

Compliance with the Convention on the Rights of the Child
(hereafter “the Convention”)

ALTERNATIVE THEMATIC REPORT

Submitted by the Legal Network of “National Network for Children”

To be considered on the 92nd Session (September 2022) in relation to reporting country: **Bulgaria**

This report is linked to the Alternative Comprehensive report to Bulgaria’s progress on Child Rights subject to submission by the National Network for Children.

I. DEFINITION OF THE CHILD (art. 1).

In its 2016 Concluding observations on the combined third to fifth periodic reports of Bulgaria, the Committee recommended that the Government should amend its Family Code to remove all exceptions that allow marriage for anyone under the age of 18 years (paragraph 18).

At present, Article 6 of the Family Code provides that the minimal marriage age is 18. Exceptionally, the court can allow children aged 16 to 18 to marry “if important reasons so require”. In the case law of the national courts, “important reasons” are, for example, if the couple expects a child or already has a child; living together, etc. For the last 10 years, there were more than 600 requests to the court for such marriage permissions. In 2 cases, the appeal courts refused the requests, finding that the marriage sought was a remedy to circumvent the law, actually aiming at allowing the adolescents to dispose with large amounts of money and property or to cross the border without the consent of their legal guardians.¹

Article 6 of the Family Code is logically related to Article 191 of the Criminal Code, which criminalizes marital relationship with a minor. It is a crime if a full age man and a girl below 16 live together as husband and wife (it is not a crime if she is between 16 and 18).

We recommend abolishing the exception set forth in Section 6 of the Family Code.

II. RIGHT TO LIFE (Art. 6)

The international law protects the child’s right to life and the right to antenatal care of the mother. The child’s right to life arises after birth and the mother’s right to antenatal care, preventing preterm

¹ Judgment no. 159 of 2 December 2014 in case 971/2014 of the Pleven Regional Court; Judgment no. 89 of 11 May 2017 in case 195/2017 of the Lovech Regional Court.

birth, arises after the 12 week of gestation.² The Committee’s working definition of early childhood is all young children “at birth”, whereby States parties are urged to take all possible measures to “improve perinatal care for mothers and babies”.³

In Bulgaria, the effective Penal Code (PC) contradicts these principles.

Article 126 of PC criminalizes home abortions performed by doctors and non-qualified persons. The provision, adopted in 1968, contains the exact phrase “killing the fetus” and it is placed in Section “Homicide”. Abortion does not qualify as “taking life”, therefore, its systematic place is not in Section “Homicide”. Being positioned there, the provision implies that the right to life arises before birth, which is not true.

We recommend abolishing Section 126 of PC and replacing the crime home abortion in Section “Crimes against the public health” of PC, with revised edition of this crime via contemporary terms such as “pregnant uterus”, “ending pregnancy” etc.

III. RIGHT OF THE CHILD TO PRESERVE THEIR IDENTITY, INCLUDING THEIR FAMILY RELATIONS (Art. 8 and 9)

In Bulgaria, parental disputes over custody and contact rights often result in parental alienation and estrangement. This phenomenon is further coupled with the lack of social services building up parenting capacity. Hence, custody disputes culminate in severe court battles, the victims of which are the children, this often leading to the violation of their human rights.

Even though mediation is part of Bulgarian legal framework since 2004 as an alternative dispute resolution mechanism, its application towards family disputes has not yet reached its potential. The Civil Procedure Code does provide for an obligatory court referral of spouses to mediation (arts. 140 and 321 Civil Procedure Code). Notwithstanding the latter though, the ultimate decision on whether to opt for mediation is subject to the free choice of the parents. This, acknowledged with the cultural context in the country, practically renders the institution of mediation inapplicable.

In addition, for the last 5 years there were numerous legislative initiatives on integrating an obligatory first mediation information and assessment session (MIAM) between parents as a condition precedent for initiating court proceedings. Regardless of the support such legislative initiatives have received from both academia, NGOs, social workers and psychologists, no such changes have yet been adopted.

