

# Progress of Republic of Bulgaria in implementation of the Convention on the Rights of the Child

2016 - February 2021

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on the Rights of the Child / CRC/C/BGR/CO/3-5 21 November 2016

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# Introduction

The current report is prepared by the National Network for Children (NNC) as an alliance of civil society organisations and supporters, working with and for children and families across the whole country.

The promotion, protection and fulfillment of the rights of the child are part of the key principles that unite us. We do believe that all policies and practices, that affect directly or indirectly children should be developed, applied and observed, taking into account the principle of the best interest of the child and with the active participation of children and young people themselves.

In all our activities we are led by the UN Convention on the Rights of the Child (UNCRC) as a key document that lays down the philosophy, the values and the work ethic of the Network.

Our vision is a society where every child has their own family and enjoys the best opportunities for life and development. There is a harmony between the sectoral policies for the child and the family and the child rights and welfare are guaranteed.

## Aims and methodology of the report

The aim of the current report is to provide an independent assessment of the realization of child rights in Bulgaria providing information and input from civil society organizations, professionals working directly with children, parents and children themselves. The report is intended to highlight the main areas, systems and measures to be taken by the State in order to fully implement the Convention on the Rights of the Child (CRC).

The Report presents:

- an overview and assessment of the current situation and its dynamics of the legislative, strategic and administrative framework regarding children's rights;
- an assessment of the progress after the previous reporting cycle including the implementation of the recommendations of the Committee in its COBs to the combined third, fourth and fifth periodic reports of Bulgaria (CRC/C/BGR/3-5);
- children's and young person's opinions on key areas of the report.

The Report is based on the NNC annual independent monitoring of the child rights situation in Bulgaria: "Report Card: What is the average score of the Government's care for children" for the period 2016 - 2020. The data presented is received from state institutions via official requests for access to public information, or from independent researches, observation and experience of NNC and its members.

The report is structured in 8 Chapters, focused on the main areas of children's lives generally following the cluster format of the Convention; the last two chapters cover the cross-cutting topic of violence against children and the special protection to children in situation of international migration. Where

available, outcomes from consultations with children are included. Additionally, where possible, references to the Complementary report submitted by NNC to the Committee for the rights of the child from 2015 are made. Each chapter has a set of questions to contribute to the preparation of the List of Issues Prior to Reporting.

The children`s opinion, reflected in the report, is collected by three main sources – annual online survey<sup>1</sup> for children aged 12-18 on the key areas of the child rights, covered by the chapters of the report; focus group discussions<sup>2</sup> with children, with the participation of children aged 4 - 18; and reports from the surveys of groups of children researchers, called Rapporteurs<sup>3</sup>, who have interviewed their peers aged 10 – 18 from all over the country on topics, important to children.

## **CHAPTER 1: GENERAL MEASURES OF IMPLEMENTATION (arts 4, 42 and 44, para 6)**

### **1.1 Legislation and policy for implementation of UNCRC**

Currently, the legislation and the strategic framework concerning child rights in Bulgaria comprises more than 20 legislative and strategic documents concerning various sectorial policies. Despite the recommendations (CRC/C/BGR/3-5; paras 7–8), there is neither significant reforms in the legislative or administrative framework, nor into the strategic documents for a holistic approach to child rights.

As a whole the period is marked by the gradual abandonment by the coalition Government (2017-2021) of the commitments to children`s rights. In 2019 the Government withdrew the Draft National Strategy for the Child (2019—2030) to replace the Strategy (2008-2018). This decision was literally in breach of Article 1 (3) of the Child Protection Act, that stipulates that ‘The state child protection policy shall be based on the National Strategy for the Child adopted by the National Assembly (Parliament), proposed by the Council of Ministers and built on the principles of this Act’.

In addition, the Government did not submit to the Parliament the ready draft laws that went throughout public debates in 2016-2019: the Draft Law on Amendment of Family Code (2016) providing for a child`s right to know his/her origin in case of adoption as well as the Draft Law on Diversion from Criminal Proceedings and Imposition of Educational Measures for Children (2018) aiming to reform the Child Justice System. Another key issue was the debate on the Social Services Act passed unanimously in 2019, initiated by the populist and religious movements. The enforcement of the Act was postponed for 6

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<sup>1</sup> For the years 2016-2020

<sup>2</sup> For the years 2016-2019

<sup>3</sup> For the years 2018-2020

months that caused another delay of reforms in the social services sector. The Act provides the framework for universal services for parents, as well as for children.

This critical departure from the policies for children and families comes as a result from the long-postponed and even unrecognized reforms, the lowering of trust in the government institutions, but mostly, because of propaganda spreading messages targeting precisely the view of the child as an individual and a person. Based on fake news, lawsuits and a very string rhetoric opposing the child rights for the benefit of the “traditional family values”, the campaigns succeeded to draw the parents’ opinion against the child protection system. Instead of counterfighting this propaganda, informing the public and addressing parents’ and citizens’ fears and planning urgent action to improve the institutional framework and mobilise more qualified specialists to carry out the measures needed, decision-makers remained silent, before turning the issue of child and family’s rights into a populist subject. In December 2020 several deputies submitted a Bill to revise the Child Protection Act aiming to abolish some of the key provisions related to child protection, reporting of violence and others (<https://nmd.bg/en/the-rights-of-children-in-bulgaria-are-under-threat/> )

Last but not least, the populist attacks targeted the non-governmental organisations working with and for children and families. Those were particularly harsh against organisations having taken a public stance in defence of children’s rights and family support policies, including during the long-lasting inaction of the government.

As of October 2020, there is no information for any intentions on behalf of the government with regard to its holistic policy to implement the rights of the child (CRC/C/BGR/3-5; paras 7, 16–17). This poses a significant risk in terms of both the ongoing downturn in child and family policies, which will ultimately impact the future respect for children’s rights and interests, and the implementation of urgent child protection measures in specific cases today.

Most of the children have heard that the children have rights and that it is important to respect them. They associate the topic with NGOs and media. At the same time, it is difficult for them to define what exactly are the child rights or to name specific rights. [...] This is why for the children is difficult even to define if their rights are respected or not. [...]

It is impressive that children are more aware of what their responsibilities are than what their rights are or what they are.

*Children from 11-18 y.o., Report Card 2018: How the children, parents and professionals evaluate the State?*

## 1.2. Institutional capacity and coordination

For the reporting period the debate on the reforms in the administrative structures responsible for the child protection polices – the State Agency for Child Protection (SACP)<sup>4</sup> and the Agency for Social Assistance (ASA) was frozen. Issues such as functions overlap, insufficient coordination and capacity were

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<sup>4</sup> The body to the Council of Ministers with consultative and coordination functions for the children’s policies

deserted (CRC/C/BGR/3-5; para 10). There are sporadic efforts to support the capacity of the child protection system, which are project based and funded by the European Union Operational programmes. Another shortcoming that became clear in the last two years was the complete lack of legal capacity of the Child Protection Departments to defend in courts their decisions for placement of children in care. The ongoing populist attacks against the child protection system destroyed the public trust and resulted in its withdrawal from case work especially with regard to decisions for separation of children from the families even if in the best interests of the child.

In practice, after the decision for freezing of the Strategy of the child in May 2019, the SACP did not initiate debates on any strategic document for the implementation of the child rights nor did it start the new mandate of the National Council for Child Protection, which was the only structure vested with the coordination of policies. The mechanisms for interinstitutional cooperation, including the Coordination mechanism for reaction in cases of children victims of violence are not updated.

The Social Services Act presupposes strengthening the coordination mechanisms and the establishment of an Agency for the quality of the social services. Still, its implementation remains questionable due to the unclear process of drafting of secondary legislation. The highly politicised debate and the upcoming general elections have paralysed completely the state administration.

Specific trainings on the child rights in the system of the social sector are made mostly by various NGOs and UNICEF<sup>5</sup>, covering small part of the professionals working with children and failing to support the capacity of the institutions themselves.

### **1.3. Investment in children**

There is no evidence that the budgeting process considers the public spending in all the systems related to child rights as an instrument for their strengthening. The recommendations of CRC related to establishing a child rights perspective in the State budgeting process are not implemented (CRC/C/BGR/3-5; para 12). Important policies such as foster care and capacity building for professionals are funded by the EU programmes.

An Investment in Children Assessment Tool was developed by the National Network for Children. It demonstrated that one of the main shortcomings in the budgeting in the educational, health and social services systems is the lack of addressing the strategies in the budgeting, and in the case of healthcare, the full lack of data about the impact of investments in children's health. The tool has been presented to the SACP and it is planned to be proposed to the Ministry of the Finances.

