

Measures adopted and progress made in the implementation of the commitments of Bulgaria pursuant to the Optional Protocol on the Involvement of Children in Armed Conflicts to the United Nations Convention on the Rights of the Child

Answers to questions posed by the United Nations Committee on the Rights of the Child

General information

As indicated in the initial report, Bulgarian legislation does not provide for any recruitment of children in the armed forces. According to the provision of Art. 97, para. 1 of the Defence and Armed Forces Act, the minimal conscription age in the Republic of Bulgaria is 18. With the latest amendments of this act, the obligation for conscription army duties (obligatory performance of military service for every Bulgarian male citizen between the ages of 18 and 27) will be suspended as from 01.01.2008.

Consequent from the above, the practical effect of the Act on replacement of military obligations by an alternative service will also be terminated.

With the termination of conscription duties only contracted (professional) military service will exist.

Information on the questions posed by the Committee on the rights of the

1. Please provide information on the competent governmental departments and bodies responsible for the implementation of the Optional Protocol and their coordination with regional and local authorities as well as with civil society. Please also indicate whether there is any mechanism available for monitoring and periodically evaluating its implementation.

The governmental departments responsible for the implementation of the Convention on the rights of the child are also responsible for the implementation of the Optional Protocols to the Convention, including notably the State Agency for Child Protection and the Ministry of Defense.

2. Please provide information as to whether Bulgaria assumes extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 into armed forces or using them to participate actively in hostilities. Also in relation to extraterritorial jurisdiction in case of forced recruitment or involvement in hostilities of a person under 18 if committed outside Bulgaria, by or against a Bulgarian citizen.

Art. 3 of the Penal Code of the Republic of Bulgaria is explicit that the Code is applicable for all crimes committed in Bulgarian territory. It is also applicable in all cases to Bulgarian citizens for their crimes committed abroad (Art.4). Extraterritorial jurisdiction is assumed also over foreigners for crimes of general character executed abroad, which offend the interests of Bulgaria or Bulgarian citizen. Bulgarian penal legislation is applied also to foreigners for crimes against peace and humanity by which the interests of another state or foreigners are affected or for other crimes when provided in an international agreement to which Bulgaria is a party.

3. Please indicate whether there is any legal provision criminalizing forced recruitment or involving in hostilities of a person under 18.

There is no explicit legal provision criminalizing forced recruitment or involving in hostilities of a person under 18, but there are general legal provisions applicable regarding the misuse of power or official status misuse, non fulfillment of duties or exceeding of duties. The provided penalty is imprisonment.

4. Please provide information on education and training on the provisions of the Optional Protocol, on the human rights education available, in particular regarding the scope of application of the Optional Protocol in Bulgarian armed forces. Considering that Bulgaria is engaged in UN peacekeeping operations, please provide information on education and training on human rights, in particular on children's rights, provided to Bulgarians servicing in these operations abroad.

The military schools curriculum provides for International humanitarian law studies. Undertaking such a course is necessary also in the preparation phase for participation in UN peacekeeping missions.

5. Please inform the Committee of the status of children attending military schools, in particular whether they can be enlisted in the armed forces in cases of emergency or armed conflict.

Not applicable (see above General information)

6. Please provide information about impartial complaints and investigations mechanisms available for children attending military schools, and on how frequently such mechanisms are used.

Not applicable (see above General information)

7. Please provide disaggregated data by age and sex on the number of children under 18 pursuing their studies at a military academy. Furthermore, please provide details of the school curricula and the age at which practice with weapons begins. In addition, please provide information on the percentage of graduates who join the armed forces.

Not applicable (see above General information)

8. Please provide disaggregated data (including by sex, age, country of origin) covering the years 2004, 2005 and 2006 on the number of unaccompanied asylum-seeking, refugee and migrant children coming to Bulgaria from areas affected by armed conflict, on procedures in place to identify those that may have been recruited or used in armed conflict and measures taken with regard to their physical and psychological recovery and social integration.

According to information compiled by the State Agency for Refugees,

for 2004 were registered:

- 53 asylum-seeking accompanied children
- 233 asylum-seeking unaccompanied children
- 18 accompanied children with humanitarian statute
- 54 unaccompanied children with humanitarian statute

for 2005 were registered:

- 43 asylum-seeking accompanied children
- 159 asylum-seeking unaccompanied children
- 6 accompanied children with humanitarian statute
- 13 unaccompanied children with humanitarian statute

for 2006 were registered:

- 29 asylum-seeking accompanied children
- 73 asylum-seeking unaccompanied children
- 8 accompanied children with humanitarian statute
- 8 unaccompanied children with humanitarian statute

Cases of children engaged in armed conflict in their country of origin are not registered. in the State Agency for Refugees.