

## **Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM**

### **I. Introduction**

This Mechanism was created to set up obligations for cooperation between stakeholders, involved in fight against trafficking in human beings and children in particular. Implementing this mechanism, the stakeholders are guided by the principles of the best interest of the child, interinstitutional information exchange and collaboration, multidisciplinary approach at a national and local level, flexibility in decision making process and setting of long-term goals, case ethics. The mechanism provides opportunities for its inclusion in municipal child protection strategies, as well as in job descriptions of the professionals involved in its implementation. The effective functioning of the mechanism is provided by the development of a continuing training program of professionals and provision of handouts.

The Coordination mechanism (CM) is based on the national child protection legislation and on legislation against trafficking in human beings and is in conformity with the international acts, ratified by Republic of Bulgaria. It is a part of the National Action Plan against Commercial Sexual Exploitation of Children 2003 – 2005 and the basic principles of the Mechanism are included in the National Program against Trafficking in Human Beings for 2005.[1]

The Coordination mechanism will be updated, if necessary, no later than 12 months after its official distribution. Reporting of the achieved results will be done by the Coordinative Expert Council, SACP and MI being the coordinators.

### **II. System for interinstitutional referral of exact cases**

The system for interinstitutional referral to exact cases makes the complex, quick and effective study of exact cases easier, after receiving a signal from abroad and includes the system of bodies at national and local level, which identify, lead, rehabilitate and reintegrate the child and study the case. The system at national level includes MI, SACP, ASA, MES, MFA, NCTHB, IOM, ILO, etc. At local level, multidisciplinary teams are created in CPD, which include representatives from RPD, REI, EA, NGO, providers of social services and others, appointed by SAD/CPD[2]. In case the child – victim of trafficking is a foreign citizen on the territory of Republic of Bulgaria, the same CM is implemented, by including a representative from the State Agency for Refugees.

### **III. Stages of the Coordination Mechanism**

The stages, under which the referral of the exact case of child – victim operates, are as follows:

Identifying the child and investigating the reasons for him/her going abroad and for the involvement in exploitation;

Studying the family and social environment of the child in order to take measures in the best interest of the child /reintegration, placement with family and relatives, etc., envisaged in CPA, rehabilitation of the child by enrolling him/her in the educational system, alternative education, professional consultation and training and/or provision of social services/[3];

Following up the case for certain period in order to prevent the next taking the child abroad, submitting a trimester report by the team, working on the exact case at local level;

Obligation of the working team to inform the partners for every change in the circumstances;

The returning institution provides if possible, maximum information about the health and emotional status of the child, including his attitude to the fact that he/she returns to his country, as well as the position of the involved professionals, who have worked with the child during his stay in the country of destination.

### **IV. Signals for children-victims**

Bulgarian and other relevant bodies receive signals for cases of unaccompanied Bulgarian children abroad or of children-victims of trafficking;

### **V. Hypotheses for repatriation:**

#### **5.1 The child returns to Bulgaria after a longer stay abroad, which gives an opportunity for detailed preliminary assessment of the case.**

Under this hypothesis the following bodies are informed simultaneously: "CIAAD", NPD, NBP to MI and SACP. Authorities of these bodies are as follows:

**MI:**

- States or confirms the identity and the address of the child, the family and relatives;
- Provides a representative during the meeting when necessary and after a preliminary agreement with the ASA professionals. In case of intervention of MI personnel, the meeting and accompanying of Bulgarian adolescents and minors is done as usual;
- Begins the identification of the child and his/her addresses after receiving information from NPD, NBP, CPD, RPD;
- Sends information to CIAAD with a copy to SACP, which undertakes assessment of social and family environment, as mentioned above;
- Initiates assessment of circumstances surrounding leaving the country by the child for prosecuting the perpetrators if data is available for parental participation in taking the child abroad for labor and sexual exploitation [4].

**SACP:**

- Informs SAD by the address when there is data or by the birthplace of the child and sends a copy to ASA and RPD;
- Informs SAD for the organization of the child meeting and sends a copy to the MI and ASA;
- Provides the coordination and cooperation between the institutions until the end of the reintegration process or the provision of the child protection measure;
- Initiates an investigation of the social and family environment, by sending an inquiry to the SAD with a copy to ASA.

**ASA:**

- Provides a representative from the competent SAD to meet the child at the border checkpoints.

**SAD/CPD:**

- Creates a multidisciplinary team with police officers, specialized in working with children and other professionals, after the approval from SAD
- Makes a social report and action plan with a proposal for taking measures in the best interest of the child in the shortest term possible[5]

**HTPJM:**

- Provides relevant specialists for rendering psychological and/or social support;
- Applies the procedures of Regulation for the organization and work of the homes for temporary placement of juveniles and minors.