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<sup>5</sup> Currently, there is an initiative of UNICEF for development of Curriculum and training package on Child Rights Education in partnership with the Ministry of Education

## 1.4. Monitoring and data collection systems

Still, there is no Ombudsman specialized for children and in practice the independent monitoring of children's right is done by a team to office of the National Ombudsman without special focus on child rights, leaving the recommendations in the field mostly informal (CRC/C/BGR/3-5; para 16).

The child rights monitoring by the SACP was based on the indicators of the Strategy (2008-2018). Since the new Strategy was frozen the issue of monitoring in a situation without a strategic plan and indicators, is left open.

The recommendation of CRC related to expeditiously improvement of its data collection system to cover all areas of the Convention remains unaddressed.

### KEY QUESTIONS:

- When the Government wil submit to the Parliament the new Strategy for the Child (2019-2030) nn compliance with the obligations under the CRC and the national legislation?
- What are the plans of the Government to establish an independent monitoring mechanism for child's rights monitoring?
- What are the plans to reform the governmental body entrusted with the coordination of policies related to child rights?
- What are the concrete measures to communicate, inform and promote the rights of the child?
- How the Bulgarian Government is planning to counteract the disinformation and propaganda campaigns against child rights?

## CHAPTER 2: GENERAL PRINCIPLES (arts 2, 3, 6 and 12)

### 2.1. Non-discrimination

There are still practices of discrimination and unequal treatment of refugee children, children with disabilities and Roma children in terms of their access to quality education, healthcare, adequate housing and social environment. The attitudes towards certain groups of children, especially Roma children, continue to be widely discriminative. A media research has shown that the levels of approval of violence against Roma children are almost 40% higher<sup>6</sup> than the average levels. With the exception

*„The other day the teacher said to me:”  
you don`t speak Gypsy here.” We don`  
speak Gypsy, but Turkish. “Here – she said  
– here is not Gypsyland”*

*Focus group, children 12-16, Roma  
Community, Report Card 2018*

More than two thirds of the children, participating in the survey, believe that the problem of discrimination and hate crimes against and between children is serious and often leads to hate crimes.

*Children from 14 to 18 y.o., Survey,  
Report Card 2019*

of the programmes of the Ministry of Education for introducing intercultural education, no other comprehensive steps were taken for the implementation of the Committee recommendation (CRC/C/BGR/3-5, para 20).

The practice of forced evictions of Roma families, even from the sole house of the family, without a plan for housing or supporting the family, followed by violation of other rights of the children such as the right of

education, health services etc. continued during the period. Some of these campaigns are initiated by members of the Government from the far-right political parties, freely using a hate speech and narrative against the Roma community. The ECHR judgment of 2012 on such a case that urges Bulgaria to take interim measures and make the necessary for alternative accommodation in one of the cases is not implemented<sup>7</sup>.

The commitment for setting up a special unit for combatting the discrimination of children at the Commission for protection against discrimination, was not implemented.

*“Is it possible to forbid to the politicians to speak like this – to use hate speech? All depends on the Government, by those who are speaking on the television how nasty the gypsies are”*

*Children from 14 to 18 y.o., Focus group, Report Card 2019*

<sup>6</sup> Media analysis on speaking of violence against children, Perceptica for National Network for Children, 2019

<sup>7</sup> **CASE OF YORDANOVA AND OTHERS v. BULGARIA** (Application no. [25446/06](#))

## 2.2. The right to be heard

*“I really liked the idea of taking into account children’s opinion. I hope it happens sooner”*

*Focus group students 11-18, Report Card 2018*

There were several commitments made by the SACP for the development of models for child participation, during the period 2016-2018. Bulgaria was one of the three countries for the second cohort of piloting of Child Participation Assessment Tool of the Council of Europe<sup>8</sup> in 2017-2018, but the results from the assessment remained unavailable to the public and no follow-up steps appear to be planned.

A positive development can be identified in the increased public speaking of SACP officials about the right of the child to express his/ her views in making decisions affecting them. The role of the Council of Children to the State Agency for Child Protection, however, remains decorative. There are also various children’s councils functioning at municipalities and at schools. However, these councils do not have the purpose to provide platforms for child participation in the decisions related to school or municipality policies but rather are mostly formal or limited to charity initiatives and activities that appear to be close to tokenism.

There is no specific training for institutions, organizations and professionals working with children. As a result, the participation of children remains rather limited due to the lack of culture to support listening and considering the views and expectations of children. A comprehensive and systematic approach to child participation is still absent, opportunities for receiving feedback and consulting children through digital platforms are not fully utilised. The dominant attitude remains that the child is primarily an object of influence, rather than a separate individual and complete person with rights, including the right to an opinion. Thus, to a large extent, the opportunity for child participation remains a matter of personal motivation and an individual initiative of some children or is implemented mainly by non-governmental organisations, and funding continues to be mostly external.

### KEY QUESTIONS:

- What are the comprehensive steps towards reduction of discriminative practices concerning children that the State is planning and/or implementing?
- What are the planned and/or implemented efforts to train and educate professionals on the topic of the rights of the child and child participation, as well as developing mechanisms to assess the activities in the existing forms of child participation and promoting their effectiveness, as well as disseminating good practices?

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<sup>8</sup> <https://www.coe.int/en/web/children/child-participation-assessment-tool>

### 2.3. COVID-19 measures regarding children

The COVID-19 crisis raises important issues regarding the economy of Bulgaria which is the country with the highest risk of poverty (at 32.8% of the population) and social exclusion in Europe<sup>9</sup>, undoubtedly affecting those factors. The share of those severely materially deprived in Bulgaria is also highest in Europe reaching 20.9% which is a significant difference compared to the EU average of 5.8%. The poverty is projected to increase in 2020, given the job losses and rising vulnerabilities associated with the pandemic. The poor are more vulnerable to health shocks due to lower access to healthcare and lower savings to protect against financial catastrophe. Additionally, they are more likely to suffer from income losses as a result of quarantines and disruption of economic activity. There is an expected rise of hunger especially in Roma communities and certain municipalities in Bulgaria with a higher-than-average poverty rate and unemployment (such as the North-Western region)<sup>10</sup>. Children are directly affected by poverty.

The COVID-19 pandemic spurred the debate on health care but did not contribute to the discussion on social protection and social inclusion. There was strikingly small interest to discuss the impact of the health, social and economic crisis caused by COVID-19 on the poorest and most vulnerable members of society, especially on those who were not directly affected through the labour market and towards children. Schools were under lockdown for a long time – almost a year, however, no measures toward the mental health of children were taken.

There were some measures implemented by the Government and the Ministry of Labour and Social Policy directed towards families. One of them is the monthly assistance for families with children up to 14 years of age who study remotely in the event that both or one of the working parents cannot work remotely from home and are not able to use paid leave (the assistance is equal to the minimum wage for the country, which in 2020 was BGN 610 (EUR 311). For families with two or more children its amount is 150% of the minimum wage - BGN 915 (EUR 467) this year). Another measure is the Parents in Employment Programme which provides parents with children from 0 to 12 years of age with childcare services by providing opportunities for employment in childcare. A person can use service of a ‘babysitter’ under the programme if he/she is unemployed or need to return to work after the first or second year of maternity leave.

By February 2021 in Bulgaria there are no measures specifically related to the pandemic - which have good prospects to become permanent, especially such regarding children. All the measures regarding families are introduced and implemented with a time limit (though set deadlines for some of the measures were extended several times). Furthermore, there is no plan for measures for the transition period and the post-crisis period regarding children’s mental health and physical health. In addition, even the existing measures do not cover a substantial amount of children and families.

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<sup>9</sup> Downward trend in the share of persons at risk of poverty or social exclusion in the EU, Eurostat Newsrelease, 16 October 2019, <https://ec.europa.eu/eurostat/documents/2995521/10163468/3-16102019-CP-EN.pdf/edc3178f-ae3e-9973-f147-b839ee522578>

<sup>10</sup> The impact of the COVID-19 crisis on poverty and social exclusion in Bulgaria ESPN Flash Report 2020/34, George Bogdanov (National Network for Children) and Boyan Zahariev (Open Society Institute)

#### KEY QUESTIONS:

- What complex measures the State is envisaging to address the issues caused by the COVID-19 pandemic in terms of limited access to rights due to poverty?
- Is there a plan or intention of planning a mechanism for guaranteeing the housing and access to other rights on national level for children from families whose homes were removed as illegal?
- Are there any measures planned in terms of prevention and intervention of discriminative or hate speech publicly, including by government officials?

