



Национална Мрежа за Децата

**NATIONAL NETWORK FOR CHILDREN – BULGARIA
CONTRIBUTION TO THE UNIVERSAL PERIODIC REVIEW
APRIL 2010**

This report was developed by the National Network for Children, an umbrella organisation of 48 civil organizations working with children and families. The objectives of the document are: to present the views of the non-governmental organizations about the main problematic areas with regard to the rights of the children in Bulgaria, to provide recommendations how to overcome them and support the efforts of the Government, the local authorities, the civil society organizations and all the stakeholders to protect and fulfil children's rights.

“Parents” Association - Sofia
“Paideia” Foundation - Sofia
“Social Activities and Practices” Institute - Sofia
“Non-Profit Organizations” Club – Turgovishte
“Sham” Foundation - Montana
“For Our Children” Foundation - Sofia
BNC „Together for the Children” - Sofia
“Applied Research and Communications Fund” - Sofia
Bulgarian Training Center – Sofia
Mental and Social Support Center - Sofia
School Board of Trustees of Primary School
“Hristo Botev” - Turnava
Parents Board of Trustees of the
Day-Time Kindergarten “Kalina” - Dupnitsa
“Sparkle Revived” Community Center - Kazanluk
“Society for All” Association – Sofia, Dulbok Dol
“Hope for Good Future” Association - Silistra
“Human Rights” Project - Sofia
“Ecomission 21 Century” Association - Lovech
“Children and Families” Association - Haskovo
“Child and Space” Association - Sofia
“Social Practices in Community” Foundation – Pazardzhik
“Interethnic Partnership” Association - Varna
“1st June” Association – Byala Slatina
“Big Brother, Big Sister” Association – Bulgaria
“Future for Children with Disabilities” Association-
Kazanluk
Association for Pedagogical and Social Assistance
for Children FICE – Bulgaria
“Future” Foundation – Rakitovo
“Karin Dom” Foundation – Varna
“Hope for the Little Ones” Foundation – Sofia
“National Alliance for Volunteer Action” (NAVA)- Plovdiv
“SOS Women and Children Endured Violence” Association
– Novi Pazar
“Nadja Centre” Foundation – Sofia
“Health and Social Development” Foundation - Sofia
“Samaritan” Association – Stara Zagora
“ECIP” Foundation – Sofia
“World without Borders” Association – Stara Zagora
“Centre for Interethnic Dialogue and Tolerance AMALIPE”
– Veliko Turnovo
“Cedar” Foundation
“For a Better Life” Association - Chelopech
“Partners–Bulgaria” Foundation– Sofia, Dupnitsa, Samokov
“Initiative for Development - Kardjali Decides” Association
- Kardjali
“Detelini” Association - Chirpan
“Centre for Inclusive Education” Association - Sofia
“Education Public Council” Association – Gotse Delchev
“House of Science and Technique” Association - Vratsa
“Estestveno” Association – Sofia
“The Faithful Guardian” Association – Bourgas
“Equilibrium” Association – Rousse
“SOS Children’s Villages” - Bulgaria,
working in Sofia, Veliko Turnovo, Radomir, Gabrovo,
Dren, Tryavna

I. General review of children's rights policies in Bulgaria

- (1) The practical application of the UN Convention on the Rights of the Child in the Bulgarian public environment and the direct commitments of the state authorities ensuing from the ratification of the Convention started nearly ten years later with the adoption of the Child Protection Act on 31.05.2000 by the National Assembly. This delay and the absence of effective policies for the child and the family, nowadays have serious dimensions with regard to the quality of care, access and development of services and observance of the rights of the children.
- (2) The analysis of the development of the protection system shows fragmentation of the functions and duplication of elements between the Social Assistance Agency (SAA), within the framework of which the Child Protection Departments (CPD) are responsible for the operational implementation of the child protection measures, and the State Agency for Child Protection (SACP). At the same time, there are norms¹ and structures² which are outdated and rely on a philosophy, which conflicts both with the UN Convention on the Rights of the Child and with the rest of the child protection legislation.
- (3) As a whole, the work carried by the Child Protection Departments (CPD) is exceptionally unsatisfactory. This fact is supported by a range of surveys and analysis undertaken by various Bulgarian and international organizations. As of 31.12.2008, there are 750 people who work in the Child Protection Departments out of which the social workers are only 450. According to the SAA annual 2008 report data³, one social worker in the country works on 112 cases as average. In order to provide quality of the social work, we should follow the European standards resulting in good practices, where one social worker is responsible and works on 20 to 30 cases. The salaries of the social workers in the CPDs are some of the lowest in the auxiliary professions sphere and very often, they do not get any introductory or supporting training as well as professional supervision.
- (4) The number and the distribution of the social services for children and families in the country continue to be exceptionally unsatisfactory. The situation is exceptionally serious in the small-populated areas where the children and the families almost do not have any access to consultancy, social support, assistance and accommodation in case of risk or rights violation. The quality of the existing social services is very frequently unsatisfactory and does not contribute to real protection and integration of children at risk. 104 new social services for children and people at risk remained without financing for 2010.