We urge the Government for effecting legislative changes providing for obligatory MIAMs as a condition precedent to custody court proceedings. We recommend further to raise the bar for mediators practicing family mediation and offer enhanced trainings obligatory for

² “Recommendations on interventions to improve preterm birth outcomes”, World Health Organization 2015: https://www.who.int/reproductivehealth/publications/maternal_perinatal_health/preterm-birth-guideline/en/

“Medical management of abortion” World Health Organization 2018: <https://www.who.int/reproductivehealth/publications/medical-management-abortion/en/>

³ CRC General Comment No. 7 (2005) Implementing child rights in early childhood.

mediators practicing in the field of family disputes with a special focus on the child's best interests.

IV. DUTY TO PREVENT AND INVESTIGATE DEATH

On 18 June 2013 the ECtHR found violation of Bulgaria's duties to prevent and investigate the death of 15 children and young adults in a state home for children with severe mental disabilities – *Nencheva and others v. Bulgaria* (appl. No. 48609/06). The execution of the judgment is monitored by the CoE's Committee of Ministers and revised action plan was submitted by the Government on 10 October 2018 (see DH-DD (2018)1040). The last consideration of the case took place on 4 December 2018, whereby the following recommendations were made inter alia:

“6. encouraged the authorities to indicate the measures adopted or envisaged to ensure that children with mental disabilities placed outside their families, who are not represented by their parents or a relative or whose parents have lost interest in them, are afforded independent representation, enabling them to have complaints relating to their health and treatment examined by a court or other independent body;

7. encouraged again the authorities to introduce additional guarantees to ensure the effectiveness of investigations in cases where parents have lost interest in a child after he or she has been placed in an institution, and to provide information on domestic practice with regard to the criminal liability of officials responsible for the running or monitoring of residential centers”.

We invite the Committee to synchronize their recommendations under this head with the recommendations of the CoE's Committee of Ministers in *Nencheva and others* and to address the issues of representation of children with disabilities and investigations of deaths of children in institutions to the Government of Bulgaria.

V. RIGHT OF THE VICTIMS TO A LAWYER (Art. 19)

Article 19 of the Convention guarantees to victims of violence protective measures including legal assistance and access to justice.

In Bulgaria, the Legal Aid Act provides that the National Legal Aid Bureau shall guarantee free legal aid to “children accommodated with foster families or with relatives; child at risk; victims of domestic or sexual violence or of human trafficking”⁴. More generally, the Child Protection Act provides that “the child has a right to legal aid and appeal in all proceedings concerning his/her rights”⁵.

⁴ Article 22, paragraph 1, points 4, 5 and 7 of the Legal Aid Act.

⁵ Article 15, paragraph 8 of the Child Protection Act.

The National Legal Aid Bureau at the Ministry of Justice issued 467 permissions for *ex officio* lawyer in 2019; 457 – in 2018 and 310 – in 2017.⁶

We invite the Government to respond how many of these lawyers were appointed to child victims of violence. We recommend the National Legal Aid Bureau to keep separate statistic of the under aged beneficiaries of their services, as well as to register separately child victims and child offenders.

VI. RIGHT OF ACCESS TO HEALTH CARE SERVICES (Art. 24)

The Committee urges the States to review and consider allowing children to consent to certain medical treatments and interventions without the permission of a parent, caregiver, or guardian, such as HIV testing and sexual and reproductive health services, including education and guidance on sexual health, contraception and safe abortion.⁷

Bulgarian legislation regulating access to abortion is not in compliance with this indication. While certain forms of medical assistance are accessible to girls between 16 and 18 years of age without their parents' consent, planned surgeries are not. For example, doctors directly can provide consultations, examinations and tests to girls over 16.⁸ This would cover prescription for a drug inducing home abortion in the first weeks after the intercourse. However, if the pregnancy is more advanced and the only option is operative abortion in hospital, the girl aged 14 to 18 must provide parental consent.⁹ At the same time, the Criminal Code sets 14 as a minimum age for sexual consent.¹⁰ The Government reports that in 2017, 3 251 under aged girls carried pregnancy till term¹¹; in 2018 - 3 073¹²; in 2019 – 2 948.¹³

We recommend aligning the minimum age for abortion without parental consent with the minimum age for consensual sex. We recommend decreasing the age set forth in Article 87, paragraph 3 of the Health Act from 16 to 14. We recommend decreasing the age set forth in Article 89 of the Health Act from 18 to 14, as it concerns access to safe abortion.