## CHAPTER 3: FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTS.5, 9-11, 18, paras 1 and 2; 19-21, 25, 27 para 4 and 39)

### 3.1. Family Environment

A national representative research held in 2018 reveals that only 30% of parents that have reported for having systematic problems with their children (2/3 of the respondents and 89% of respondents share about a problem at some point for the upbringing of their children) have searched for support and only 5% of them can name specific organization or institution able to provide support<sup>11</sup>.

There are almost no changes for the last 5 years in the amount of monthly childcare allowances, which are given on the basis of income criterion<sup>12</sup>. There are also tax breaks regardless the income for every family of the value of 1.67 BGN (less than 1 EUR) per child/ month. The main developments in the field are the one-time aid for adopted child, enforced in 2016. Additional allowances and parental paid leave were introduced as a measure to mitigate the impact of the lockdowns and other restrictions dues to Covid 19 pandemic.

The period was marked by debates around the initiative of the Ministry of Labour and Social Policy (MLSP) to draft a comprehensice Social Services Act that presupposes new approaches of planning, control on

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<sup>11</sup> Attitudes towards the right to protection from corporal punishment in Bulgaria, Agency Noema for National Network for Children, 2018, <http://endviolence.bg/en/chapter/#izsledvane>

<sup>12</sup> The income should be below 350 BGN in 2016, raised to 410 in 2020 BGN (205 EUR), determined also by the sequence of the children – 40 BGN for 1<sup>st</sup> child, 90 for 2 children, 135 for three children and 10 to 20 BGN for every next one.

the quality of the services and easier access not only for families at risk, but also for consultations and early support for all families and children. The Act is in force from 1 June 2020. In 2016 a proposal for a Vision for family policy was submitted by the National Network for Children based on evidences from an analysis of the existing legislation, administrative framework, practices as well as research on the parents' opinion in partnership with the Bulgarian Academy of Science.

The Vision was widely consulted with parents and professionals and presented at the Parliament. The National Strategy for the Child was based on this Vision.

The freezing of the Strategy for Child in 2019 accompanied by the delayed enforcement of the Social Services Act led to an indefinite delay in the planning and implementation of certain family support measures. This specifically influenced the measures for prevention of the separation of children from their families.

*“They [the social workers] came for inspections, but no one told me I had to go live in institution”.*

*Focus group, children in residential care, Report Card 2018*

### **3.2 Legal proceedings under the Family Code in parental conflicts**

Despite the steps taken and the commitment made to develop child-friendly justice, children's participation in proceedings under the Family Code is still not properly regulated by law. There is no unified methodology to examine, and respectively ensure the best interests of the child, regulated in the current legislation and applied unambiguously by experts in the field.

The draft National Strategy for the Child 2019 – 2030 had envisaged guaranteeing the right of every child to a safe environment, prevention and protection from violence and other harmful actions and effective access to justice and the provision of opportunities for the child to participate in decision-making on matters that affect him/her. The protection of the best interest of the child was practically solely in the prerogatives of the social workers of the Agency for Social Assistance. They are the government authorities to which the current legal framework refers the court in order to establish if a solution submitted for approval by the court or considered by the judge is in the best interests of the child. All this places an unbearable administrative burden on the limited resources of the Agency for Social Assistance, and in practice for yet another year has showed inability to achieve this. At the same time, our legislation fails to consider the introduction at legislative level of a list of criteria that characterize a solution as one meeting the best interests of the child.

#### **KEY QUESTIONS:**

- What are the measures envisaged in terms of guaranteeing the best interests of children involved in proceedings under the Family Code?

### 3.3 Child Poverty and Welfare

Every third child in Bulgaria lives at risk of poverty, and this has been a steady trend over the last decade. In 2019 **39.9%** of children aged 0 – 17 years in Bulgaria have lived at risk of poverty and social exclusion (average for EU is 21%). Even though the tendency is of a slow decrease of the indicator, approximately for one in four children the parents are unable to purchase age-appropriate books and two pairs of proper size shoes depending on the season and/or all-season shoes. For 4.6% of the children not a single need can be addressed due to financial reasons.

*It is too bad when on 15th of September\* all the children are telling stories about their sea vacations, and there is always one child who always only has dreamed to see the sea..."*

*Focus group, students, Report Card 2019*

*\*the start of the school year in Bulgaria*

Reducing child poverty was defined as the first operational goal in the National Strategy for the child 2008-2018. However, the data shows that during this period the risk of poverty among children does not decrease significantly, nor does the share of children living in poverty. The data from National Statistics Institute for 2019 clearly shows worsening of the situation compared to 2018 for the families with three

*"Not having a mother, not having a father, working, going stealing, being made to beg - this is poverty."*

*Focus group, children supported by social service "Center for support of children on the street",*

*Report Card 2017*

and more than three children (from 51.2% in 2018 to 62.3% in 2019) and the families with one parent (30% in 2018 to 41.4% in 2019). Despite the fact that there is no collected information that allows a holistic analysis of the impact of the COVID-19 pandemic, there is no doubt that the consequences from the economic stagnation and the isolation are affecting thousands of children and their families. There is a trend of significant worsening of life conditions for children living at risk of poverty (e.g. closure

of schools due to COVID-19 pandemic led literally to hunger for children living in deep poverty, as they received their main meal for the day at school). The crisis affected also many families in terms of unemployment or involuntary unpaid leave for the parents. The support measures taken by the Government are directed more towards the support of the business, limiting the social measures mainly as one-time assistance granted by the State and a possibility for a loan of 1000 leva (500 EUR). NNC insisted for the creation of urgent plan for providing basic foods for the most vulnerable families with children and planning long-term measures, including economic, social and psychological support on the basis of an analysis of the risks; up until this date (late October 2020) there is no information for such actions on behalf of the government.

There is still no integrated approach between the various sectoral policies in support of parents, which hinders the potential positive effect of the fight against poverty and social exclusion of children. Moreover, as mentioned several times above, 2019 was marked by a series of decisions to suspend key much-needed reforms to that effect.

According to children, being poor means being in need - being deprived of things that are a basic necessity - food, electricity, water, heat, clothes, home. Being poor is not being able to travel and being limited in doing the things you want to do; not being able to apply to school after 7th grade because your parents can't afford to buy textbooks. Being poor also means being deprived of social life, being alone and having no friends, smelling bad because you haven't had the possibility to take a bath. Being poor also means being isolated and not being heard. It means being different and ashamed of it. It means not knowing where to go, because someone has torn down your house. Living in poverty means begging, working, even 7-8 years old, collecting bottles, or stealing.

According to the children, the important thing is to look for a general solution to the problem of poverty. The way out of poverty is to go to school, so the state can help children with transport, textbooks and aids.

*Results from the survey on the children`s opinion, Report Card 2018*

### 3.4 Deinstitutionalization

In 2019 a total of 10 263 children live out of their families. 4637 are in kinship care<sup>13</sup>, 2979 in residential care (Family-Type Placement Centers (FTPC) and others), 2117 in foster families<sup>14</sup>, 510 are in institutional care (despite the fact that an Order of the ASA Director forbids the placement of children without disabilities under 3 years old in institutional care, there are 46 cases of placement of children in 2019); 123 in Correctional Boarding Schools (Social-Pedagogic Internats and Educational School Internats); 116 in Crisis centers for persons and children, victims of violence.

The deinstitutionalisation (DI) process continued during the reporting period. Several projects and operations took place, specifically focused on infrastructure, assessment and determination of the best interests of children and their relocation. By the end of 2020 8 institutions for children without parental care and 8 institutions for medico-social care are closed down. The remaining 4 big institutions for medico-social care will be closed down by the end of 2021.

Despite these efforts, the sustainability of the process and the achievement of full DI remains unclear as the number of children separated from their families has remained relatively constant (about 2000 children per year). One of the greatest risks is the lack of holistic family support and measures for

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<sup>13</sup> Data to 30.09.2019

<sup>14</sup> Data to 30.09.2019

prevention of the separation of children from their families; another risk is the regress of the child protection system and the lack of institutional, human resource and development capacity.

The Report of the National Preventive Mechanism (NPM)<sup>15</sup> at the Ombudsman Institution for 2020 identifies an alarming trend of accelerated removal of children from medical and social care homes without the construction of new social services. Some of the children were taken to family-type accommodation centres for children with disabilities, while others were moved to the other four still operating homes for medical and social care. These concerns are also shared by representatives of various NGOs as well as human rights defenders.

