



JUDICIAL PROCEEDINGS IN CASES OF SEXUAL VIOLENCE AGAINST CHILDREN: THE CHILD'S EXPERIENCE

COUNTRY REPORT

Bulgaria

JUNE 2016



Original citation:

Shalamanova, R. and Yoncheva, L (2016) JudEx+: Judicial Proceedings in cases of sexual violence against children – the child’s experience. Country Report Bulgaria JudEx+

Deliverable A1.4

JudEx+: Towards a child-friendly justice in cases of sexual violence against children has been funded by the Rights, Equality & Citizenship Programme of the European Union. The authors are solely responsible for the contents of this report. It does not represent the opinion of the EU and nor is the EU responsible for any use that might be made of information contained in it

AKNOWLEDGEMENTS

We would like to thank the professionals at the Sociological Agency Sova Harris of the Republic Bulgaria who have contributed to the data collection on the child’s perspective of the judicial proceedings in cases of sexual violence against children.

We would also like to thank all the stakeholders who took part in the Focus Groups interviews.

Table of Contents

INTRODUCTION	4
1. Judicial proceedings in cases of sexual violence against children - The case of Bulgaria	4
1.1 Current legislation	4
1.2 Legal definitions related to child justice	12
1.3 Stages involving child’s participation	13
2. Stakeholders’ perspectives on the child’s experience.....	14
2.1 Focus Groups: Contextualisation	14
2.2 Good Practices	14
2.3 Gaps in Practice.....	15
2.4 Needs & Recommendations	16
3. The child’s perspective of the judicial proceedings.....	19
3.1 Literature Review	19
3.2 Interviews: Contextualisation	20
3.3 Good practices.....	23
3.4 Gaps in practice	24
3.5 Needs & Recommendations	25
CONCLUSION	26
BIBLIOGRAPHY	27

INTRODUCTION

The Bulgarian report has been produced in the framework of the EU funded project JudEx+: Towards a Child-friendly Justice in Cases of Sexual Violence against Children. It is one of 5 country reports to be delivered by the project partner organisations in Bulgaria, Cyprus, Italy, Slovenia, and Sweden.

The report presents an analysis of the moods of the professionals involved in cases of sexual violence against children in relation to the implementation of the judicial proceedings in Bulgaria. It also aims at establishing the attitude to the assess to the existing training needs of these professionals prioritizing the child's reported perspectives of the judicial experience. The analysis of the data collected from focus groups will inform and contribute to the development of a transnational and multidisciplinary training curriculum and methodology aimed at improving the skills of professionals directly working with children in cases of sexual violence.

There have been interviewed 22 professionals – law experts, police officers, social workers, psychologists, psychiatrists and nurses.

1. Judicial proceedings in cases of sexual violence against children-The case of Bulgaria

1.1 Current legislation

The legislation connected to sexual abuse against children lays in the Criminal Proceedings Code of The Republic of Bulgaria and the Child Protection Act of Republic of Bulgaria.

The Criminal Code of Republic of Bulgaria: Section VIII, Debauchery, states the following concerning sexual abuse against children:

Section II- Bodily Injury

Article 135

(4) (Amended, SG No. 10/1993, SG No. 62/1997) A person who through sexual intercourse or in another manner puts another person in danger of being infected with venereal disease, shall be punished by deprivation of liberty for up to six months or by a fine of up to BGN two hundred.

Section VIII- Debauchery

Article 149

(Supplemented, SG No. 28/1982, amended, SG No. 89/1986)

(1) (Amended, SG No. 107/1996, No. 75/2006) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with a person under 14 years of age, shall be punished for lewdness by deprivation of liberty for up one to six years.

(2) (Amended, SG No. 107/1996) Where the lewdness has been performed through the use of force or threat, through taking advantage of the helpless condition of the victim or by reducing the victim to such condition, the punishment shall be deprivation of liberty from two (2) up to eight (8) years.

(3) (Amended, SG No. 107/1996, SG No. 38/2007) Where the act under the preceding paragraphs has been done for a second time, the punishment shall be deprivation of liberty from three (3) to ten (10) years.

(4) (New, SG, No. 107/1996) Lewdness shall be penalised by deprivation of liberty from three (3) to fifteen (15) years:

1. if committed by two or more persons;
2. (repealed, SG No. 62/1997);
3. (repealed, SG No. 62/1997);
4. (repealed, SG No. 62/1997).

