good practices to inform the child and his / her family about the rights of the victim;
- the first contact with the state authorities for reporting is often with police officers who are not prepared to communicate with children victims of sexual abuse and exploitation;
- There are many cases where the police officers don't refer the case to the social care system, while the social services always refer the cases to the police when there is a crime;
- The right to protection is not always guaranteed;
- The right to access to therapeutic services is totally unguaranteed – it is provided for free only where NGOs work.

In addition, review of cases of children supported by PULSE (<http://pulsfoundation.org/en/>) and SAPI (<https://sapibg.org/en>) specifically undertaken for the current contribution / monitoring round shows that despite amendments in legislation, there is still lack of effective protection of children victims and witnesses of sexual abuse or exploitation and in particular:

- In criminal proceedings children perpetrators are always represented by a lawyer. At the same time, in criminal proceedings when children are not constituted a party but only as witnesses, there's no requirement for a lawyer to protect children's best interest. It is recommended that when children uses free legal aid, the state should provide qualified such (namely lawyers who are trained in working with children and child protection specialists);
- Some of the criminal proceedings in which the victim is a child are delayed too long – see the case study from the practice described in Appendix 1 which illustrates how for a second consecutive year the child continues seeking justice and it's only the support of the NGO who has made this possible;
- There are cases where children are subject to questioning without having being informed about their rights and legal consequences of the proceedings;
- The No. of the so called 'blue room' is growing but what is concerning is that they are not used effectively, there's lack of sufficient No. of trained specialists who to interview the children and there are no standards for the way the premises shall be used.⁵ Concrete recommendations on behalf of NGOs working on child-friendly justice can be found at page 48 of the National Network for

⁵ http://nmd.bg/wp-content/uploads/2013/12/REPORT-CARD-2017_en-3.pdf

It is necessary to acknowledge that despite amendments in the Criminal Procedures Code in Nov 2017, children's rights to be heard and protected are not guaranteed effectively in practice. For example, article 139 of the Code was amended and now reads "*Article 139 (10) (New, SG No. 63/1917, in force since 05.11.2017) Interrogation of a witness with specific protection needs shall be carried out in taking measures to avoid contact with the accused, including by videoconference or telephone conference, in accordance with the provisions of this Code*" where the amendment of article 140 the hearing and interrogation of a child in special premises or by videoconference is at the discretion of the judge.

Apart from the lack of a system for qualification and specialization of the different professionals involved and working on cases of children victims of sexual abuse (including the issue with the turn-over and lack of effect from various trainings), there is also lack of specialized units to the courts who to deal with such cases. There're no effective state programmes which to provide and guarantee real protection and reintegration and of children victims of sexual abuse.

[Cooperation with civil society within Protection and prosecution section](#)

Although the law provides for a legal definition of "victim support organization" it remains unclear how a child victim of crime can have access to such a service given that the social system could refer to social services which not always implement the whole activities which one victim support organization has to provide.

List of organizations who contributed and/or supported the document:

Association "Parents"
Association "Demetra"
Association "Child and space"
Bulgarian Centre for non-profit law
Bulgarian Family – Planning Association
Social Activities and Practices Institute
National Network for Children
Know How Centre for Alternative Care for Children
Foundation Association Animus
Foundation "Gender education, research and technologies"
Foundation "For our children"
Foundation "Tulip"
Foundation ARC
Foundation „PULSE"

Appendix 1 Case study from the practice

A. G. is 13 years old and since the 3rd of October 2016 the child is a client of the "Rehabilitation centre for people, who are victims of violence and/or human trafficking" provided by the PULSE Foundation. The reason she is a client of the centre is that she was a victim of serious physical, psychological and, during the past year, systematic sexual violence on the side of the husband of her deceased mother, who has adopted A.G. She does not have any other relatives apart from the ones on side of the person who adopted her. She has a brother and a sister who are also minors. After one of the many acts of violence against her, the child has called the Hotline for children and has filed a signal. After this, police protection as provided for her. The family of the child is of Roma origin.