*„They have no money, no job and no home, so they abandon us. “*

*„The state and the social services, if they come more often and help our parents and find them a job, we would be with them. “*

*Focus group, children in residential care, Report Card 2017*

Children believe that every child should grow up in a family. That is important - to help and support families who are considering abandoning their child - with material assistance, with finding a job, with learning how to take care of their child. To be able, if the child does not live with his family, to be cared for of by relatives – aunt or uncle. To be able, if you are in care, to see your loved ones. To be able to see how a family lives so that you can know how to start a family one day. If you cannot live with your own family, it is important to know where you are going and what will happen to you.

*Results from the survey on the children`s opinion, Report Card 2017*

The social services providers and the field workers reported that the COVID-19 pandemic has created additional risk for abandonment of children and the need of more focused work on prevention. A few donors established funds for supporting the prevention work of NGOs and social services. There is no information if MLSP, SACP or ASA have planned such measures. The capacity of Child Protection Departments in municipalities remains a concern due to the constant turnover of social workers, their overload, and often — focus on the paper work rather than on case management. Additional factors impacting the unsatisfactory performance of the departments are inadequate education, low salaries and work conditions and on the top of this – anti child protection propaganda.

A positive trend is that the larger part of separated children families are placed in kinship care. At the same time, the use of residential care in FTPC remains excessive. The high number of children in one centre — 14, ignoring the recommendations made for each child based on individual assessments, urgent regrouping of children and relocating them to a FTPC at the same time, as well as the extremely low financial standard, led to many problems that compromised the

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<sup>15</sup> <https://bit.ly/2OfqMY9>

model of alternative community-based residential care<sup>16</sup> as set out in the UN Guidelines for Alternative Care for Children<sup>17</sup>. It is worrying that the newly built FTPCs to accommodate the severely institutionalised children and young people, continue to be the preferred option for placement instead of family based alternatives. The support services for the birth or extended family and foster care for children with disabilities or challenging behaviours are insufficient or do not have the capacity to cope with such cases. It remains unknown whether there are measures planned for improving the quality and the issues of the placement and functioning of the residential care, but the institutions claimed that the new Social Services Act should support the solving of most of the issues.

*"I don't think there are many parents who would willingly and without personal drama leave their children in a social institution."*

*Focus group, children in residential care, Report Card 2018*

### **3.5. Foster care and adoption**

An analysis of ASA under the 'Accept me 2015' project indicates that the number of removed foster families exceeds the number of newly approved, which is an extremely alarming indicator. The number of foster families is decreasing as consequence of the lack of support and development of the service.

The foster care in Bulgaria is financially supported mainly by project funded by European Union (e.g. 'Accept me 2015' project under OP HRD 2014 — 2020). This situation led, on one hand, to orientation to implementation of project activities and achievement of project indicators instead of provision of sustainable, quality and supported by the state care. The project financing, on the other hand, raises another concern for the sustainability of the social service. All this leads to decline in the motivation of the members of the foster care teams and of the active foster parents themselves. The ongoing propaganda campaigns against foster care and foster parents as "money-seekers", and against the NGOs supporting them as "thieves of children" and the lack of positive national information campaign on foster care makes the situation even worse. The new Social Services Act created the necessary prerequisites for the full provision of the service, but the implementation of the law has not started yet since its secondary regulations are not available.

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<sup>16</sup> These conclusions were confirmed by the Report of Disability Rights International and the third BBC documentary of Kate Blewett in 2019 "Tomorrow – the hidden children of Bulgaria".

<sup>17</sup> External evaluation of Lumos Foundation — 2016; Analysis of the Standing Expert Working Group (SEWG) at the State Agency for Child Protection (SACP) - 2018

The necessary changes in the adoption procedures are on hold. Notwithstanding the positive feedback from the upgraded training programme for prospective adopters, developed in 2018 together with NGOs and approved by the Minister of Labour and Social Policy, there is no information about any adequate training on assessing the motivation of the prospective adoptive parents. There is no comprehensive government policy to support adoption, including an in-depth qualitative and quantitative analysis, as well as a justification of the reasons for the decrease in the number of children submitted to the Adoption Register, as well as the year-to-year declining number of adoptions. In violation of the Family Code requirements, the ASA has not yet developed a certified National Electronic Information System of the children eligible for adoption and a National Register of prospective adopters for full adoption. There is an alarming trend of increasing number of terminated adoptions, and placement of children in residential care.

#### KEY QUESTIONS:

- What are the concrete strategic and operational measures of the Government to implement the Vision for family policy?
- What is the effect of the implementation of the mechanism of tax break for children?
- What are the measures planned to strengthen the child protection system and to support the social workers to provide effective prevention of separation of children from families?
- What is the vision of the government for the sustainable development of foster care?
- When the Government will take action to implement the UPR recommendation 2011 (UPR)91 to introduce legislation prohibiting secrecy in adoption and guaranteeing the right of the child to know his or her origins; and regulate methodology for collecting, storing and accessing information, protecting the interests of all three parties

## CHAPTER 4: CHILDREN WITH DISABILITIES AND BASIC HEALTH (arts. 6, 18, para 3, 23, 24, 26 and 27, paras 1-3)

### 4.1. Children with disabilities

There is still no detailed and practically useful statistics on children with disabilities and chronic diseases. In spite of the implemented projects and the commitments made in public, neither the Register of the Agency for People with Disabilities, nor those of the Territorial Expert Medical Panels, the National Expert Medical Panel, or the Agency for Social Assistance, nor even that of the National Statistical Institute, are able to provide up-to-date information on the number of children with disabilities in the country and the

type of needs they have. Without such database, no targeted and effective policies for children with disabilities can be expected at local and national levels.

In 2019 series of protests of parents demanded an effective application of the Convention on the Rights of Persons with Disabilities, individual assessment of the needs of each child, and guaranteed provision of personal assistance. The protests were commented in unacceptable way from important political officials, legitimising discrimination against the families of children and young people with disabilities. In 2018 the Medical equipment and aid list for children with disabilities was updated for the first time for the last 10 years. New additions included wheelchair for children and standing frame for children. The People with Disabilities Act of 2019 provides for redirecting access management to medical equipment and aid to the Ministry of Health(MoH), aiming for a needs-based provision, which is a good step towards reducing discrimination.

Serious problems are also faced by children suffering from rare diseases and severe conditions requiring medicinal foods and supplements. The reimbursement for some medicinal foods from the National Health Insurance Fund is only done in the case of patients with certain rare (congenital metabolic) diseases. The access to such foods for children suffering from malnutrition and cachexia as a result of various other diseases is difficult and expenses are generally borne by their families. As these can be impossible to afford, most of them are constantly raising funds through donor campaigns. Modern treatment, on which children with certain rare diseases rely, also remains outside the reach of Bulgarian children. Service distribution is uneven and is concentrated in big cities. Moreover, there are municipalities without a single service for children with disabilities. We are witnessing a growing tendency for the families of children with disabilities to emigrate for health reasons.

Despite the successful DI, the remaining institutions and small residential homes still predominantly accommodate children with disabilities who also experience trans institutionalisation - transfer to residential-type of care, instead of reintegration, adoption or foster care. Those children are mainly the reason why the homes for medical and social care for children still exist.

## **4.2. In-patient and out-patient care**

In 2019 the National Immunisation Schedule was updated<sup>18</sup>. At the same time, effective monitoring is in place on the implementation of the national Immunisation programmes by the GPs and by the Ministry of Health. The cases of measles (morbilli) increased in 2019 mainly in communities with lower access to health services. Over 23 000 cases of uncovered children were identified and vaccinated. In 2019 the Administrative court in Sliven ruled that the denial of access to kindergarten due to lack of vaccines is discrimination, despite the law requirement. The case was filed by priest Evgeniy Yanakiev, who defined the court decision as “breakthrough in the fight against the vaccines”. Fortunately, the High

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<sup>18</sup> Including reduction of the Pneumococcal conjugate vaccine (PCV) for children under 6 months from three to two doses, abandonment of the Mantoux test and revaccination against tuberculosis of children aged 11, introduction of revaccination against pertussis of children aged 12, adding the chickenpox vaccine to the list of recommended vaccines.

Administrative Court overturned the decision in 2020 stating that vaccination is in the best interests of the child as well as in public interest.

In 2019, after many years of advocacy by the team of the National Network of Health Mediators and NGOs supporting the model of health mediation, the activity of health mediators was included in the Health Act, which highlighted their role in implementing health prevention policies and facilitating the access to health care for vulnerable groups. In 2019, the health mediators network expanded by 15 positions, with 245 positions in total in 130 municipalities.