(5) (New, SG No. 62/1997) Lewdness shall be penalised by deprivation of liberty from five to twenty years:

1. if committed with two or more minors;
2. if a severe bodily injury has been inflicted or a suicide has been attempted.
3. if it constitutes a dangerous recidivism.
4. (new, SG No. 38/2007) if it constitutes a particularly grave case.

Article 150

(Supplemented, SG No. 28/1982, amended, SG No. 89/1986,
SG No. 107/1996, 75/2006)

A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with regard to a person who has completed 14 years of age, by using force or threat, by taking advantage of the helpless condition of that person or by reducing the person to such condition, shall be punished by deprivation of liberty for up to six years, and in particularly grave cases - by deprivation of liberty from two to eight years.

Article 151

(1) (Amended, SG No. 75/2006) A person who has sexual intercourse with a person who has not completed the age of 14 years, insofar as the act does not constitute a crime under Article 152, shall be punished by deprivation of liberty for two to six years.

(2) A person who has sexual intercourse with a person who has completed the age of 14 years, who does not understand the essence and meaning of the act, shall be punished by deprivation of liberty for up to three years.

Article 152

(1) A person who has sexual intercourse with a person of the female sex:

1. who is deprived of the possibility of self-defence, and without her consent;
2. by compelling her thereto by force or threat;
3. by reducing her to a state of helplessness shall be punished for rape by deprivation of liberty for two to eight years.

shall be punished for rape by deprivation of liberty for two to eight years.

(2) For rape the punishment shall be deprivation of liberty for three to ten years:

1. (amended, SG No. 92/2002) if the raped woman has not completed eighteen years of age;
2. if she is a relative of descending line;
3. (new, SG No. 28/1982) if it was committed for a second time.

(3) (Amended, SG No. 28/1982) For rape the punishment shall be deprivation of liberty for three to fifteen years:

1. if it has been performed by two or more persons;
2. if medium bodily injury has been caused;
3. if an attempt at suicide has followed;
4. (new, SG No. 92/2002) if it has been committed in view of forceful involvement in further acts of debauchery or prostitution;
5. (renumbered from Item 4, SG No. 92/2002) if it constitutes a case of dangerous recidivism.

(4) (Amended, SG No. 28/1982, SG No. 92/2002) The punishment for rape shall be of ten to twenty years, where:

1. the victim has not turned fourteen years of age;
2. severe bodily injury has been caused;
3. suicide has ensued;
4. it qualifies as a particularly serious case.

Article 153

(Amended, SG No. 75/2006)

A person who copulates with another, by compulsion using the other's material or official dependency upon him, shall be punished by deprivation of liberty for up to three years.

Article 154

Sexual intercourse between relatives in ascending and descending line, between brothers and sisters, and between adopters and adopted persons shall be punished by deprivation of liberty for up to three years.

Article 155

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002, SG No. 26/2004, SG No. 75/2006) A person who persuades an individual to practise prostitution or acts as procurer or procuress for the performance of indecent touching or copulation, shall be

punished by deprivation of liberty of up to three years and by a fine of BGN 1,000 to BGN 3,000.

(2) (Amended, SG No. 10/1993, SG No. 62/1997, No. 75/2006) A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished by deprivation of liberty for up to five years and by a fine of BGN 1,000 to BGN 5,000.

(3) (New, SG No. 62/1997; amended, SG No. 92/2002, No. 75/2006) Where acts under Paragraphs 1 and 2 above have been committed with a venal goal in mind, punishment shall be deprivation of liberty from one to six years and a fine of BGN 5,000 to BGN 15,000.

(4) (New - SG No. 21/2000, amended, SG No. 75/2006) A person who persuades or forces another person to using drugs or analogues thereof for the purposes of practising prostitution, to performing copulation, indecent assault, intercourse or any other acts of sexual gratification with a person of the same sex, shall be punished by deprivation of liberty for five to fifteen years and by a fine from BGN 10,000 to BGN 50,000.

(5) (New, SG No. 21/2000, amended, SG No. 92/2002, supplemented, SG No. 75/2006, amended, SG No. 38/2007) Where the act under Paragraphs 1 - 4 has been committed:

1. by an individual acting at the orders or in implementing a decision of an organized criminal group;
2. with regard to a person under 18 years of age or insane person;
3. with regard to two or more persons;
4. repeatedly;
5. at the conditions of a dangerous recidivism,

the punishment under pars. 1 and 2 shall be deprivation of liberty from two to eight years and a fine from BGN five thousand to fifteen thousand, under par.3 - deprivation of liberty from three to ten years and a fine from BGN ten thousand to twenty five thousand, and under par. 4 - deprivation of liberty from ten to twenty years and a fine from BGN hundred thousand to three thousand.