On the 3rd of October 2016 the Head of the Child Protection Department of the town of Pernik notified PULSE Foundation of a child, who was in a dire emotional state as a result of experienced sexual violence. The Head of the Child Protection Department asked PULSE Foundation for cooperation throughout the following forensic medicine examinations and taking evidence. The taking of evidence, the forensic medicine examination and the following placement of the child in the Crisis unit of PULSE Foundation were done in coordination with the professionals from the two sides. The child was taken out of the family of the person who has exercised violence against her and was placed at the house of his sister.

In the processes of examination and taking evidence, which took place at the 1st District Police Department in Pernik, it was confirmed that the case was about a child who has undergone grave traumatic events. The child has told about systematic beating "to death" and following rape of the mother which she has been witnessing. The child has also been a victim of systematic beating and has witnessed beating of her two brothers – K. and R., beating with a belt to bruising, suffocating with pillows and undressing as a form of punishment. In the last year the man who adopted her has also begun undressing the girl and penetrating orally and anally 2 to 3 times a week. During the last month he has also made attempts for vaginal penetration. She child has shared that he has almost always put a "rubber" (condom). Later, data from the investigation revealed that he was HIV positive.

As a result of the received signals, police investigation has started and afterwards a pre-trial proceeding has been initiated. In the course of the investigation the child has been heard four times in the presence of psychologists, as the first series of evidence have been gathered with the participation of a psychologist from PULSE Foundation and the next ones were organized with the participation of psychologists from Direction "Social Support" (in total, three different people). The child has not been previously prepared for the forthcoming procedures and no trusted relation between the psychologists, whose role was to support the child, and her was established. The hearings have been conducted in the offices of the Police Department and no suitable room (such as "blue room") was provided. An accusation against the person who has committed the violent act was brought as, according to the current legislation, the materials related to the file were provided to the accused and the child victim. The court appointed a special representative-lawyer, who appeared before the court only formally, so that he could sign the relevant reports but who

did not know the child and her situation. He also was not specialized for working with children.

Ten months later, the file was brought into the court and a lawsuit of general nature was formed. For the first proceeding (which took place on the 15th of August 2017) the child was called in court and came together with the person at whose place she was placed. The courtroom was packed with relatives of the defendant and with officials who were unknown to the child. The formation of the tribunal was consisting for a judge, who was a man, and two jurors (a man and a woman). On the side of the prosecution there was a prosecutor (man) and the appointed special representative of the child (man), who until this moment, has not approached the child. On the side of the defendant there was the perpetrator together with the advocate appointed to him. In this situation the child victim was invited to the court room and to get closer to the place designated for witnesses where the procedures and the rights of the different sides were explained. The child is asked whether she wants to constitute herself as private prosecutor and civil plaintiff, which, according to the procedures is happening in the courtroom, in the presence of the defendant (who is situated around a meter from the child victim), as well as in the presence of all people in the courtroom. Until the current moment no one has explained to the child what the procedure at the courtroom was or what rights did she have. When the question was asked, the person who takes care of the child has dictated to the child to say that she did not want to constitute herself as private prosecutor and civil plaintiff. After this, the court released the special representative (advocate) of the child and told the child to sit on the benches on of the courtroom. A few minutes later, after the child has sat on the benches, she started to suffocate and to feel sick and she is taken out of the courtroom.

After the abovementioned background information and after PULSE Foundation has found out that in the end the court has not proceeded with the case because the defendant has asked for changing his advocate, the Foundation has intervened and has provided legal support to the child. After many talks and with the cooperation of the local Child Protection Department, the child victim has been acquainted with the procedure, as well as with her rights and legal options. In this situation, the child was constituted as private prosecutor and from then on her appearance in the courtroom was controlled. The sides also agreed that the proceedings would pass according to a shortened procedure and that not all witnesses would be heard but only the indicated ones. In addition, the child would not be heard again and the testimonials given during the pre-trial proceedings will be read instead. Until the current moment the judicial proceeding is still pending in the court of first instance.