Main issue in the field remains the establishment of National Children`s Hospital. After the breakthrough at the end of 2018, when the Government decided to establish the hospital, the process stalled. Serious doubts concerning the safety and functionality of the proposed 40-years old unfinished building and the lack of a construction and management plan for the hospital appeared. The MoH assigned the construction at the price of 78 million BGN (about 40 million EUR) to an external contractor without an analysis or clear task. For 9 months, MH refused to take into account the serious concerns raised by the professional and civil society organizations, including protests and petition signed by 18 000 citizens. After the intervention of the Prime Minister in May 2020, a commitment was made for making an analysis and detailed planning for the establishment of the Hospital, as well as creation of a Public Council for guaranteeing the transparency and accountability of the process; to date, there is no clarity when and how it will happen.

### **4.3. Mother and child health**

As of 31 January, 2020, the government had no summarised data on the state of maternal and child health indicators in the past 2019. This, in itself, is a sign of failure to meet one of the measures laid down in the National Program for Improving Maternal and Child Health 2014 — 2020 (NPIMCH). For the first 9 months of 2019 in the Health Consultation Centres established under the NPIMCH, on average, less than one consultation per day was provided. More than half of the uninsured pregnant women have not received their due examination by an obstetrician-gynaecologist, and medical-diagnostic tests were performed for only about 1/5 of the uninsured pregnant women during the year.

According to the Bulgarian Medical Association and the Bulgarian Association of Healthcare Professionals in 2019 there were about 1,400 obstetrician-gynaecologists and 3,800 midwives in Bulgaria. A serious problem is the high average age of midwives — 53 years — as well as the uneven distribution of specialists.

By 2019 in Bulgaria there were still significant shortcomings in the field of comprehensive monitoring of premature babies, which is confirmed by the absence of sustainable and regular monitoring by medical professionals in the first seven years after their discharge from the neonatology ward, and in their monitoring by non-medical professionals working in the field of early child development.

The main unfavourable characteristics of infant nutrition in Bulgaria include late start of breastfeeding; low frequency of exclusive breastfeeding; short duration — an average of 3 months; giving sweetened

water to infants and early adding of fruit juices to the diet, which prevents successful breastfeeding; low nutrient density of a number of micronutrients in the solid foods.

#### **4.4. Infant mortality**

There is a sustainable decrease trend in the infant mortality rate from 6.5 ‰ in 2016 to 5.8 ‰ in 2019, but the levels are far from the average infant mortality rate in EU, which is 3.6‰. Another issue is the big regional disparities and the especially high rates in rural areas - 5.0 ‰ for the urban and 8.1 ‰ for the rural areas. There are districts with rates 10.6 ‰ and even 11.3 ‰. It is not clear from the information provided by the MoH whether the ministry is planning specific measures to overcome the high level of infant mortality in these towns, as well as whether the reasons for this are being analysed.

#### **4.5. Mental health**

For several consecutive years the Ministry of Health did not take actions for setting a programme for prevention or early diagnosis of mental health conditions leaving detection and therapy of psychiatric disorders to the nurseries, kindergartens and schools. At the same time, these structures are not able to meet the need for early detection and adequate interventions in cases of mental distress in children.

In October 2020 a draft of a National Strategy for Mental Health of the Citizens of Republic of Bulgaria was introduced for public consultation. The document identifies as challenges the lack of a unified information system, insufficient number of the child psychiatrists, the lack of integrated mental health services and investment in mental health. One of the strategic goals is development of the child and adolescent psychiatry. The document envisages better coordination and collaboration with the general practitioners for the adolescents over 14 y/a and supporting the development of services for consultations of parents, day care and residential centers integrated in already existing services as hospitals or centers for mental health. At the time of the submission of the report the Strategy is still in its draft phase.

#### **4.6. Adolescents health**

According to the European Drug Report 2019, the use of cannabis, MDMA (ecstasy) and other drugs among young people in Bulgaria showed a steady upward trend. According to a study by the ESPAD (European School Survey on Alcohol and Other Drugs), the illegal substances continue to be considered the most readily available compared to the rest of Europe (44% of the respondents in Bulgaria indicate that marijuana is readily available, 23% consider amphetamines readily available, while methamphetamines — 17%). The frequency of early use initiation (under 13 years of age) of amphetamine or methamphetamine in Bulgaria is the highest — 3%.

According to Eurostat data for 2016, 34.7% of 15-year-olds in Bulgaria smoke (compared to 32.6% in Greece). According to the European Commission's Health Profile for Bulgaria for 2017, the prevalence of

smoking among 15-year-old boys is the second highest in the EU (21%, after Croatia), while 30% of 15-year-old girls are regular smokers, which is the highest level in the EU.

A National Strategy for Combating Drugs (2019 — 2023) was adopted in 2020. While the results of its implementation are expected only after a five-year period, the situation with the drug use in the country is getting more complicated and shows lack of understanding regarding the problems of drug addicts, on the part of institutions. The most at-risk group are children aged between 14 and 18. The existing programmes for minors are not enough. Addicts are not encouraged to seek help from teachers or parents because they fear punishment and stigma. While hiding their problems, these children continue to use drugs without any hope for adequate help, especially those living in villages and small settlements.

There is sustainable trend in the number of terminated pregnancies of girls under 18 for the last years, consisted of about 2000 per year, by girls under 15. In the same time, the births of children by mothers under 18 is 3073 for 2018.

#### **KEY QUESTIONS:**

- What are the specific measures to increase the vaccination coverage?
- What are the measures to address the high infant mortality rates in some of the regions?
- What is the follow-up of the National Programme for Improving Maternal and Child Health and what are the measures planned for expanding the scope of the programme and the health services and procedures for monitoring of the uninsured pregnant women?
- What are the drug abuse prevention measures and intervention services?
- What are the measures to proceed with the establishment of the National Children Hospital in a timely, transparent and publicly accountable process?

## **CHAPTER 5: EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29 and 31)**

### **5.1. Early child care and education**

By the end of 2018, the coverage of children under 3 in nurseries is 16.6% (According to NSI data), which is far below the EU average and the figure for children with mother tongue other than Bulgarian, is even

less. The number of children enrolled in kindergartens in the 2018/2019 school year was 218 767, which represents 78.4% coverage of children in the age group 3 — 6. In 2019 state budget the funds allocated for education account for 3.6% of GDP, which is lower than the EU average of 4.7% of GDP.

The challenges for Bulgaria in the field of early childhood are numerous: access to health care; barriers to inclusion and inclusive education at a practical level, insufficient facilities for early education; uneven planning of community-based services; lack of sustainability of some services; ensuring access and quality of services; shortage of specialists in key areas, as well as a lack of knowledge and skills of professionals to promote early child development.

In 2020 some amendments in the Pre-School and School Education Act introduced obligatory pre-school education by the age of 4, support for the meals fees, as well as reimbursement of the costs for raising and educating non enrolled children due to lack of places for preschool education in state and municipal kindergartens and schools.

Despite the commitment, the National Early Child Development Strategy was delayed. This left with no political commitment some key proposals of the leading NGOs in the field of early child development including the development and financing a sustainable home visiting policy to assist parental skills at early age, particularly enhanced support for the most vulnerable children and their families. The postponement of the Social Services Act has limited the opportunities for children and families to use generally available services in accordance with their specific needs. Another proposal was made to improve the skills and knowledge of health professionals working with young children on the psychological needs of the newborn and their family, through the design and delivery of training courses and inclusion of early childhood development in the compulsory curriculum of all medical universities and colleges<sup>19</sup>.

The lack of a common competence profile of the specialist working with children aged 0-7 and the fragmentation of policies by sectors limit the opportunities for targeted and effective development of competencies to support early child development. **A Study conducted by For Our Children Foundation**<sup>20</sup> found that although professionals in education, social work and health care have a high level of education, even compared to good international practices, they indicate insufficient knowledge and skills on key topics such as working with family and community, child participation, work with children in vulnerable situations and children with special educational needs.

The study shows that the professional development of specialists in Bulgaria depends mainly on their motivation and initiative, and is not a function of an organized system. In all three sectors (educational, social and medical), barriers exist to professional development related to working conditions. Although working conditions in the education sector have improved in recent years in terms of salaries and material resources, the problem of group workload and the inclusion of children with special educational needs is

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<sup>19</sup> This proposal is particularly relevant in the context of the Council of the European Union Recommendation on High-Quality Early Childhood Education and Care Systems, adopted by the Council and its 'Quality Framework for Early Childhood Education and Care'

<sup>20</sup> <https://bit.ly/3sMOSZj>

a serious challenge. Significantly more unfavourable are the working conditions in the social sector, where due to low pay and low status of the profession, there is a significant turnover. The large amount of administrative work is a significant obstacle to professional development.