**Specialized child institutions:**

- In a case of confirmed child identity, according to the case specifics, he/she is placed in specialized institution, according to CPA and the Ordinance for the Terms and Procedure for Providing Police Protection of the Child.

**Parents or persons raising the children-victims:**

- Parents are informed for all actions, envisaged in the Action Plan unless there is a risk for the child;
- The identity of the parents is taken according to the LBID and Law for MI[6].

**Person, submitting signal for child-victim:**

- Is informed about the taken measures by the relevant institutions

**5.2 The child returns to Bulgaria with a minimal notice to the Bulgarian authorities (time, which does not allow the measures under hypothesis 1). Accordingly, the study and the assessment of the case are to be done after the returning of the child. Having in mind the urgency of the taken measures it is appropriate that the communication between institutions is done by fax or e-mail.[7]**

The authorities of the responsible institutions under this hypothesis are as follows:

**MI:**

- Determines or confirms the child's identity and place of residence, the family and relatives;
- Provides a representative at the meeting especially in case of unidentified people, by sending the investigation results to the competent institution with a copy to SACP and ASA;
- In cases of undefined identity the child is accompanied to the nearest structure section /PO, RPO, RDI/, or to the nearest HTPJM close to the boarder post, where the child has been met. SAD by actual or permanent address must be informed /with a copy to SACP and ASA/ for starting a research and protection measures. After having collected sufficient data about the child's place of birth or the parents' place of residence, the SAD, RPO in charge are informed with a copy to SACP and ASA for undertaking protection measures at a local level;
- In cases of clarified child identity he/she is placed in a specialized institution in accordance with the Child Protection Act.[8]

**SACP:**

- Informs SAD at residence or when data exists at the child's place of birth with a copy to ASA and RPO;
- Provides the coordination and cooperation between the institutions until the end of the reintegration process or the launching of protection measures.[9]

**VI. System for social support of exact cases**

Considering the place of residence of the child after his/her return there are two hypotheses standing:

**6.1 After the child's return to Bulgaria he/she is placed in a specialized institution or in an asylum for temporary accommodation under the Law Against Trafficking in Human Beings.**

**Responsible institutions and functions**

**MI, SACP and ASA**

Coordination and methodological support.

**SAD/CPD by actual address of the child**

Undertakes social work with the child;

Undertakes social inquiry;

Prepares short and long-term action plans;

In case of moving of the child to another settlement during the current work on the case, informs and transfers the whole information to the SAD/CPD department by present residence of the child /deadline 1 week/;

Performs an investigation and prepares a social report including a statement about the opportunities for continuing the already existing reintegration plan. If necessary, proposes new measures;

Informs SACP and MI with a copy to ASA and to the signal submitter for every change of the circumstances;

Prepares trimester reports for every case of returned child and for the planned activities on the case by the multidisciplinary team at a local level until finishing the reintegration plan or launching long-term protection measures;

Cooperates and continuously exchanges information with other SAD/CPD, working on the case for guaranteeing the best interest of the child.

#### **Multidisciplinary team on local level**

Prepares trimester reports for every case of returned child and for the planned activities on the case under the SAD/CPD supervision.[10]

#### **Other**

Representatives from RHC, RIE to MES for involving the child in different reintegration and programs, preventing taking the child abroad again.[11]

**6.2 The child is given back to the holders of the custody rights - trustees, guardians or relatives and close family where the child is placed in accordance with the Child Protection Act.** In these cases the returning of the child is done when:

The identity of the child and the holders of custody rights, guardians and trustees or relatives and close family is determined and confirmed;

A document for exercising parental rights /e.g. a document from CRAS, that persons are not deprived of parental rights/ or providing care, is issued;

An existence of a statement from SAD/CPD by present residence of the holders of custody rights, guardians and trustees or relatives and close family /not considering the cases of urgent return of the child/.

#### **Responsible institutions and functions**

##### **MI, SACP and ASA**

Coordination and methodological support

##### **SAD/CPD by actual address of the child**

Undertakes social work with the child;

Undertakes social inquiry;

Prepares of short and long-term action plans, which can include support measures for the family having in mind the risk from new taking the child abroad or involvement in labor and sexual exploitation;

In case of moving of the family to another settlement during the current work on the case, informs and transfers the whole information to the SAD/CPD department by present residence of the family /deadline 1 week/;

Investigates and prepares social report with an opinion about possibilities for prolonging the reintegration plan, proposes new measures, if necessary;

Informs SACP and MI with a copy to ASA and to the signal submitter for every change of the circumstances [12];

Prepares trimester reports for every case of returned child and for the planned activities on the case by the multidisciplinary team at a local level until finishing the reintegration plan or launching long-term protection measures.

