

CODE OF CONDUCT

FOR PREVENTION OF TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN IN TOURISM

INTRODUCTION

Trafficking in human beings is one of the most severe crimes against personality in the contemporary world. Every year thousands of women, young people and children in Europe are involved in forced prostitution and other forms of forced labour in their home country or abroad.

Trafficking in children and young people is becoming a serious problem in Bulgaria too. The fast development of tourism in Bulgaria together with its positive impact on the economical prosperity of the country also carries a serious risk of sexual exploitation of children in the context of business trips and organized tourism.

The protection of children and young people from trafficking in human beings and other forms of sexual exploitation requires joint efforts of the state, the private sector and the civil society in Bulgaria.

Contributing to the implementation of the engagement of Republic of Bulgaria to the United Nations Convention on the Rights of the Child; Optional Protocol to the Convention for Selling Children, Child Prostitution and Child Pornography /2000/; Convention 182 of the International Labour Organization Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour /1999/; United Nations Convention Against Transnational Organized Crime /2000/; Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, especially women and Children /November 2000/; Protocol Against the Smuggling of Migrants by Land, Air and Sea /2000/; Convention on Cyber Crimes of the Council of Europe /Budapest, November 23, 2001/; Declarations and Action Plan Against Sexual Exploitation of Children from the World Congresses Against Commercial Sexual Exploitation of Children – Stockholm /1996/ and Yokohama /2001/; Recommendations N^o R /91/ 11 and N^o R /2001/ 16 of the Committee of the Ministers of the member states of the Council of Europe for protection of children from sexual exploitation; Child Protection Act (2000); Law on Combating Trafficking in Human Beings (2003); National Action Plan Against the Commercial Sexual Exploitation of Children (2003); National Program for Prevention and Counteraction to Trafficking in Human beings and Victim Protection for the 2005 and the Common Memorandum on the Social Inclusion of Bulgaria and the European Commission (2005 – 2010)

We hereby adopt the Code of Conduct for Prevention of Trafficking and Sexual Exploitation of Children in Tourism.

CHAPTER I

General Provisions

Art. 1

The present Code is a declaration of willful agreement, destined to orient and regulate the ethical conduct of physical and legal persons directly or indirectly involved in tourist activities, against the sexual exploitation of children in tourism.

Art. 2

All principles for protection of children and young people contained in this Code are in accordance with the Constitution of Republic of Bulgaria, the Penal Code, the Law on Combating Trafficking in Human Beings, the Child Protection Act and all ratified international acts concerning the protection of children from sexual exploitation.

Art. 3

The present Code is to be signed only by those physical and legal persons that thoroughly agree and adhere to its principles.

Art. 4

A Permanent Monitoring Committee shall be appointed which shall monitor the implementation of the Code.

CHAPTER II

Permanent Monitoring Committee

Art. 5

(1) By virtue of the dispositions in the foregoing Art. 4, a Permanent Monitoring Committee shall be established, hereinafter referred to as the Committee.

(2) The Committee shall include representatives of the State Agency for Child Protection, Ministry of Foreign Affairs, Ministry of Economy, Ministry of Education and Science, Ministry of Interior, Ministry of Culture and Tourism, Animus Association Foundation, "Neglected Children" Society – ECPAT Bulgaria, Bulgarian Business Leaders Forum, Bulgarian Convention and Visitors Bureau, Bulgarian Hotel and Restaurant Association, Bulgarian Association of Travel Agents, Bulgarian Tourist Chamber

(3) The Committee's composition can be altered by a decision of its members, taken with a simple majority of more than half its members.

(4) Participants in the meetings of the Committee can be companies providing tourist and transportation services, legal non-profit persons and international organizations represented in the country whose activities involve prevention of the commercial sexual exploitation of children and protection of its victims.

(5) The Committee shall conduct two work meetings annually. The State Agency for Child Protection shall be responsible for the organization of the Committee.

Art. 6

The Committee provided for in Art. 5 shall be the guardian of the original book of this Code signed by the respective physical and legal persons. The Committee shall update regularly the list of these physical and legal persons.

Art. 7

The Committee shall monitor the application of the Code by the sides to it, in accordance with the articles and conditions included. The Committee shall promote campaigns for the popularization of the Code and the entities, which have adopted its principles.

Art. 8

The Committee shall prepare annual reports for the activities on the Code based on standard survey forms, which will be filled in by the persons, and entities, which have adopted the Code.

Art. 9

The Committee shall only accept the adherence from physical and legal persons and/or entities that publicly manifest their respect for the rights of all citizens and state their clear stance against any type of sexual exploitation of children.