## 5.2. School education

There is a serious decline in the functional literacy of Bulgarian students in the three-years period<sup>21</sup>, resulting from an increase in the share of students scoring below the critical level 2 (practically functionally illiterate) and a decrease in the share of top performers.

The digital and media literacy is recognized by the Ministry of Education and Science (MES), but it is still not explicitly planned into the state educational requirements. There are separate components in the current curriculum, but still without a holistic and systematic approach. As early as the beginning of 2019, the MES adopted a roadmap and memorandum on digital education, but the focus is more in the infrastructure (free wireless network, digital supply, devices and projectors) rather than in the educational contents.

Ensuring enrollment of all children in Bulgaria in preschool and school education is one of the main political commitments of the government and in 2019 it was followed by the Mechanism for joint work of the institutions for coverage and retention in education system, established in 2018. In 2019 the mechanism was developed by adding dropout prevention teams. Despite its undeniable advantages, it has certain limitations mainly in terms of important problem areas that cause non - participation or dropping out of school which are not addressed -such as financial barriers, indirect costs for education, migration. In general, the focus remains on the role of institutions, while the role of local communities and the civil sector is underestimated.

Main challenges in front of the equal access to quality education remain the desegregation of the Roma schools and introducing of intercultural education. Despite the initial difficulties, the project Support for Success, the inclusion of thousands of students with learning difficulties in additional training in Bulgarian language, mathematics and others items have a positive effect. Extremely important is also the appointment of nearly 1000 educational mediators and social workers in schools. The MES implemented a national program for desegregation, funded by the state budget, which was an important step; unfortunately, due to insufficient information and popularization, only 6 municipalities took the opportunity.

*„I don't see discrimination at school, as all the children are from the minorities”*

*Focus group, students 12-16 y.o., Roma community, Report Card 2018*

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<sup>21</sup> According the comparison of PISA results in 2015 and 2018

At the same time, a new condition for the cash transfers to families with children was introduced in 2019 – the child should not have more than 5 unexplained absences from school. This measure affects one of the groups with most difficult access to education – the families living at risk of poverty, which shows lack of understanding of the reasons of dropping-out of education. The closure of schools because of the COVID-19 pandemic created additional challenges in the access to education mainly for the children living at poverty. The distance learning that continued for 4 months was not accessible for the children without digital devices. The main support for the provision of digital devices have come from donation campaigns conducted and coordinated by NGOs. The MES is planning measures for providing digital devices for the new 2020/2021 school year, but it is still too early to estimate the impact of the measure.

At the end of the reporting period, the teacher`s salaries were risen with the aim to attract attract and retain young teachers, since the share of teachers under 30 in 2019 remained very small - only 6%. A national programme “Motivated teachers” started in 2019, aiming at attracting students and professionals of other fields to work as teachers with 311 participants.

Children do not go to school for several reasons. For some of them, school is not interesting and they do not see the point in going. For others, school is scary because they feel different, and sometimes that leads to beatings. Others have no clothes or money for textbooks. It is difficult for children from families with more children to go to school. It is difficult even if you do not know Bulgarian.

*Results from the survey on the children`s opinion, Report Card 2019*

Children believe that school will be more meaningful if it:

- provides more life and social skills;
- enables children to learn early about the different professions, to have individual work with students in order to give the right direction for a future profession;
- it is possible for other specialists to enter the school - doctors, psychologists, so that they can receive other knowledge about the different professions and about life;
- children should be directed to choose a profession that is consistent with their desires and interests;
- change the curriculum to include more practical activities and sports;
- the curriculum must include knowledge of communication between people, how to overcome conflicts; also, health topics for nutrition, hygiene;
- there are more activities of interest - clubs for technical and computer skills, making products, etc., which give real life skills;
- there are younger teachers teaching;
- schools have nice sports grounds and gyms.

*Results from the survey on the children`s opinion, Report Card 2017*

Another trend in the reporting period was the limitation of access of the CSOs to some of the schools due to propaganda and disinformation campaigns. The access of several programmes, especially in the field

of the prevention of violence, sexual and reproductive health was denied or became difficult, depriving both children and teachers from the additional support provided by the NGOs.

### 5.3. Inclusive education

There is a significant increase in the number of children and students with special educational needs, enrolled in kindergartens and schools, as well as in the number of pedagogical specialists, supporting their inclusion.

The MES has continued its policy to support the process of inclusive education. The National Programme 'Providing a modern educational environment' supported the infrastructure adequate to the needs of children in the special educational support centres and school infrastructure, related to teaching sciences and for the all-day organisation of the school day. Additional funds are provided for the appointment of pedagogical counsellors and school psychologists.

*"The school does not respond to the needs of each child, because there are a lot of children with different needs in each class, and I think the classes should be smaller and have more teachers."*

However, more and more focused efforts are needed to ensure and provide support to children at risk that goes

*NNC Rapporteurs, 2020*

According to the children, the whole school is one community and everyone should behave in this way and help each other. There is a need of more extracurricular activities to unite the class, to organize interactive activities in schools to teach children. It is important to talk about the fact that everyone is important and to have more common tasks. If teachers participate in such activities, students will not only see them as people who write grades.

*Results from the survey on the children's opinion, Report Card 2019*

beyond the additional lessons in the school subjects. For this group, support is facing challenges related to lack of methodologies, lack of human resources (often there are no specialists in the educational institutions) and last but not least, lack of funding. In this sense, it is also necessary to improve the coordination of social, health and educational professionals.

### 5.4. Health and civic education

There is a strong legal basis for the provision a health education including sexual and reproductive health education including for prevention of sexually transmitted diseases and AIDS. However, these topics are not integrated systematically in the curriculum and to a large extent depend on the views of school administration and teachers. The sexual education is included in the State educational standard for civic,

health, environmental and intercultural education, which provides the health education as a part of the general education without specific curriculum.

Sexual and reproductive health education is also one of the topics under serious attack by the propaganda campaigns in the last 2 years along with the issue of violence against children and the children's opinion. Statements against the introduction of "sexual training of the children since age of 4 in the kindergartens, made by World Health Organization (WHO) standards" became widespread among parents and provoked outrage. Along with the false news in the social media, the institutions have not defended the need of sexual and reproductive health education, neither had they explained the need or the mechanisms of implementation of such education. There are several public statements of the MES that "gender education would not be allowed in the schools".

*"I don't think there is enough curriculum to get a good health education. We don't talk for the harm from drugs, smoking or sexually transmitted infections. "*

*„Discussion. In addition to the lecture and the huge amount of information, there should be a space where children feel good, ask questions and know that there is someone to answer – because at the end of the day it is not the storks who carry babies.”*

*NNC Rapporteurs, 2019*

## **5.5. Leisure and cultural activities**

The measures taken at state and municipal level, and aimed at improving the physical and mental capacity and the meaningful leisure time of children rely mainly on project funding; they are not strategically interrelated, there is no data to what extent they have managed to cover the most vulnerable groups of children, nor is there an analysis of the effectiveness and efficiency of the funds utilised during the year. There is no information on the quality of the services provided, whether they are accessible to all and how many children and young people have been involved in them.

There is a positive development on the part of the government to develop centres that provide leisure time services to children and young people, for which short-term funding is provided. However, there is no vision and concept of how the activities of these centres will be transferred to the level of a smaller municipality or village, where opportunities for children and young people are very much limited.

#### KEY QUESTIONS:

- Are there measures for expansion of the types of services for pre-school education, including those not provided by the State and guaranteeing flexibility and opportunity for parents to choose from different options?
- What is the connection between the competence profile of the professionals working with young children and the educational and training programs in all three sectors (educational, social services and health)?
- What is the impact of the introduced in 2019 restrictions of the family allowances for the children for whole year, if they have more than 5 unexplained absences?
- What concrete measures is the State planning in terms of protecting the health and especially sexual education from the propaganda attacks?
- What is the State policy related to provision of opportunities for leisure and cultural activities for children living in smaller settlements/ rural areas?

## CHAPTER 6: VIOLENCE AGAINST CHILDREN (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

### 6.1. Child abuse and neglect

Violence against children, child abuse and neglect continue to be a big challenge for Bulgaria. According to data from the National Helpline for Children (NHC) 116 111, the family is the place where mostly face violence children: the signals received by the Helpline were 463 for violence at home, 85 for violence on the street, 20 for violence at school, the number of child victims of violence in institutions is 12, in adoptive family — none, in kinship care — 21, in a public place — 26.

