



ngo group for the crc

STATE PARTY EXAMINATION OF BULGARIA'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON CHILDREN IN ARMED CONFLICT

46TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

17 September - 5 October 2007

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The Republic of Bulgaria ratified the OPAC on the 2nd of November 2001. On the 24th of September 2007 the Committee on the Rights of the Child (the Committee) examined Bulgaria's initial report on the implementation of the OPAC.

Opening Comments

Ms. Vessela Banova, Deputy Chair of the State Agency for Child Protection, presented the report. She pointed out that shortly before ratifying the two Optional Protocols to the Convention on the Rights of the Child (CRC) Bulgaria had set up the State Agency for Child Protection (SACP) and introduced a new law on child protection. She emphasised that this law was continually being amended to improve the protection provided to children and hoped that the dialogue with the Committee would assist them in this process.

Mr. Puras, the country rapporteur, welcomed the delegation and praised the substantial efforts made to implement the OPAC. He stressed his awareness of the dynamic transition taking place in Bulgaria and the huge and complex changes that this entailed. He emphasised that the state was to be commended on its efforts to establish democracy, rule of law and human rights. He noted that the constitution ensured that all international treaties ratified by the state were included in domestic law and that domestic legislation had been harmonised with the OPAC by the establishment of 18 as the minimum age for recruitment. He also commended the abolition of compulsory military service as of January 2008. He pointed out that, although the state did not have a problem with child recruitment, there was always room for improvement. He proceeded to ask about the training of peacekeepers and the dissemination of information on children's rights, especially the OPAC, to professionals working with children and children themselves. He asked for more information about the role and powers of the Ombudsman in monitoring child rights and the involvement of the Ombudsman and NGOs in the preparation of the report. Finally, he enquired about the provisions in

place for identifying children who had been involved in armed conflict among those seeking asylum and asked about the rehabilitation and recovery services available to these children.

Ms. Smith, country co-rapporteur, congratulated the state on their implementation of the OPAC. She highlighted the international dimension of the problem of child recruitment and of the OPAC. In this context she asked about the legislation and practice of extra-territorial jurisdiction.

Legislation

The Committee asked about the possibility of lowering the recruitment age in exceptional circumstances, such as a situation of national emergency. The delegation replied that there were no provisions for drafting children in any circumstances.

The Committee noted that compulsory military service would cease on the first of January 2008 and asked whether there had been any debate on under-age volunteers in the new system. The delegation replied that the law setting 18 as the minimum age for recruitment would remain in force. The Committee asked about measures for checking the age of recruits. The delegation explained that the personal identification number given to each citizen at birth included their date of birth and was used to cross check the birth certificate and identification documents presented at the time of recruitment.

The Committee asked about the criminalisation of the recruitment of children. The delegation confirmed that the recruitment of under 18s was not criminalised in the penal code, but explained that there was provision for punishing an official who violated the law on the minimum age of recruitment.

The Committee asked about provisions for extra-territorial jurisdiction over war crimes, particularly the recruitment of children. The delegation replied that the penal code provided for universal jurisdiction over crimes covered by the international treaties the state had ratified. The Committee was concerned that this legislation did not cover all eventualities and highlighted the impossibility in practice of applying universal jurisdiction if there was no provision for the crime in the national penal code. The Committee pointed out that the OPAC specifically mentioned armed groups and emphasised the need for legislation which would allow the prosecution of unofficial recruitment of children. The delegation replied that armed groups were prohibited. However, they promised to report the concerns raised by the Committee for review by domestic legal experts.

Military Schools

The Committee expressed grave concern about the lack of information on the enrolment of children in military schools in the report. It noted that at the time of ratification the State party had issued a declaration on the possibility of enrolling high school graduates under 18 in military academies and asked for clarification on this provision. The delegation emphasised that the lack of information in the report and written replies was not due to lack of will, but because there were no secondary schools under the control of the Ministry of Defence. They explained that the declaration covered the exceptional possibility of a student who had completed secondary school before reaching 18 and wished to enrol in the university level military academies that year. The delegation repeatedly stressed how unlikely it was that this situation would ever arise. The Committee asked about the contract signed to enter these schools. The delegation replied that the parents of the child gave permission for him to enter the academy, but he did not sign a contract and join the army until he was over 18. It pointed out that domestic legislation specifically prohibited the signing of a contract to enter the army under the age of 18. The Committee asked about the status of students in the military academies. The delegation replied that these students were not considered military personnel.