(6) (Renumbered from Paragraph 3, SG 62/1997, renumbered from Paragraph 4, SG No. 21/2000, repealed, SG No. 75/2006) .

(7) (Renumbered from Paragraph 4, SG 62/1997, renumbered from Paragraph 5, SG No. 21/2000, amended, SG 92/2002, effective 1.01.2005 in respect of the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, repealed, SG No. 103/2004)

Article 155a

(New, SG No. 38/2007)

(1) Anyone, who for the purpose of establishing a contact with a person who is under 18 years of age, in order to perform fornication, copulation, sexual intercourse or prostitution, provides in Internet or in another manner information about him/her, shall be punished by deprivation of liberty of up to five years and by a fine from BGN five thousand to BGN ten thousand.

(2) The same punishment shall be imposed also on that person, who for the purpose of performing a fornication, copulation or sexual intercourse, establishes a contact with a person who is under 14 years of age, by using information provided in Internet or in another manner.

Article 156

(Amended, SG No. 10/1993)

(1) (Previous Article 156, amended, SG No. 62/1997, No. 75/2006) A person who abducts another person for the purpose of her being placed at the disposal for acts of debauchery shall be punished by deprivation of liberty for three to ten years and by a fine of up to BGN 1,000.

(2) (New, SG No. 62/1997, amended, SG No. 75/2006) The punishment shall be deprivation of liberty for five to twelve years, if:

1. the abducted person is under 18 years of age;
2. the abducted person has been placed at disposal for acts of debauchery, or
3. the abduction has been carried out for the purpose of placing the person at disposal for acts of debauchery beyond the borders of this country.

(3) (New, SG No. 75/2006) The punishment shall be deprivation of liberty from five to fifteen years and a fine of BGN 5,000 to BGN 20,000 where:

1. the act was committed by an individual acting on the orders or in execution of a decision of an organised criminal group;
2. the abducted person was handed over for sexual activities outside the borders of the country;
3. the act constitutes dangerous recidivism.

Article 157

(1) (Supplemented, SG No. 28/1982, amended, SG No. 92/2002, No. 75/2006) A person who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using for that purpose force or threat, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility of self-defence, shall be punished by deprivation of liberty for two to eight years.

(2) (New, SG No. 75/2006) Where the act under para 1 was committed in respect to a person below the age of 14, the punishment shall be deprivation of liberty of three to twelve years.

(3) (Supplemented, SG No. 28/1982, amended, SG No. 89/1986, SG No. 62/1997, SG No. 92/2002, SG No. 26/2004, renumbered from Paragraph 2, amended, SG No. 75/2006) A person who performs sexual intercourse or acts of sexual gratification with a person of the same sex below the age of 14, shall be punished by deprivation of liberty from two to six years.

(4) (New, SG No. 89/1986, amended, SG No. 26/2004 renumbered from Paragraph 3, amended, SG No. 75/2006) A person who performs sexual intercourse or acts of sexual gratification with a person of the same sex below the age of 14 who does not understand the nature or implications of his/her acts, shall be punished by deprivation of liberty from two to six years.

(5) (Amended, SG No. 28/1982, renumbered from Paragraph (4), SG No. 89/1986, amended, SG No. 10/1993, SG No. 92/2002, SG No. 103/2004, repealed, SG No. 75/2006) .

Article 158

(Amended, SG No. 28/1982)

In the cases of Articles 149 - 151 and 153, the perpetrator shall not be punished, or the imposed punishment shall not be served, if prior to the enforcement of the sentence there follows a marriage between the man and the woman.

Article 159

(Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002)

(1) (Amended, SG No. 38/2007) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates a pornographic material, shall be punished by deprivation of liberty of up to one year and a fine of BGN one thousand (1,000) to three thousand (3,000).

(2) (New, SG No. 38/2007) A person who distributes through Internet a pornographic material, shall be punished by deprivation of liberty of up to two years and a fine of BGN one thousand to three thousand.

(3) (Renumbered from paragraph 2 and amended, SG No. 38/2007) An individual who displays, presents, offers, sells, rents or distributes in another manner a pornographic material to a person who has not turned 16 years of age, shall be punished by deprivation of liberty of up to three years and a fine of up to BGN five thousand (5,000).

(4) (Amended, SG No. 75/2006, renumbered from Paragraph 3 and amended, SG No. 38/2007) Regarding acts under paras. 1-3, where a person who has not turned 18 years of age, or a person who looks like such a person, has been used in the creation of a pornographic material, the punishment shall be deprivation of liberty of up to six years and a fine of up to BGN eight thousand (8,000).