VII. RIGHT OF THE VICTIMS OF TRAFFICKING TO COMPENSATION (Art. 19 and Art. 35)

⁶ <https://www.nbpp.government.bg>

⁷ General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24).

⁸ Article 87 of the Health Act.

⁹ Article 89 of the Health Act. Article 4 of Regulation no. 2 of 1 February 1990 on the conditions and the procedure for artificial ending of pregnancy.

¹⁰ Article 151 of the CC.

¹¹ "Population and demographic processes in 2017", National Statistical Institute, 12 April 2018: www.nsi.bg

¹² "Population and demographic processes in 2018", National Statistical Institute, 12 April 2019: www.nsi.bg

¹³ "Population and demographic processes in 2019", National Statistical Institute, 13 April 2020: www.nsi.bg

In its 2016 Concluding observations on the combined third to fifth periodic reports of Bulgaria, the Committee found that there is no system to provide specialized care and support to child victims of trafficking (paragraph 56), as provided by articles 19 and 35 of the Convention.

In Bulgaria, human trafficking was criminalized in 2002. For the last 18 years, only 1 child was awarded compensation for damages caused by the crime.

The only successful compensation claim, submitted on behalf of minor victim of human trafficking, received legal aid from NGO. With final verdict of the Vratsa District Court dated 22 January 2020 in criminal case No. 281/2019 the trafficker was ordered to pay the sum BGN 10,000 (approximately EUR 5,000) to his 2-year old daughter, for forcing her mother to prostitute while she was pregnant with the claimant. The writ of execution is presently at the hands of a bailiff who attempts to collect the money; however, the trafficker is not engaged in any job in the prison and does not possess any income or property.

In addition, there were 2 attempted compensation claims on behalf of children - also represented by an NGO lawyer – but both were repealed upon appeal on the grounds of procedural breaches¹⁴.

Section 51 of the Criminal Proceedings Code provides the right of the public prosecutor to submit compensation claims on behalf of child victims.

We invite the Government to present other final judgments awarding compensations to child victims of trafficking, should there is any. We recommend the establishment of a State Fund for compensations, awarded as a result of human trafficking, which cannot be collected from the sentenced person. We recommend specialized, enhanced trainings of prosecutors on the application of Section 51 of the CPC.

VIII. VIOLENCE AGAINST CHILDREN INCLUDING DOMESTIC VIOLENCE (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

In 2019, the draft Strategy for the Child (2019 — 2030) was placed under a serious disinformation attack and as a result was not adopted. The prevention and protection of children from violence was one of its strategic goals. There is still no unified information system for recording and monitoring cases of violence against children.

The Bulgarian Parliament did not ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention. It was further declared unconstitutional by the Constitutional Court¹⁵.

¹⁴ Judgment of the Plevna Regional Court dated 31 March 2011 in appeal criminal case No. 239/2011 and judgment of the Plevna Regional Court dated 24 June 2011 in appeal criminal case No. 341/2011)

The Penal Code (Articles 129 and 130) criminalizes the infliction of severe and medium bodily injury. However, the infliction of light bodily injury and any light form of corporate punishment is not considered a criminal offence ex officio, but a crime conditional to a victim's complaint.

The Istanbul Convention¹⁶ stipulates that investigations into or prosecution of the offence should be ex officio (article 55). Additionally, Art. 125, para. 2 in fine of the Family Code states that “the parent shall not use violence, as well as methods of education, which lower the child's dignity.”

We recommend the criminalization of all forms of corporal punishment against children, including all cases of bodily injury, not merely the medium and severe ones as regulated by current penal legislation.