#### **Multidisciplinary team on local level**

Prepares trimester reports for every case of returned child and for the planned activities on the case under the SAD/CPD supervision.

**Annex 1**

#### **Abbreviations, used in the Coordination Mechanism**

**CM** Coordination Mechanism

**SACP** State Agency for Child Protection

**MI** Ministry of Interior

**NPD** National Police Directorate

**NBP** National Border Police

**CIAAD** Coordination and Information Analysis Activities Directorate

**RDI** Regional Directorate of Interior

**SDI** Sofia Directorate of Interior

**RPO** Regional Police Office

**PO** Police Office

**CRAS** Citizen Registration and Administration Service

**HTPJM** Home for Temporary Placement of Juveniles and Minors

**MFA** Ministry of Foreign Affairs

**MES** Ministry of Education and Science

**RIE** Regional Inspectorate of Education

**MH** Ministry of Health

**RHC** Regional Health Centers

**ASA** Agency for Social Assistance

**SAD** Social Assistance Directorate

**CPD** Child Protection Department

**EA** Employment Agency

**NCTHB** National Commission against Trafficking in Human Beings

**LCJD** Local Commission against Juvenile Delinquency

**UN** United Nations

**IOM** International Organization on Migration

**ILO** International Labor Organization

**CPA** Child Protection Act

**LBID** Law on Bulgarian Identity Documents

**JDL** Juvenile Delinquency Law

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[1] The Cooperative Mechanism is subject to amendment after the opening of shelters for temporary placement and support of children –victims, envisaged under LTHB, crisis teams or providers of social services, so they can be included in this mechanism.

[2] This mechanism will be integrated in the Child Labor Monitoring System, which will be piloted in four country regions, according to the ILO Program against child labor and the Memorandum for agreement between ILO and Republic of Bulgaria, signed on March 22, 2005.

[3] NGO, working in the interdisciplinary team, have to be licensed by the President of SACP for the provision of social services for children

[4] Meeting and accompanying of the repatriated from abroad adolescents and minors is done to the relevant MI structure as usual

[5] The action plan has to envisage a package of measures and services and a proposal for action, which has to be taken by the institutions, as well as the terms and the people responsible for their completion. The plan has to be coordinated with the multidisciplinary team. The assessment of every case has to include also a risk assessment whether the child can be taken abroad again or can become a victim of another form of violence and discrimination. Governmental institutions on national and local level support the implementation of the action plan activities.

[6] In case of undertaking measures for protection of the child or return of the child to the parents, the system for social assistance must be used for the specific case.

[7] The specific of the hypothesis requires urgent action when there is little information from the different institutions and there are parallel procedures regulated in different legal acts that demand better knowledge of the legislation in order to meet the needs and to protect the best interest of the child. This specificity enforces meeting the children taken back according to this hypothesis and taking care of them till the other protection bodies join the procedure to be done by the structures of MI/this part of the mechanism will be changed by the creation of asylums for temporary accommodation of persons victims of trafficking in accordance with Combating Trafficking in Persons Act – CTPA/ or by a crisis center at a municipal level.

[8] The meeting and accompanying of the repatriated adolescents and minors is done to the relevant MI structure as specified.

[9] In case the child does not agree with his/her returning into family environment and/or is a victim of violence in the family and/or there is serious danger of damaging his/her physical, mental, moral, intellectual and social development, or risk for child's life and health, immediate action for placing the child outside the family, should be taken, under CPA. In this case relevant bodies should be informed for beginning of investigation

[10] It is applicable that more than one multidisciplinary team is involved according to the specificity of the exact case.

[11] A hypothesis of a foreign child, with double citizenship or without citizenship - victim of trafficking is also possible. In accordance with article 2 from the Convention on Child's Rights the countries on the Convention respect and provide the envisaged there rights of every child in the borders of their jurisdiction without any form of discrimination no matter of the race, skin color, gender, language, religion, political or other views, national, ethnic or social origin, property status, disability, birth or other status of the child or of his/her parents or legal guardians. Actions should be undertaken by the competent SAD/CPD by present residence of the asylum. The actions should include supporting work guaranteeing the physical and mental health of the child, his/her rights and interests.

[12] In the reintegration process, according to the specificity of the case representatives of LCJD and their counselor centers may be involved for the purpose of undertaking actions according to JDL.