(5) (Renumbered from paragraph 4 and amended, SG No. 38/2007) Where acts under paras. 1 - 4 have been committed at the orders or in implementing a decision of an organized criminal group, punishment shall be deprivation of liberty from two to eight years and a fine of up to BGN ten thousand (10,000), the court being also competent to impose confiscation of some or all the possessions of the perpetrator.

(6) (Renumbered from paragraph 5 and amended, SG No. 38/2007) A person who possesses or provides for himself or for another person through a computer system or in another manner a pornographic material in whose creation a person who has not turned 18 years of age has been used or a person who looks like such a person, shall be punished by deprivation of liberty of up to one year or a fine of up to BGN two thousand.

(7) (Renumbered from paragraph 6, SG No. 38/2007) The object of criminal activity shall be expropriated to the benefit of the State, and where it is not found or has been disposed of, its money equivalent shall be awarded.

In order to fight sexual abuse against children, the Bulgarian legislation has also follows the Directive [2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, replacing the Council Framework- Decision 2004/68/JHA.

The laws in the existing legislation are written in a very heavy style and the law proceedings are too complicated, usually take too much time and include many administrative procedures.

1.2 Legal definitions related to child justice

The main definitions in the Criminal Code of The Republic of Bulgaria are as follows:

“Child”: any person, who has not reached the age of 18.

Every child has a right to protection against the use of children for purposes of begging, prostitution, dissemination of pornographic material, receipt of unlawful pecuniary income, as well as protection against sexual abuse.

"A child at risk" is a child:

- who does not have parents or has been permanently deprived of their care;

- who has become victim of abuse, violence, exploitation or any other inhuman or degrading treatment or punishment either in or out of his or her family;
- for whom there is a danger of causing damage to his or her physical, mental, moral, intellectual and social development;
- who is afflicted with mental or physical disabilities and difficult to treat illnesses.

"Violence" over a child: is any act of physical, mental or sexual abuse, neglect, commercial or other exploitation, resulting in actual or probable harm to health, life, development or dignity child who can take place in a family, school and social environment.

"Physical violence": is causing bodily harm, including infliction of pain or suffering without health disorder.

"Psychological violence" are all actions that can have a deleterious impact on mental health and child development, as underestimated, mocking attitude, threats, discrimination, rejection, or other forms negative attitude, and the inability of the parent, guardian and trustee or the person who takes care of the child to ensure adequate supportive environment.

"Sexual violence": The use of a child for sexual pleasure

1.3 Stages involving child's participation

All cases of administrative or judicial proceedings affecting the rights and interests of a child should provide for an obligatory hearing of the child, provided he or she has reached the age of 10, unless that proves harmful to his or her interests. In cases where the child has not reached the age of 10, he or she may be given a hearing depending on the level of his or her development. The decision to hear the child shall be substantiated.

Before the child is given a hearing, the court or the administrative body shall provide the child with the necessary information, which would help him or her form his or her opinion and inform the child about the possible consequences of his or her desire, of the opinion supported by him or her, as well as about all the decisions made by the judicial or administrative body. The hearing and the consultation of a child shall by all means take place in appropriate surroundings and in the presence of a social worker from the Social Assistance Directorate at the current address of the child and when there is necessity – in the presence of another appropriate specialist. The court or the administrative body shall order that the hearing of the child shall take place also in the presence of a parent, guardian or other close to the child person, with the exception when this is not in the child's best interest.

In every legal case the court or the administrative body shall notify the Social Assistance Directorate at the current address of the child. The Social Assistance Directorate shall send a representative of its own to the case, who shall express a viewpoint, and if it becomes impossible, he/she shall present a report.

The Social Assistance Directorate may represent the child in cases provided for by law.

The child has a right to legal aid and appeal in all proceedings, affecting his or her rights or interests.

2. Stakeholders' perspectives on the child's experience

2.1 Focus Groups: Contextualisation

The interviews were coordinated and held by Romyana Shalamanova, pedagogue and psychologists, non-formal education trainer at Know and Can Association in collaboration with Lora Yoncheva, sociologist, facilitator and trainer at Know and Can Association.

The interviews were held in May at the office of Know and Can Association. Two focus groups had been formed. The first group included 9 experts - a Prosecutor, four lawyers, a senior investigating officer, a Legal expert, a Judge and a Crime reporter. The second group included 13 people – three nurses, five social workers, three psychologists and two psychiatrists.

The guidelines, drafted by Frederick University in collaboration with all partners, were followed to conduct the interviews. There were no obstacles faced. The interviews were vivid although

tough because of the topic. All the experts were sincere enough to share what they know and to be of help.