According to Article 2, para. 2 of the Protection against Domestic Violence Act “(2) Any domestic violence committed in the presence of a child shall be considered mental and emotional violence against the said child.” Therefore, any violence against a parent is considered violence toward the child as well and he/she is a victim of this violence.

The provisions in the Penal Code (PC) related to domestic violence (DV) were adopted in 2019. These introduce DV as an aggravating circumstances provision in several other criminal offences, including - Murder (Art. 116 a), Bodily injury (Art. 131, 5a), Kidnapping (Art. 142, 5a), Article 142a, Coercion (Art 143, (3), Article 144 (1). Article 93, para. 31 PC defines domestic violence as an aggravating circumstances provision – “the crime has been committed in the conditions of domestic violence, if it has been preceded by systematic exercise of physical, sexual or mental violence, placing in economic dependence, compulsory restriction of privacy, personal liberty and personal rights and is exercised against an ascendant, descendant, spouse or ex-spouse, a person with whom he has a child, a person with whom he is or has been in civil partnership, or a person with whom he lives or is lived in one household.” This definition introduces the condition of “systematic exercise” (according to Bulgarian legal theory and some of the existing case-law¹⁷ – systematic would mean of no less than three separate occasions) of violence, thus creating additional hardships for the victim of domestic violence (especially a child) to take legal actions and receive protection while facing the burden of proof for the three separate occasions.

Article 46 of the Istanbul Convention introduces the circumstances that should be taken into consideration as aggravating in determining the sentence in relation to the offences established in accordance with the Convention, where two of the provisions are: a) the offence was committed against a former or current **spouse or partner** as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority; and b)

¹⁶ The Bulgarian Constitutional Court declared the Istanbul Convention unconstitutional because the Constitution does not contain the concept of gender: <http://www.constcourt.bg/bg/Acts/GetHtmlContent/f278a156-9d25-412d-a064-6ffd6f997310>

¹⁷ “It is obvious that the legislator did not intend to criminalize every act of domestic violence, but only the one that is characterized by a system from which an increased public danger of the act can be derived. According to the understanding established in legal theory and practice, in order for an act to be considered systematic, it must be performed at least three times.” - Judgement of Ihtiman Regional Court Dated 9th March 2020 in Case № 671/2019

the offence, or related offences, were committed **repeatedly**. The existing provision in the PC (art. 46 a) and b)) appears to be a combination of the above provisions, thus narrowing the scope of the protection of the victims of domestic violence by not regulating two separate aggravating circumstances provisions and by creating a provision where the latter (the systematic exercise) appears to be a condition for the application of the first (committed by a spouse or partner). Additionally, one of the measures for protection against DV set up in article 5 of the Protection against Domestic Violence Act is “1. obligating the perpetrator to refrain from committing domestic violence;” which grants no real protection for the victim of abuse. Moreover, the national legislation does not provide for offences committed against or in the presence of a child to be acknowledged as aggravating circumstances provision – as stipulated in Article 46d of the Istanbul Convention.

A project proposal for the amendment of the Domestic Violence Act has been subject to public consultation in January 2021, where the term “systematic” was abolished, however the said proposal has not been introduced to the parliament yet after the public consultation.

We recommend that the term “systematic exercise” in the definition of “domestic violence” as an aggravating circumstances provision should be removed. Notwithstanding the above, we support the introduction as an additional provision of the crime of exercise of domestic violence where the offence is committed by a spouse or partner without a further condition for its application.

Without prejudice to the above, the circumstance that the offence was committed against or in the presence of a child should be introduced as an aggravating circumstances provision.

We highly recommend that the Government should do what is necessary to allow for the ratification of the Istanbul Convention’ as recommended in the European Parliament resolution on the rule of law and fundamental rights in Bulgaria (2020/2793(RSP)), para 17.¹⁸

We urge the Government to submit to the Parliament the Draft Strategy for the Child (2020-2030), to which it is legally obliged under article 1, para 3 of the Child Protection Act.

