

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF
CHILDREN IN ARMED CONFLICT**

Concluding observations: Bulgaria

1. The Committee considered the initial report of Bulgaria (CRC/C/OPAC/BGR/1) at its 1266th meeting, held on 24 September 2007, and adopted at its 1284th meeting held on 5 October 2007, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues as well as the constructive dialogue with the multisectoral delegation. However, the Committee regrets that the report and the written replies contain insufficient information on the legislative, administrative, judicial and other measures applicable in Bulgaria regarding the rights contained in the Optional Protocol.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial report on 8 January 1997 contained in CRC/C/15/Add.66.

B. Positive aspects

4. The Committee notes with appreciation the direct application and precedence of the Optional Protocol over domestic legislation and the efforts undertaken in order to bring domestic legislation in conformity with the Protocol.

5. The Committee further commends the State party's ratification of:

(a) The Rome Statute of the International Criminal Court on 11 April 2002;

- (b) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 28 July 2000.

C. Main areas of concern and recommendations

C.1. General measures of implementation

Legislation

6. The Committee is concerned that there is no specific provision criminalizing the recruitment and involvement of children in hostilities nor a specific provision providing extraterritorial jurisdiction in case of recruitment of a child of Bulgarian nationality outside the country or recruitment of children abroad by a Bulgarian citizen, or a person that has other links with the State party, outside Bulgaria.

7. The Committee recommends that the State party, in order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities:

(a) Explicitly criminalise violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities in the State party's legislation;

(b) Ensure extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party;

(c) Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Protocol.

Arms export

8. The Committee welcomes the regulation over the licences of exporters and the review by authorities of the transactions. Furthermore, the Committee welcomes the adoption of the principles of the EU Code of Conduct on Arms Exports, but notes that – among these principles - there is no specific mention, as a criterion for excluding their sale, to the possible recruitment/use in hostilities of children in the country of final destination of the arms. In this respect, the Committee also notes the information provided by the delegation that there is no specific offence in the State party's legislation prohibiting the sale of arms to countries where children could be recruited or used in hostilities.

9. The Committee recommends that the State party consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country where children are known to be - or may potentially be - recruited or used in hostilities.

Dissemination and training

10. The Committee regrets that no information with respect to dissemination of information and training related to the issues covered by the Optional Protocol are provided in the State party report nor in the written replies to the list of issues.

11. The Committee notes the information, provided by the State party during the dialogue, on human rights education in the regular school curricula; however it regrets that human rights education/peace education might not be an element of curricula of all schools on all levels.

12. The Committee recommends that the State party, in light of article 6, paragraph 2, ensure that the principles and provisions of the Protocol are included in the curricula of military schools and widely disseminated to the general public and State officials by appropriate means.

13. The Committee further recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Protocol addressed to all relevant groups working with children (asylum-seeking, refugee and migrant children that may have been recruited or used in hostilities), notably teachers, journalists, medical professionals, social workers, police officers, lawyers and judges. The State party is invited to provide information in that respect in its next report.

14. The Committee recommends that the State party strengthen its efforts to provide human rights education and, in particular, peace education for all children in all schools and train teachers with respect to including these themes in children's education.

C.2. Measures adopted with regard to disarmament, demobilization, physical and psychological recovery and social reintegration

Measures of recovery and social reintegration

15. The Committee notes the information provided with regard to the numbers of unaccompanied children entering Bulgaria and that there were no cases of children who had been recruited or used in hostilities seeking asylum. However, the Committee, given the geographic proximity of the country to regions experiencing armed conflict, regrets that no measures with regard to the physical and psychological recovery and social reintegration of unaccompanied asylum-seeking, refugee and migrant children coming to Bulgaria from areas affected by armed conflict, are available.

13. The Committee encourages the State party to provide protection for asylum-seeking, refugee and migrant children living in Bulgaria who may have been recruited or used in hostilities abroad, by taking, inter alia, the following measures:

(a) Continue to systematically collect data on refugee, asylum-seeking and migrant children and identify at the earliest possible stage those who may have been recruited or used in hostilities. In this regard, the Committee recommends that the State party take note of the Committee's General Comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin;

(b) Carefully assess the situation of these children and provide them with immediate, culturally sensitive and multidisciplinary assistance for their social reintegration in accordance with article 6(3) of the Optional Protocol;

(c) Include information on measures adopted in this regard in its next report.

C.3. Follow-up and dissemination

14. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant Government Ministries, the Narodno Sobranie and to local authorities, for appropriate consideration and further action.

15. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large and to children in particular in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

C.4. Next report

16. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.