2.2 Good Practices

- **Trainings for interaction with children:** The majority of respondents approve initiatives and training programs among professionals related to communication with children who are victims of violence, the development of sensitivity of the judiciary to the status of children victims of violence and achievement of coordination between the different units - medical personnel, social workers, police officers, investigators, court officers.
- **Positive impressions about the some judges working on court cases involving violence against children:** There are examples of judges who go beyond the canons of jurisprudence that behave naturally with the children in order to make them feel comfortable during the trial.
- **Positive impressions about some judicial officers:** The study reported positive views on the role of judicial officers in court cases and procedures concerning sexual abuse of children.

2.3 Gaps in Practice

- **Cumbersome and bureaucratic judicial system:** Respondents reported that a small proportion of cases of child abuse come to the courtroom, and cases of sexual abuse of children are rare. Predominant is the view that court proceedings in general are very slow, there are lots of phases and stages lasting months and years, preceded by long procedures, pre-trial questioning of children, investigation, collection of evidence, etc. The judicial system as a whole was assessed as cumbersome and bureaucratic.
- **Complicated terminology:** Within the framework of the court cases apply complicated and hard to understand legal terminology.
- **Traumatic experience for the children:** The complicated legal procedures include repeated hearings and appearances in court and presence of the abuser or their lawyer is very traumatic on children's psyche.

- **Inability of most of the people working in the specific field to communicate with children and make them feel comfortable:** Although there are some judges and officers who treat children who treat children nicely, the most common opinion is that judges, prosecutors, police officers and investigators, following legal proceedings fail to provide peace and comfort of children involved in court cases.
- **Very few lawsuits:** The inability of the people working in this system and the complicated legal procedures make some of the parents of abused children do not start a lawsuit. The parents do not want their children to go to court many times and to be questioned by people who do not know how to make the children feel comfortable. The cases of sexual abuse against children are becoming more but the lawsuits' number does not increase. At the same time, there is not effective work towards reducing these kinds of court proceedings.

2.4 Needs & Recommendations

- **Short and fast procedures:** The most important steps to achieve justice system fairer and at the same time sparing children who are victims are simplification of court procedures and faster disposal of cases the shortest and fast procedures. There are proposals for seeking a legal way to reduce procrastination and postponement of cases as well as opportunities for children not to be called constantly in the courtroom.
- **More judges who work only for this kind of cases:** There are no judges specialized in lawsuits for child abuse which has to be changed.
- **More specialized trainings for people working with children:** There is a need of more training of prosecutors and judges to develop sensitivity to the problems of children acquainted with their specific needs, the manner of questioning and their attitude because children are stressed in the courtroom.
- **Need of application of psychological assistance in order to recognize the symptoms of violence early.**
- **Renovation and improvement of legislation.**

1. Conclusions

- It is a common perception among respondents that judicial procedures for child abuse drag on for years. It is assumed that most of the proceedings are usually successfully

completed and the abuser is punished according to the law. However, the most common conception among the respondents is that the child psyche remains deeply traumatized after these types of cases.

- Among the respondents, regardless of their profession, the most common opinion is that the lawsuits, meetings with the abuser and drag on the postponement of the law cases and bureaucratic procedures, have a strong traumatic effect on the child's psyche.
- Existing proceedings involving children are evaluated by respondents as cumbersome, bureaucratic and harmful for the child psyche, with many phases and stages and painful for children and their families. The law procedures are defined by the respondents as cumbersome, slow and inadequate according to the traumatic experience of the children. The procedure of data collection is also heavy and slow. It is recognized that because of the common opinion among the people that such type of cases are too long the interested parties tell children not to talk about what has happened to them and to remain silent. That is why there are not many cases from this kind.
- Respondents reported that the cases of domestic violence against children and violence of children against children have increased. According to the expressed opinions, the share of cases of violence in Roma families also increases.
- Representatives of social services and medical staff said they had no real contact with the judicial system in such type of cases. They work with the families of the victims of violence and with the children, heal and medicate them, help with history taking, etc.
- The lawyers participating in the study believe they have significant professional role in the implementation of the judiciary in the cases of children victims of sexual abuse. However, they say they are powerless because of the cumbersome justice system.
- The social and medical officials agree that the inclusion of other experts would be helpful as it will enable the facilitation of the proceedings and reduce stress on child violence. On the other hand, the legal experts share the concerns that the inclusion of other experts is more likely to make the procedures even more complicated.
- It is stressed that the intervention and involvement of various professional bodies is not legally regulated and the inclusion of an experts such as forensic psychologist, for example, makes the procedure more slowly and complicated, as this leads to scheduling new hearings, new expertise, etc.