The Implementing Regulation to the Child Protection Act, § 1, item 4 defines the term “sexual violence” as “Sexual violence is the use of a child for sexual gratification”. This definition seems to lack understanding of the nature of sexual violence against children and fails to address the problem as an experience suffered by the child victim, while instead it uses the term “sexual gratification” that defines it through the experience of the perpetrator.

Therefore, we recommend the Bulgarian legal definition of sexual violence to be altered in compliance with the common understanding of the term under the CRC¹⁹.

¹⁸ At: https://www.europarl.europa.eu/doceo/document/B-9-2020-0309_EN.html

¹⁹ General Comment No. 13 on the Right of the Child to Freedom from All Forms of Violence sets forth a broad definition of violence against children which includes sexual abuse and exploitation.

IX. CHILDREN IN CONFLICT WITH THE LAW, RIGHTS OF MINORS IN CORRECTIONAL BOARDING SCHOOLS AND INSTITUTIONS (Art. 6, 19, Art. 37-40)

As a reaction to a murder of an 18-year old girl by an alleged perpetrator – a 17 year-old boy, a legislative initiative for the amendment of the Penal Code was introduced in Parliament in January, 2020²⁰. The specific problematic amendment proposal abolishes the reduction of punishment and served time under Art. 63 of the Penal Code²¹ in respect of minors who have reached the age of 16 and increases the sentences of minors in said age group for up to twenty years of served time. The proposal is introduced for children aged 16 to 18 who have committed a serious crime against the person. That would mean that a 16-year old child would be punished as an adult, which is in breach of Article 37 (a) CRC. The draft law was voted in during the first vote at the Parliamentary Commission on Children, Youth and Sports Matters in February²² despite the many statements²³ strongly criticizing the proposal. Further vote in the Legal Commission, a leading one, awaits.

We recommend the immediate abolishment of the said legislative proposal for amendment of Article 63 of the Penal Code that will result in punishment of 16-18 year old children as adults.

In Bulgarian law children are divided to two groups granting different status – minors (below 14 years of age) and adolescents (14-18 y/a). Separately, institutions perceive ‘a child in conflict with the law’ to also include minors who have not completed 14 years of age (which is the minimal age of criminal responsibility) and are registered in the system of combating anti-social behaviour of minors mostly for status offences²⁴. According to data from the National Statistical Institute (NSI), in 2019, 9,167 minors were registered in children's pedagogical rooms for anti-social acts and crimes committed by them, which is an increase by 69 children comparing to 2018 results²⁵. Based

²⁰ Draft-law amending the Penal Code of Bulgaria, <https://www.parliament.bg/bills/44/054-01-7.pdf>

²¹ A specific measure reducing the type of punishment with a less severe one for all minors.

²² The legislative proposal was accepted by the Committee on Children, Youth and Sports Matters with: 12 votes “For”, 5 votes “Against” and 1 vote “Abstained”.

<https://www.parliament.bg/bg/parliamentarycommittees/members/2587/reports/ID/11107>

²³ Statements were received by: National Network for Children, Supreme Bar Council, Bulgarian Helsinki Committee, Social Activities and Practice Institute, High Court of Cassation, Sofia Bar Association – all negative towards the proposed amendment. The only Statement that is in favour of the amendment is that by the Ministry of Justice.

²⁴ Report Card 2020, The National Network for Children, p.46 https://nmd.bg/wp-content/uploads/2020/08/Belejn2020_EN_low-res.pdf