There are about 2200 cases of criminal offences against children per year, registered by the Ministry of Interior. At the same time, in the past 3 years there has been a systematic decline in the number of the reports of child abuse to Child Protection Departments comparing to 3158 in 2016 and 1106 in 2018; this trend was slightly reversed in 2019 when there were 1171 signals submitted. This decline could be explained by the decrease in the trust in the institutions and their reaction in cases of violence against children<sup>22</sup>.

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<sup>22</sup> There are several cases reported to NNC when a signal for child victim of violence has led only to a visit of the child protection department, without further steps for termination of the situation

There is still no unified system for registration of cases of violence against children. The different protection authorities keep separate statistics and the results are not analyzed completely. Ensuring financial and human resources for prevention and victims' support measures and programmes remains a serious challenge. The universal and specialised services for children who have experienced violence are scarce. In most of the regional centres there are no placement services for victims of violence. The Crisis centres continue can't meet the needs.

The most common victims of violence are different children - those who differ in appearance, tastes, behavior, religion or ethnicity. It also has to do with the social situation of children - whether they live in poverty, whether they have problems in their family or living apart from it. According to children, introvert and anxious children, or those who trust too much, are also more likely to be abused. In fact, any child can become a victim of violence because children are more vulnerable and weak.

*Results from the survey on the children's opinion,  
Report Card 2018*

Following the successful campaign against the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (The Istanbul Convention) and the freezing of National Strategy for the Child (2019 -2030) after 2018 the child protection system is regressing in provision of support for children, victims of violence, and prevention of violence. Topics such as child protection and care, support for parents and protection from domestic violence were replaced by a non-existent threat of taking children from their families, which gained public popularity through an active misinformation campaign.

In 2019 and 2020 there was a heavy attack against the NHC 116 111, which is the only available option for children to report cases, including of domestic violence. As a result its outsourcing to a professional external organization was terminated and the management was taken over by the SACP without clarity on the guarantee for professionalism and the M&E system of the Helpline.

*"[It is important] To promote the idea of combating harassment. When people know that there are such problems and see real evidence, they can be provoked to fight violence. "*

*NNC Rapporteurs, 2019*

The Alliance "Childhood without violence", coordinated by NNC put efforts for the translation, adaptation and promotion of INSPIRE Seven Strategies for ending violence against children, including their relevant indicators. Conference on the prevention and elimination of violence against children was held, co-organised by the NNC, together with the MLSP, the SACP, UNICEF, the WHO, Child Protection Hub, supported by Terre des Hommes and a number of other

non-governmental organisations and leading experts. Unfortunately, the government's willingness to consider and adopt these strategies remained non-existent.

The COVID-19 pandemic revealed the isolation as a major issue of tackling violence against children, and especially domestic violence. NGOs and social services are raising concerns for potential increase of the cases and fewer options for reporting and looking for help. This trend is supported also by the threat for

the work of the NHC 116 111 after the change of the management due to the active propaganda campaigns.

## 6.2. Domestic violence

Although the SACP identifies domestic violence as a problem, the prevention and intervention measures are insufficient.

A full and explicit ban of the corporal punishment was a measure in the draft Strategy for the Child 2019-2030, but with its withdrawal the political support remains unclear. The corporal punishment ban was one of the main topics in the attacks against the Strategy.

In 2019 changes were introduced in the Penal Code including a better definition of domestic violence and increase of the sanctions for the criminal offences where domestic violence is stated as an aggravating circumstances provisions and introducing children witnesses of domestic violence as victims of domestic violence. In the same time, a holistic approach for addressing the issue is still missing, leaving the domestic violence not properly recognized by the institutions<sup>23</sup>.

Another big issue is the insufficient number of accessible services for children victims of violence with special focus on the services for placement like the Crisis centers, which are missing in most of the district cities; the existing services are functioning in the most cases on full or above capacity and cannot answer to all the cases.

There were several worrying cases of murders of children committed by parents throughout the reporting period. In some of them there were signals for domestic violence to the police and to the Child Protection Departments. The systems demonstrate lack of capacity to manage such cases. For example, the last case of murder of both children by the mother provoked the NNC, together with the Coalition against Violence In to seek answers from responsible institutions. In reply to the questions only few institutions provided answers. The Child Protection Department refused to provide any information pretending that it is banned by the Data Protection Act; SACP claimed that measures were taken such as discussions at national level regarding domestic violence and violence against children, and the Regional Court stated that the reason to delay the domestic violence claim was to ensue the procedural rights of the mother. The Court also confirmed that the two pending cases – for granting custody to the father and for protection of the mother against domestic violence were being heard by the same judge. On January 15, 2021, long after the tragic event, the court ruled in favour of the mother and imposed restrictive measures under the Protection against Domestic Violence Act against the father.

*"Every action of parents on their children at an early age affects their further development (mental, professional, etc.). I am against punishments, especially physical ones, because they cause insecurity and inferiority complexes, which in turn makes the child's future uncertain. "*

*NNC Rapporteurs, 2019*

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<sup>23</sup> E.g. – the Ministry of justice is planning and implementing trainings about the protection measures for magistrates without taking into account the legislative changes; at the same time, the Ministry of Interior is focused mainly on the children living in the streets.

We believe that the death of the two young children in Sandanski was a reason once again to put on the agenda such an important issue in our society, which is not discussed enough - how the alleged long-term mental and physical violence against a woman could lead to the murder of children, and raise the broad question of the acceptance of violence against women and children as a serious problem and whether prompt, effective and adequate consideration of the signals of violence and timely response by the institutions could prevent this tragedy. Unfortunately, we are not familiar with specific actions that were taken to prevent such cases from happening in the future.

### 6.3. Violence in educational and care systems

Violence in institutions continues to be a fact and is manifested in various ways — from physical abuse to psychological harassment. Data on such cases exist, including of cases that have been made publicly known. The usual way to deal with violence and bullying at school/kindergarten is referral to the psychologist or the pedagogical counsellor, but their number is insufficient — currently one staff position for a psychologist is granted per 350 enrolled students. There are also schools and kindergartens that have teams of professionals, involving teachers in the process of combating violence and bullying, but those are still a few. Still the system suffers from a lack of human resources including trained supervisors.

*“We had a teacher who beat me a lot with a truncheon and all the other students too. He moves the desks against the wall, because when you run in the room and when he goes to chase you, he traps you by the desks and you can't move anywhere and he beats you.”*

*Focus groups, students, Report Card 2018*

In 2019, there was no official government document that would indicate any commitment to combating school violence and bullying. An aggression and violence prevention programme is under development in partnership with UNICEF Bulgaria (according to the MES).

Only 3% of the children who participated in the survey believe that children are rarely victims of school violence. [...] At first glance, the most common violence in schools is a fight between students or mental harassment between students. [...] They wonder if when the teacher makes you throw away food or drink, it's not a form of violence either. [...]

According to the children, it is important to say loud and clear that what is happening is wrong - and then it is much more likely to stop. Some of them know that they can generally turn to teachers, principals and parents, but others do not know how to react and to whom to turn - mostly because they are ashamed and worried.

Campaigns against violence and aggression are also commented on, but there is a feeling that they are often pro forma and it is not clear why they are done. It is clear that parents and school are somehow separated and do not talk to each other, and a child can suffer violence both at school and at home. According to children, there is a need to talk more about how to prevent the problem together with teachers and parents, and it is necessary to enable children who suffer from violence to talk, seek help and share. There may be extra classes at school to talk more about the topic.

*Results from the survey on the children`s opinion, Report Card 2018*

## **6.4. Online safety**

A survey conducted by the Bulgarian Safer Internet Centre on the Internet use by children under 8 shows that 75% of children under 8 years of age have access to the Internet and the start of playing online games is between 3 and 4 years.

A specialised web portal provides and information about online risks, cybercrimes and harassment where children can also report cases. There is also a certain progress with the specialised web portal *cybercrime.bg*, managed by the General Directorate 'Combating Organised Crime' of the Ministry of Interior. The portal provides a comprehensive information about the various types of online exploitation

and assaults, but the children are not the main target group so contains the typical warnings — not to share personal information and files with strangers and to inform their parents about everything they do or happens to them online.

Still, the responsible Bulgarian institutions do not commit sufficient resources to guarantee more effective mechanisms for the protection of children online. The main efforts to prevent child abuse in cyberspace continue to be an initiative only of the civil society organisations, as the Cyberscout Training Programme of the Bulgarian Safer Internet Centre with the Applied Research and Communications Fund and the *Parents Association*, which only in 2019 reached more than 1500 students at 10-12 years old.