CHAPTER III

Ethical conduct against sexual exploitation of children

Art. 10

By signing this Code of conduct, the person and/or entity involved with the Tourism Industry commits to:

Developing ethical and consistent business policy against any kind of sexual exploitation of children and making this policy part of its activities, related to its social responsibility and corporate image.

Informing, educating and instructing the physical and legal persons involved in tourism services at the places of origin of potential victims and in tourism-endowed cities and regions, about the terms agreed by the present Code and other correlated legislation.

To act in accordance with the provisions of Art. 7 of the Child Protection Act:

Article 7 (1) Persons, who become aware of the existence of a child in need of protection, shall immediately report the case to the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of Interior.

(2) The same obligation shall be undertaken by all persons, who become aware of the said situation in the course of exercising their profession or occupation, irrespective of them being bound by occupational secret.

Including in the contracts, in force with providers of accommodation, lodging, travel and other services related to the tourism industry, as well as any entity related to tourism in any respect, clauses in accordance with the Law on Tourism and the active provisions related to this industry, that explicitly state the repudiation to any form of sexual exploitation of children and adolescents.

Repudiating any type of publicity implying sexual exploitation of children and young people

CHAPTER IV

Prevention and counteraction of the sexual exploitation of children

Art. 11

Every individual or entity understanding and accepting this Code shall by way of training sessions, courses or lectures, educate him/itself and his/its employees on all that is relevant to the Code and its scope.

Art. 12

Lodging and accommodation establishments must be particularly attentive to their commercial dealings in order not to consciously or unconsciously, favor any person or entity involved with sexual harassment of children or young people.

Art. 13

Contracts signed by the physical or legal persons providing lodging and accommodation in accordance with the Law on Tourism and the active provisions to it, must include a clause stating their active engagement in the campaign to protect children and that the sexual exploitation of children is a crime and that no sexual contacts with children shall be tolerated in their facilities.

Art. 14

All physical and legal persons adhering to this Code shall openly demonstrate before their clients their position of zero tolerance towards sexual exploitation of children and young people, such disclosure being affected by way of posters, folders, leaflets, web sites and other means of information.

Art. 15

The physical and legal persons adhering to this Code shall be free to adopt the publicity layout and style of their choice at their sole discretion, provided all principles referred to herein are contained in the advertising pieces. The information materials shall be in accordance with or approved by the Committee.

CHAPTER V

Final provisions

Art. 16

All signatory members of the present Code must be open and willing to collaborate in the development and application of mechanisms for follow-up, control and assessment of the realization of the goals set by the Code, ensuring its permanent update and applicability, whenever prompted to action.

Art. 17

The Permanent Monitoring Committee will be set up within a period of 30 (thirty) days counting from the approval of this Code. The Committee will have 60 (sixty) days to draft and seek approval for its By-laws, which shall deal with its duties and organization.

Art. 18

The Permanent Monitoring Committee is authorized to elaborate its own by-laws and to effect additions or omissions to it, in a manner compliant with said by-laws.

Art. 19

This Code shall enter into effect on the date of signing the Declaration for its adoption.

TRANSITORY DISPOSITIONS

Art. 20

The Working group charged with the elaboration of the present text has the responsibility to all necessary actions for the adoption of the Code and setting up the Permanent Monitoring Committee.

For the aims of this Code, the following definitions shall be used:

Child

A human being below the age of eighteen years unless under the law applicable to the child majority is attained earlier

(UN Convention of the rights of the child, 1989, art.1)

A child shall be any natural person, who has not reached the age of 18.

(Child protection Act, 13.06.2000.)

Commercial sexual exploitation of children

The term "commercial sexual exploitation of children" is a comprehensive term, which mainly includes: child pornography, prostitution and sexual slavery as well as trafficking in children for such purposes. In other words, the sexual exploitation of children supposes the use of a person under the age of 18 for the satisfaction of the sexual needs or desires of another person for remuneration or other kind of consideration offered to the child or to other people. Such experiences have a negative impact on the biological, emotional and social needs of the child.

(Recommendation Rec (2001)16 of the Committee of Ministers to member states on the protection of children against sexual exploitation, adopted by the Committee of Ministers on 31 October 2001 at the 771st meeting of the Ministers' Deputies)

The Bulgarian Code has been adapted based upon the original "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism" of ECPAT [1] International, which is supported by UNICEF and the World Tourism Organization. The Bulgarian Code is part of worldwide effort.

[1] ECPAT stands for "End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes and is an international Child Right's Organization with 71 national groups worldwide