²⁵ National Statistical Institute of Statistics <https://www.nsi.bg/bg/content/18149/%D0%BF%D1%80%D0%B5%D1%81%D1%81%D1%8A%D0%BE%D0%B1%D1%89%D0%B5%D0%BD%D0%B8%D0%B5/%D0%BF%D1%80%D0%BE%D1%82%D0%B8%D0%B2%D0%BE%D0%BE%D0%B1%D1%89%D0%B5%D1%81%D1%82%D0%B2%D0%B5%D0%BD%D0%B8-%D0%BF%D1%80%D0%BE%D1%8F%D0%B2%D0%B8-%D0%B8-%D0%BF%D1%80%D0%B5%D1%81%D1%82%D1%8A%D0%BF%D0%BB%D0%B5%D0%BD%D0%B8%D1%8F-%D0%BD%D0%B0-%D0%BC%D0%B0%D0%BB%D0%BE%D0%BB%D0%B5%D1%82%D0%BD%D0%B8%D1%82%D0%B5-%D0%B8-%D0%BD%D0%B5%D0%BF%D1%8A%D0%BB%D0%BD%D0%BE%D0%BB%D0%B5%D1%82%D0%BD%D0%B8%D1%82%D0%B5>

on the data from Infostat, the total number of children registered in pedagogical rooms has only increased since 2016 and maintains a relatively constant number of over 9,000 children²⁶. The total number of children placed in the four Correctional Boarding Schools (CBS) under the Juvenile Delinquency Act (1958) is 119. The children accommodated there live in difficult conditions - without adequate access to health care and quality education focused on their differentiating level of knowledge and understanding and suitable for adolescents living conditions. No reform concerning Justice for Children has been put into action by the Government and the observations and concerns stated by the Committee remain unchanged.²⁷

The pandemic situation has further aggravated the situation of children placed in correctional facilities in Bulgaria. Usually, contacts with the wider community and family are limited, which leads to risk of social isolation and hardly any possibilities for resocialization. Due to the COVID-19 pandemic any vacations of children out of the correctional school and any visits are forbidden and as stated by the Ombudsman of the Republic of Bulgaria Diana Kovacheva in an official Statement²⁸ – contact with family and even with a medical practitioner is established solely by phone or via Internet²⁹. As stated by the Ombudsman there is non-compliance with anti-epidemic measures, such as placement of a child during the State of emergency (due to COVID-19) in the CBS "Hristo Botev" in the village of Podem. To add to this, there is also presence of a problem with staffing of the said facilities. An additional concern is the fact that the directors and staff of CBS and SBS seem to lack operational support of the Ministry of Education and Science since CBS did not receive instructions on special safety rules during the epidemic that take into account the specifics of the place where children live together permanently³⁰.

In 2016, a draft law on Diversion from Criminal Proceedings and Imposition of Educational Measures on Children was introduced. It strived for the transformation of correctional facilities into special centers, the closure of boarding schools, a new system of measures for child offenders, the lightest measure being a warning and the most severe the placement in a special foster family or educational center. However, the Draft law was put on hold and years passed on without any reform in the child justice system. The Ministry of Justice pointed out in late 2019 that the expert

²⁶ https://infostat.nsi.bg/infostat/pages/reports/result.jsf?x_2=240

²⁷ Concluding observations on the combined third to fifth periodic reports of Bulgaria, adopted at its seventy-second session (17 May-3 June 2016), para. 58 and 59.

²⁸ Official Statement on the issues of children in correctional boarding schools in Bulgaria – Statement to the Minister of Education and Science on measures for protection of the health and well-being of children who are in closed institutions, Ombudsman of the Republic of Bulgaria Diana Kovacheva PhD
<https://www.ombudsman.bg/pictures/%D0%A1%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8%D1%89%D0%B5%20%D0%B7%D0%B0%20%D0%B4%D0%B5%D1%86%D0%B0%D1%82%D0%B0%20%D0%92%D0%A3%D0%98%20-%20%D0%A1%D0%9F%D0%98.pdf>

29 Statement of the Ombudsman,
<https://www.ombudsman.bg/pictures/%D0%A1%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8%D1%89%D0%B5%20%D0%B7%D0%B0%20%D0%B4%D0%B5%D1%86%D0%B0%D1%82%D0%B0%20%D0%92%D0%A3%D0%98%20-%20%D0%A1%D0%9F%D0%98.pdf>

³⁰ At the time of publication of the statement.

working group on the Draft law shall resume its functioning, although not specifying any precise future plans or giving any hope for an upcoming repeal of the outdated Juvenile Delinquency Act.