- The respondents agree that the most important steps to achieve justice system which is fair and at the same time sparing and friendly to children who are victims of violence, are to simplify and shorten court procedures and make the disposal of cases faster, the procedures should be as short and fast as possible. Some of the suggestions and steps to simplify judicial procedures are:
 - Maximally short and quick procedures;
 - Reduction of the possibility of postponement of cases;
 - Much of the things like preliminaries should be exported and done outside the court, children should not be called to the court many times – the court cases must start only after all evidence is collected ;
 - Shortening of the procedures - even beyond legal agreements with the assistance of mediators.
- There is a need of teamwork between specialists - psychologists, social workers and attorneys. Nevertheless, in the normative aspect there is no coordination and collaboration between the specialists: the connection between the different units in the system is broken.
- Most of the respondents are not very familiar with the training programs for professionals in physical, mental, emotional and sexual abuse of children. The respondents highlighted the need of conduction of these types of training programs and social and medical officials expressed willingness to get involved in such programs. Lawsuits for children who have experienced violence are specific and the training of officials employed in the field is essential especially for working children and child psychology.
- Some of the respondents sharply criticized the police and their actions that rather traumatize the victim than make them feel secure. Some of the respondents say that sometimes there are police officers who do not know how to talk and communicate with children and therefore children feel threatened.
- It is stressed that trainings are always needed but they should be applicable to the specifics of the Bulgarian legislation.
- Among respondents there is a universal attitude that everyone needs training - medical staff, social staff, employees of the Interior Ministry working with children, legal specialists, court clerks: when it comes to cases, the procedure is quite died-in-the-wool.

- There is a need of specialists who know how to work with children victims, and of trainings related to communication with child victims of sexual violence:
 - Trainings related to communicating with this type of victims like verbal and non-verbal models of behavior.
 - There should be extensive psychological help, recognition of the symptoms of violence earlier before they reach the level of emergency especially for doctors practitioners.
- There is a shared view that these types of trainings are needed for everyone - medical staff, social workers, police officers, investigators, prosecutors, judges. There is also a need for the development, implementation and promotion of training programs for:
 - communication with children victims of violence; verbal and non-verbal methods of behavior;
 - recognition of nonverbal signals of children that have been victims of violence;
 - developing sensitivity of the judiciary to the problems of children victims of violence;
 - achieving teamwork and coordination between specialists in the cases of child abuse.
- Digital technology in everyday life of children is a double-edged sword. On the one hand, it facilitates communication and friendly relations between them, but on the other hand, increases the level of stress and trauma as a result of the so-called “cyber-bullying” and other abuse on the web. As a result part of the respondents emphasize that there is a need of renovation and improvement of legislation.
- The group which is mostly at risk is of children between 12 and 16 years. These children usually have a sense of misunderstanding in society and are seeking to prove themselves to their peers and can provoke violence. In these cases it is very difficult to prove the guilt of the aggressor.
- Last but not least, the respondents emphasize the need for training not only to people working in the judiciary, but also awareness, understanding of the problem of violence against children by the whole society.
- According to a significant number of respondents, children are not well informed and are not aware of the proceedings. Children have no idea exactly how the procedures go. It is emphasized that it is not possible for a child to be aware of the proceedings: they are hard enough for adults, let alone a child.

3. The child's perspective of the judicial proceedings

3.1 Literature Review

JudEx+ project will be one of the very few projects that is going to be implemented in Bulgaria towards child-friendly justice in cases of violence against children and especially in cases of sexual violence. Besides the project activities there will be a Multidisciplinary Curriculum and Methodology that will be offered to the professionals working with children at all the stages of judicial procedures. The professionals will be trained in order to deliver better services after gaining new knowledge and improving their skills. The Multidisciplinary Curriculum and Methodology will be of future use in the sphere of judicial practice concerning children victims of violence and especially in cases of sexual abuse.

Training programmes and practices for professionals working in the sphere of violence against children and especially in cases of sexual violence is almost missing in Bulgaria. According to the survey performed by a sociological agency for the purpose of the project activities, specialists need trainings and exchange of good practices in order to improve their professionalism.

