

# EUROPEAN PARLIAMENT

2004



2009

*Committee on Petitions*

17.07.2008

## NOTICE TO MEMBERS

Subject: **Petition 1215/2007 by Desmond Fitzgerald (Irish) concerning abuses in Bulgarian children's homes.**

### 1. Summary of petition

The petitioner refers to the serious abuses in Bulgarian children's homes revealed in a BBC documentary. He expresses his indignation at the conditions under which not only children with special needs but also adults are being confined in such institutions. He takes the view that Bulgaria should not have been admitted to the EU, without first being required to remedy such abuses. He calls on the EU if necessary to withhold subsidies for other projects if the Bulgarian authorities fail to take action to improve the living conditions of inmates.

### 2. Admissibility

Declared admissible on 16 April 2008. Information requested from Commission under Rule 192(4).

### 3. Commission reply, received on 17 July 2008.

#### I. The petition

The petitioner is concerned about the situation of children with disabilities in institutions throughout Bulgaria and in particular about the case of the Mogilino institution, which was highlighted by a BBC documentary.

He argues that the Bulgarian government should be held to account by the EU and that the EU should intervene to improve the standard of institutional care in Bulgaria.

#### II. The Commission's comments

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The responsibility for child protection, social inclusion of children and the administration of child-care institutions lies with the Member States. The Commission does not have a direct competence to investigate the situation of children in institutions like those reported in the media about Bulgaria.

However, the Commission, even though not directly competent, cannot be and has not been indifferent to such serious social problems. In the particular case of Bulgaria (and also Romania) a significant improvement of the situation of children in care homes has been one of the objectives of pre-accession assistance given by the EU. In cooperation with the Bulgarian authorities substantial progress has been made but the Commission is aware that more still remains to be done.

In a direct response to the highlighting of conditions at the Dve Mogili village orphanage, the Commission contacted the Bulgarian Minister of Labour and Social Protection, Ms Emilia Maslarova, to have more information on the progress made and the new plans of action in Bulgaria to ensure that high standards are implemented in Children's Homes. An action plan for the Mogilino institution is now being implemented by the Bulgarian government and a deadline for closure of the home has been set. UNICEF has undertaken assessments on every child at Mogilino and have researched and recommended the best possible situation for the children. As part of this process, the children's parents were contacted and asked if they wished to re-establish or grow the relationship with their child.

More generally, the Commission is a strong proponent of independent living for people with disabilities. A recent study<sup>1</sup> financed by the Commission on the development of services in the community for people with disabilities in Europe confirms that institutional care is often of unacceptably poor quality and that conditions in institutional care may sometimes constitute serious breaches of internationally accepted human rights standards. The study also shows that Community-based services, when properly established and managed, can deliver better outcomes in terms of quality of life and ensure that disabled people can live as full citizens. Services in the community are not more expensive than institutional care provided the needs of residents and quality of care are taken into account in calculating the costs.

Furthermore, the Commission promotes the exchange of information and good practice between Member States as part of the open method of coordination in the field of social protection and social inclusion. In this context, the Commission welcomes the establishment of bilateral cooperation between Member States, as is the case between Bulgaria and other EU Member States in the field of social protection of children with disabilities living in long-term care institutions.

Moreover, the European Social Fund (ESF) supports projects to promote independent living, in particular community-based services for people with disabilities near their place of residence, including rural areas; for example through modernising systems and mechanisms, especially staff training. It also supports replacement of existing closed institutions with quality services and housing within local communities (so-called 'de-institutionalisation'). The Commission welcomes the recent decision of Bulgaria to allocate 10 million € as part of the

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<sup>1</sup> [http://ec.europa.eu/employment\\_social/index/7002\\_en.html](http://ec.europa.eu/employment_social/index/7002_en.html)

ESF-funded Human Resources Development Operational Programme to improving the quality of social services in long-term care institutions for children and young people with disabilities.

The Commission will continue its efforts to ensure that situations such as those recently described in the media do not occur in any EU Member State.

### III. Conclusions

The responsibility for child protection, social inclusion of children and the administration of child-care institutions lies with the Member States. The Commission works within its competences and through a variety of means in cooperation with Member States to achieve independent living and high quality social services for people with disabilities throughout the European Union.