The children believe that the school has a very important role in informing about the basic safety rules of the Internet. Therefore, it is necessary to introduce digital literacy as part of the teaching material, but not only in information technology classes. It is necessary to raise the qualification of teachers in terms of digital technologies in order to be able to acquaint students with the rules.

*Results from the survey on the children`s opinion, Report Card 2017*

There is not much talking about safety on the Internet - it is learned mainly from experience and it is definitely not learned at school, even in computer science classes. Parents also do not talk much about this topic, probably because many of them are not aware.

*Results from the survey on the children`s opinion, Report Card 2018*

#### **KEY QUESTIONS:**

- What are the plans of the Government to update and the follow-up the implementation of the Coordination mechanism in cases of children victims of at risk of violence?
- What is the State policy for prevention of violence against children?
- What are the measures to strengthen the system of services for rehabilitation and reintegration of children victims of violence?
- What are the measures to raise the public awareness about the harmful effect of corporal punishment and all forms of violence against children; the role of the child protection system; and other topics, subject to the propaganda campaigns?
- Is the Government planning to implement INSPIRE or other proven strategies for ending violence against children?

## CHAPTER 7: CHILDREN IN THE JUSTICE SYSTEM

### 7.1. Children victims and/or witnesses of crime

Bulgaria has made a commitment to transpose Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. Under Article 27, Member States had to transpose the requirements of the Directive into their national legal orders by 16 November 2015. In January 2016, the Commission launched infringement proceedings against 16 Member States, including Bulgaria. On 10 November 2020, a legislative amendment to the Criminal Procedure Code (CPC) was proposed. The propositions in accordance with the Directive and partially transposing it include: priority in the fast proceeding with cases where the accused is a minor, obligatory presence of a psychologist or pedagogue during the interrogation of a minor etc. As of the date of submission of this Report, the legislative proposal has been voted on first instance in the two committees concerned but it has not been voted finally and it has not entered into force yet. Furthermore, Bulgaria has not completely transposed the Victims' Rights Directive. Infringement proceedings for Bulgaria are ongoing. Among the unresolved issues are the implementation of individual assessment of the needs of the child and the provision and maintenance of relevant measures and specialised services. So far and following the amendments the regulations do not meet the standards of the Directive completely. The multidisciplinary approach required by the Directive in the process of making the individual assessment for the presence of specific protection needs has not been adopted. Instead, this assessment has been introduced in the CPC in the form of an expert assessment (Article 144, para. 3 of the CPC), which is generally done individually, by an expert witness without clear requirements regarding his/her competencies.

### 7.2. Children offenders

*“There was nothing to eat and I walked the streets a lot. A police officer said it was forbidden and picked me up.”*

*Focus group, children placed in Correctional Boarding school (Social-pedagogic internat), Report Card 2017*

The Government publicly announced its commitment to reform the justice system for children in 2009 – 2012, which has been recommended to Bulgaria by the Committee since 1997. The legislative reform was discussed for 8 years in various working groups in the Ministry of Justice, at public consultations and among the responsible Ministers but without clarity on the steps further towards adopting and implementing the Draft Law for Diversion from Criminal Proceedings and Imposition of Educational Measures on Children. At the same time, the currently existing Law on Combating the Anti-social behaviour of Minors and Underaged impacts about 10 000 children per year.

Despite the trend of the closure of Correctional Boarding Schools, in 2019 there are still cases of girls placed in correctional schools for being exploited for prostitution instead of taking real protection measures and interventions appropriate for cases of children, victims of violence. Still, the minors under 14 years old are registered in the system of combating anti-social behavior for status offences. The tendency to misunderstand the main problems with ensuring the rights of children in conflict with the law remains alarming, namely the lack of specialisation of professionals in all units working with the child in this situation and investing solely in practices that have scientifically proven effect instead of in practices producing somewhat questionable results. One of the major obstacles for the start of the reform is the objection of the Ministry of Labour and Social Policy to consider children below the minimum age of criminal responsibility (14 y/a) as in need of prevention and protection measures rather than as offenders.

Apart from the judge, few children know exactly who they talked to, whether a police officer and a psychologist or two police officers were involved in their interrogation.

The worst memories they have from the Home for temporary accommodation of minors at the Ministry of Interior - the "Receiver" - all say that they were scared, alone, that they stayed there for a long time. They did not know what would happen next, how long they would be kept locked up, they could not talk to anyone.

*Results from the survey on the children's opinion, Report Card 2017*

*"I am a thief, my brother is a thief, my father is a thief..."*

*Focus group, children in conflict with the law, Report Card 2018*

*"They see me as a monster"*

*Focus group, children in conflict with the law, Report Card 2018*

#### **KEY QUESTIONS:**

- When the Government is planning to complete the Child Justice reform?
- What are the plans to introduce diversion measures to child offenders?
- What are the measures taken to develop services for child offenders as alternatives to penalties?
- What are the plans to develop measures for prevention of offending and protection of children under 14 years old?

## CHAPTER 8: OTHER SPECIAL PROTECTION MEASURES

### 8.1. Asylum seekers, refugees and children with humanitarian status

The data about the number of unaccompanied children by the different institutions differs dramatically. The SACP reports about 620 unaccompanied children, seeking international protection, of whom 614 boys and 6 girls for the period 01.01.2019 — 31.12.2019.

In June 2019, the long-awaited Safe Zone for unaccompanied children was opened in one of the State Agency for Refugees (SAR) reception centres in Sofia. Its total capacity is 238 places. For the first time, unaccompanied children are guaranteed 24-hour care, which is currently provided by the International Organization for Migration (IOM). The Safe Zone does not have the status of a social service, and unaccompanied children can only stay there during the procedure for granting international protection. By the end of 2019, 196 unaccompanied children were placed there.

The opening of the Safe Zone is certainly a positive development in terms of ensuring the safety and care for the unaccompanied children. However, there is a high number of children who have left before the end of their proceedings with no information about their whereabouts. According to data provided by the IOM, these are 178 children, which represent 91% of all children placed in the Zone. The total number is even higher, leading to the conclusion that not all unaccompanied children who applied in 2019 were placed in the Safe Zone.

Integration is a lengthy process, the results of which may be seen after a longer stay of the children in Bulgaria. Education is among the most important factors for successful integration, and school to a great extent supports the faster learning of Bulgarian language and is a place for establishing social contacts. The number of children enrolled in school remains too low — 39, with 10 of them from the children placed in the Safe Zone. Another problem is the inability of children whose parents were refused a refugee or asylum status to remain in school after the 10<sup>th</sup> grade. Bulgarian legislation provides them the opportunity to stay in school up to the first stage of high-school education but due to the lack of migration status of their parents, they cannot graduate from high school (12<sup>th</sup> grade) or enrol in University.

This group of children still has a very difficult and limited access to social services. They mainly benefit from the social programmes of NGOs supporting refugees, which are implemented mostly in the reception centres of SAR. The use of social, psychological and other support only in the place where they are accommodated can lead to isolation, and delay or even hinder their integration.

The majority of children who took part in the study did not have a guardian. They say that after they entered the country in the first state institution where they were accommodated, they received medical care, which helped them. They also say they have received information on who they can turn to for help, as well as opportunities to continue their education in Bulgaria, but only a few have received legal advice on what steps to take. Some of them participate in activities organized by non-governmental organizations in the reception center. They share that they were the object of negative attitude by the "Bulgarians" during their stay.

*Results from the survey on the children`s opinion, Report Card 2017*

### **Recommendations:**

- Placement of children and young people in the FTPCs only after all options for support or alternative family care have been exhausted, including review of the cases by the Coordination Mechanism at the regional level, provided for in the Updated Action Plan 2016 for the coordination mechanisms at regional level. Reducing the number of children in the FTPCs groups, following the change of the method of financing in line with the new Social Services Act, to make it possible to provide the most qualified and personalised environment and care;
- Use the planned assessment of all children and young people in the FTPCs under the operation 'Continuing Support for the Deinstitutionalisation of Children and Young People' independent forms of community-based care (e.g. sheltered housing) and plan funds in the new programming period for the development of foster care for the most complex cases of children, and develop a new type of support for independent living in the community for young adults with disabilities;
- Optimise the procedures for transfer of information between the institutions in view of the reliability and accuracy regarding the number of unaccompanied children;
- Increase the number of unaccompanied children enrolled in school;
- Develop and introduce a single standard concerning representation.