3.2 Interviews: Contextualisation

In delivering the interviews concerning child's perspective on the judicial proceedings in cases of sexual violence against children there have been included 7 interviews with children victims. The children have been interviewed by qualified professionals as it is against the Bulgarian law anyone to talk to children without special permission of parents/ a guardian and appointed authorities alone but the authorized people. Obeying the Law and having in mind the specifics of the issue Know and Can Association hired a Licensed Sociological Agency Sova Harris to find a legal way to perform the task. Sova Harris™ Ltd. is a private company, specialized in conducting political, social, marketing and other empirical surveys. The staff of Sova Harris™ is specialized in the scopes of: sociology, psychology, statistics, computer programming, processing and data analysis. The Agency targeted qualified professionals that work with children victims of sexual abuse and have hold interviews with them during their work. The interviewed qualified professionals were social workers, psychologists, psychiatrists and nurses. The interviews with specialists were given to Know and Can Association as well as have been summarized in a

report. The interviews were preliminary prepared by Know and Can team working on the project and contained questions regarding demographical characteristics, information about the violence and the procedures following it, namely the reporting, police investigation and judicial procedures. Later the questionnaires were consulted by specialists working with children victims of violence and then given to the staff of the Sociological Agency who ran the interviews with the qualified professionals. They were asked to focus mainly on childrens' experience during all the stages of the judicial proceedings. During the process of performing the interviews specialists working with children victims of sexual violence explained why there are few reported cases of sexual abuse and why even less go to court.

As mentioned above in 1.3 the sentences for child sexual abuse are stricter than the ones for physical abuse. Due to this reason a lot of initially reported cases of sexual abuse are "transformed" into physical violence crimes during the investigation phase. Taking advantage of gaps in the judicial system some professionals offer the violator out-of-court agreement or change of the crime type. The real situation is that more than 60% of the cases of physical violence in fact are hidden sexual violence cases where the physical abuse comes as a negative result of the victim's will to be a part of a sexual pleasure.

The solution with hiring the Sociological Agency was the only approach the manager of the project found possible to deliver the project task in quality, time and professionalism.

Here are the reported cases:

Case 1

A 9-year-old boy, emotionally and psychically abused by his father

The child shared that immediately after the reporting of the case he was taken out of his father's home and brought to his mother's care long before the trial. He shares this as very positive.

Although the case for parents' rights is up before the court the child lives with his mother abroad.

The boy shared that he was well treated at the police station by the policemen and the social workers from the child care service. He also said that he was well informed about the different procedures under the investigation period and the trial itself.

Case 2

A 3-year-old boy physically and psychically abused by his father

The child cannot give any feedback how it was treated during the judicial procedures. He is entrusted to the care of the social services for child protection.

Case 3

A 13-year-old girl from gypsy origin was given for a wife by his father to a man three times older than her

The girl had been physically and sexually abused for several months before a neighbour to see the bruises on girl's face and body and go to the police station to report the case. The girl said that she was brought there by her neighbour because at the beginning the policemen refused to investigate. At the police station there was a very detailed questioning but due to the fact that there had been passed several days after the last sexual and physical abuse the concrete evidences against the offender were not taken. There were clear traces of violence but they cannot be directly connected to the oppressor. The girl shared that she took good care by the policemen, social workers and her lawyer but when the case went to court it was abandoned due to lack of clear evidence. The girl was also not sure what exactly she had told during the investigation and she had some doubts that her words were somehow distorted. What is more the lawyer was convinced in it as the girl was semi-literate. The girl shared that she had not been well informed about the procedures and was not aware with the judicial procedures. They took a year and during the period she was hosted in a social home under the supervision of a psychologist. During the judicial procedures the girl shared that she suffered a lot of difficulties – long waiting in court, lack of support at court, meeting the oppressor at court and when taking the evidences, cross examination, not understanding the judicial language, not understanding the questions.

Case 4

A 12-year-old girl a victim of sexual abuse by a neighbour

The case took a year and a half to be heard at court after 9 months investigation. The girl made accusations to the police regarding the questioning, the way the questions were asked, the information provided to the family about the investigation. The girl felt unsecure and not calm. She was even thinking that she was guilty somehow because she was asked some many questions. The investigator was a woman but the child did not understand all the questions.

During the judicial procedures the girl shared that she suffered long waiting in court, meeting the oppressor at court and when taking the evidences, cross examination, not understanding the judicial language, not understanding the questions at court.

Case 5

A 5-year-old girl sexually abused by the man leaving with the girl's mother

The girl shared that she was taken to a "blue room" and questioned by a nice lady (a psychologist). Then when they went to court this lady was there too and asked the questions other people wanted to ask. The girl was afraid only when she met the violator.

3.3 Good practices

Following the conclusions in the report received by the sociological agency mediating the conduction of the interviews with children several good practices can be listed.