We recommend the closure of the CBS and the development of alternative services for child offenders. The Juvenile Delinquency Act should be repealed and an entirely new law on child justice that meets international standards should be adopted.

List of questions:

- 1. Are there any plans of the Government to follow the Committee's recommendation¹ and amend its Family Code in Article 6 to remove all exceptions that allow marriage for anyone under the age of 18 years?**
- 2. Are there any plans for abolishing Section 126 of PC and replacing the crime home abortion in Section "Crimes against the public health" of PC, with revised edition of this crime via contemporary terms such as "pregnant uterus", "ending pregnancy", etc.?**
- 3. What is the strategy the Government has deployed in order to ensure parental disputes are resolved in the best interest of a child? What role does mediation have within the context of resolving different parental disputes?**
- 4. Are there any plans of the Government to implement the recommendations of the CoE's Committee of Ministers² in *Nencheva and others* and to address the issues of representation of children with disabilities and investigations of deaths of children in institutions in Bulgaria?**
- 5. Are there any plans for the National Legal Aid Bureau to keep separate statistic of the under aged beneficiaries of their services, as well as to register separately child victims and child offenders?**
- 6. Are there any plans for the alignment of the minimum age for abortion without parental consent with the minimum age for consensual sex³ in Bulgaria? Does the Government intend to decrease the age set forth in Article 87, paragraph 3 of the Health Act from 16 to 14? Does the Government plan to decrease the age set forth in Article 89 of the Health Act from 18 to 14, as it concerns access to safe abortion?**
- 7. Is the Government able to present other final judgments apart from the one described, awarding compensations to child victims of trafficking, should there is any? Is there any intention for an establishment of a State Fund for compensations, awarded as a result of human trafficking, which cannot be collected from the sentenced person? Are there any plans for specialized, enhanced trainings of prosecutors on the application of Section 51 of the CPC?**
- 8. Are there any plans for the criminalization of all forms of corporal punishment against**

¹ 2016 Concluding observations on the combined third to fifth periodic reports of Bulgaria, the Committee recommended that the Government should amend its Family Code to remove all exceptions that allow marriage for anyone under the age of 18 years (paragraph 18).

² Committee of Ministers and revised action plan was submitted by the Government on 10 October 2018 (see [DH-DD \(2018\)1040](#)).

³ Article 151 of the CC

children, including all cases of bodily injury, not merely the medium and severe ones as regulated by current penal legislation?

9. Will the term “systematic exercise” in the definition of “domestic violence” as an aggravating circumstances provision in Art. 93, para. 31 of the Domestic Violence Act be removed?
10. Are there any plans for the introduction as an additional provision of the crime of exercise of domestic violence where the offence is committed by a spouse or partner without a further condition for its application?
11. Are there any plans for the introduction of the circumstance that the offence was committed against or in the presence of a child should as an aggravating circumstances provision in the Domestic Violence Act?
12. Will the project proposal for amendment of the Domestic Violence Act of January 2021 be presented to the committees and the parliament for vote?
13. Is there any intention for the ratification of the Istanbul Convention’ as recommended in the European Parliament resolution on the rule of law and fundamental rights in Bulgaria (2020/2793(RSP)), para 17?¹⁸
14. Are there any plans on behalf of the Government to submit to the Parliament the Draft Strategy for the Child (2020- 2030), to which it is legally obliged under article 1, para 3 of the Child Protection Act?
15. Are there any plans for the Bulgarian legal definition of sexual violence in the Implementing Regulation to the Child Protection Act, § 1 to be altered in compliance with the common understanding of the term under the CRC¹⁹?
16. Are there any plans for the closure of the CBS and the development of alternative services for child offenders? Are there any plans for The Juvenile Delinquency Act to be repealed and an entirely new law on child justice that meets international standards to be adopted (such as draft law on Diversion from Criminal Proceedings and Imposition of Educational Measures on Children) ?

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