The delegation did not reply to questions about the provision of weapons training and training on Human Rights, including the CRC, provided, the training of the teachers on Human Rights, the voluntary nature of enrolment and the information on their rights provided to students before enrolment. The delegation did not give a direct answer on whether children in these schools had

access to the Ombudsman if they had complaints, but their answers on the Ombudsman implied that all children had access to him. The Committee noted that the report mentioned sending children to military schools abroad and asked what follow up there was. The delegation did not answer.

Monitoring

The Committee welcomed the establishment of an Ombudsman and asked whether there was a special children's branch. The delegation admitted that there was no special children's branch of the Ombudsman, but reported that he dealt with child rights issues and considered children one of his priorities. The Committee noted with concern that the Ombudsman's mandate did not explicitly include the monitoring of the CRC and asked whether the Ombudsman and other bodies carried out monitoring functions. The delegation replied that both the Ombudsman and the SACP monitored child rights and the implementation of the CRC. It pointed out that since 2003 the SACP had a special monitoring unit which inspected institutions and could handle individual complaints. The Committee asked whether the Ombudsman had power over the Ministry of Defence and the military. The delegation replied that there were no limitations on the jurisdiction of the Ombudsman within the territory of Bulgaria and that he was quite prepared to insist on this. The delegation did not answer a question on the periodic evaluation of the implementation of the OPAC.

The Committee asked about the structure and role of the SACP. The delegation explained that the SACP was a national body directly under the council of ministers and included all the representatives of all the relevant ministries and eleven NGOs who served on the council for two years and then were replaced. They pointed out that children participated in the decision-making of the body through the National Children's Council. The SACP coordinated and monitored all the measures on child protection carried out by government, NGOs and UN agencies.

Peacekeepers

The Committee asked about the specific training on the rights of children, particularly the OPAC, provided to Peacekeepers. The delegation stressed that the State party was fully aware of its duty to provide training on Human Rights issues to its peacekeepers. They were training on humanitarian law, human rights law and the state's obligations under the international treaties it had signed and ratified.

Dissemination

The Committee asked about the dissemination of the OPAC among professionals working with children and the involvement of NGOs in this dissemination. The delegation replied that the OPAC had been published in several bulletins and was on the website of the SACP. There were many training programmes provided in collaboration with NGOs and UN agencies which focused on training professionals.

The Committee asked whether child rights and peace education were on the school curricula. The delegation confirmed that Human Rights, including the rights of the child, conflict resolution, and inter-ethnic relations were included in the civic education curriculum in secondary schools and that the rights of the child were integrated into education for younger children.

The Committee asked about the involvement of NGOs and National Human Rights organisations in the preparation of the report. The delegation replied that the SACP had prepared the report after consulting with the Ombudsman, relevant ministries and NGOs.

Manufacture and export of arms

The Committee asked about legislation to prevent the export of small arms to countries where children were recruited, including through the use of middlemen. The delegation replied that Bulgaria had strict controls on the export of arms, including the provision that both the exporter and any middlemen had to be issued with a licence for each transaction.

Asylum Seekers

The Committee noted the claim that there were no former child soldiers among the child asylum seekers in the past three years and asked how this was established. The delegation replied that all children seeking asylum were interviewed by a social worker and, if necessary, a psychologist, on the reasons for seeking asylum and to assess the particular vulnerabilities of the child. The Committee asked what services would be provided for the recovery of these children. The delegation stressed that all unaccompanied children were provided with protection and enrolled in recovery and integration programmes.

Concluding Remarks

Ms Vuckovic-Sahovic thanked the delegation and apologised for the bombardment of questions. She stressed that the Committee had learnt a lot from the delegation and hoped that it had also been a learning experience for them. She promised that the Committee's concluding observations would address various issues they felt still needed improvement.

Mrs. Vessela Banova thanked the Committee and assured them that the delegation welcomed their interest. She highlighted the excellent timing of the meeting and stressed that the state would make the most of the opportunity to include the Committee's recommendations in the new national strategy for children.