3.3.1 The district policeman

The work of the district policeman is essential for the prevention of sexual crimes. The existence of big ethnic groups of low-educated communities is a prerequisite for child sexual crimes. Knowing the problems of the neighbourhood well such crimes can be easily predicted and stopped. Especially, when the district policeman is respected and trusted by the inhabitants.

3.3.2 Psychologists at schools

Schools psychologists are the people whom the children trust and are closer to them in most of the time. Usually they are the first the kids turn to in cases of any kind of abuse, including the sexual violence. Once the case is reported the school psychologists do not only take further actions for reporting to the police but support the child and his family during the entire process.

3.3.3 Simply humanity

A boy shared that he was treated very carefully and friendly by the school guard who took him to the hospital and took the case in his hands. The guard called the police and the social services and was supporting the boy during the whole judicial procedures. The boy also shared that being with the school guard helped him a lot because he felt himself not among total strangers who

were asking a lot of questions. The boy was convinced that the presence of this “powerful man” facilitated a lot the procedures although he had known him indirectly before.

3.3.4 Blue room

A girl shared that she was taken to a “blue room” and questioned by a nice lady (a psychologist). Then when they went to court this lady was there too and asked the questions other people wanted to ask. The girl was afraid only when she met the violator.

3.3.5 Taken out of the abuser’s home

A child shared that immediately after the reporting of the case he was taken out of his father’s home and brought to his mother’s cares long before the trial. He shares this as very positive.

3.4 Gaps in practice

3.4.1 Reporting crime at the police station

The girl made accusations to the police regarding the questioning, the way the questions were asked, the information provided to the family about the investigation. The girl felt unsecure and not calm. She was even thinking that she was guilty somehow because she was asked some many questions. The investigator was a woman but the child did not understand all the questions.

Policemen involved with the case sometimes had very rude and arrogant attitude and asked provocative questions.

3.4.2 Medical examination

Sometimes during the first medical examination after the crime and collecting evidences the medical personnel behaves in an inappropriate way and makes the victims at least feel not at ease. Having in mind that these evidences are crucial for the further investigation the way and quality of the samples taken are significant. If not collected properly they are the main reason for the distortion of the trial from sexual to physical abuse.

3.3.3 Investigation and trial

During the judicial procedures a girl shared that she suffered long waiting in court, meeting the oppressor at court and when taking the evidences, lack of support, cross examination, not understanding the judicial language, not understanding the questions at court.

The case took a year and a half to be heard at court after 9 months investigation, unacceptably long period

3.5 Needs & Recommendations

- Shortening the time of all procedures – from the police station to the real sentence.
- Avoiding meeting the abuser and mitigating the collection of evidence and testimonies.
- Usage of adequate language and facilitation of the understanding of the judicial procedures.
- User-friendly environment for questioning – creation of protected places covering the whole territory of the country.
- To be better informed about their rights and judicial procedures.
- Considering the gender options for questioning and collecting evidences.

CONCLUSIONS

- Bureaucracy has deep negative and traumatic impact over the children psyche and future
- Cumbersome, bureaucratic, harmful and ineffective procedures
- Cases of domestic violence against children and violence of children against children have increased
- Social services and medical staff have no real contact with the judicial system, only with the families
- Lawyers have very important role, but they are almost powerless to protect children due to the system
- The inclusion of social and medical staff in the proceedings – useful or harmful?

- It is crucial to shorten and simplify the procedures and making the disposal of cases faster
- Criticism towards the police work
- A huge need of teamwork between specialists: psychologists, social workers and attorneys – no normative recommendations
- Need of specially designed training programmes for all kinds of specialists working with children victims of abuse – not existing trainings so far
- The intervention and involvement of various professional bodies is not legally regulated
- Trainings are always needed but they should be applicable to the specifics of the Bulgarian legislation
- Everyone involved in the system needs training
- Improvement of the communication skills needed for interaction with children victims of abuse
- Need of extensive psychological help, recognition of the symptoms of violence at earliest stage
- Renovation and improvement of legislation when it comes to digital technologies – prevention of cyberbullying
- The group which is mostly at risk is children between 12 and 16 years old.
- Children are not well informed and are not aware of the proceedings
- A need for training not only for people working in the judiciary, but also awareness, understanding of the problem of violence against children by the whole society

BIBLIOGRAPHY

The Criminal Proceedings Code of Republic of Bulgaria

Child Protection Act of Republic of Bulgaria

Sociological Survey on Judicial Procedures in Cases of Children Victims of Violence, Sova-Harris Sociological Agency, 2016