Recommendations

- 1.1 Review of the child protection system, social assistance and family policy concepts and objectives with a view to adoption of a broad concept for the well-being of *all* children and families at risk, prevention of risk factors and family support.

¹ **The Act for Struggle with Juvenile Anti-Social Behavior**, promulgated State Gazette, issue 13 of 1958, amended State Gazette, issue 11 of 1961, amended State Gazette, issue 35 of 1966, amended State Gazette, issue 30 of 1969, amended State Gazette, issue 89 of 1974, amended State Gazette, issue 53 of 1975, corrected State Gazette issue 55 of 1975, amended State Gazette, issue 63 of 1976, amended State Gazette, issue 36 of 1979, amended State Gazette, issue 75 of 1988, amended State Gazette, issue 110 of 1996, corrected State Gazette issue 3 of 1997, amended State Gazette, issue 69 of 1999, amended State Gazette, issue 66 and 96 of 2004, amended State Gazette, issue 28, 94 and 103 of 2005.

² **Central Commission for Struggle against Juvenile Anti-Social Behavior (CCSASB)** and local committees for struggle against juvenile anti-social behaviour.

³ For 2008 the social workers worked on 35 652 signals for children at risk and on over 14 800 cases of children and families: 3 102 cases on prevention of abandonment; 2 397 cases of reintegration in biological families; 1 296 children accommodated with relatives or close friends; 91 children accommodated with foster families; 674 cases of adoption and 7276 children accommodated in institutions.

- 1.2 Simplification of the strategic and administrative framework for the implementation of the child protection policy, with clearly defined roles and responsibilities of the child protection bodies. Introduction of the system of child Ombudsman both at national and regional level.
- 1.3 Provision of adequate professional capacity for effective functioning of the child protection system. Introduction of standards for a number of cases per social worker as well as provision of adequate remuneration, resource provision and career development of the people working within the child protection sphere.
- 1.4 Determination of a set of “universal social services”⁴ with developed and approved basic requirements for quality and financial standards with a guaranteed access of each resident of the country.

II. Youth and children’s justice

Neglect and abuse of children

- (5) The prevention of the violence over children – understood as availability of clearly defined mechanisms for detection, signalization and registration of cases of violence, such as conduct of legal procedures, respecting the best interest of the child, development of a network of services for support and rehabilitation of victims of violence – all this is still rather a wish than practice in Bulgaria. The problem with the signalization and the registration of the cases of violence over children in our country remains very serious in two main spheres – education and health care, in their structures *there are no clearly defined rules for signalization and registration of violence, or introduced policies for secure and safe environment* of children. This assertion is, unfortunately, too expressively illustrated by the growing number of cases of violence amongst children at school. The actions undertaken are within the scope of limitations and repression, and not from that of care and support.
- (6) The practices for hearing children, victims of or witnesses to crimes in Bulgaria also remain far from the standards of the United Nations and of the leading practices in the other countries. The children continue to be repeatedly interrogated (over 6-7 times) by people with no special training for the purpose. None of the specialists who conduct pre-court and court- proceedings is with guaranteed training for work with children in general and in particular with children, victims of or witnesses to crimes. The consequences are considerable and negative both for justice and for observance of the best interest of the child. This is the main reason for such lawsuits not reaching the court and effective sentence.
- (7) There are no data about the number of lawsuits which children. The existing statistic data do not allow to find out how many and what the perpetrators of crimes against children are, what the share of the sexual crimes is, what the age of the children victims or witnesses is. We need to change the indicators for gathering data about children included in legal procedures. There are no official data about the number of persons sentenced for crimes committed against children.

Children’s and youth justice

- (8) Two acts are simultaneously effective in Bulgaria – the Child Protection Act (CPA) and the Control of Juvenile Anti-Social Behaviour Act (CJASBA), without being clear which of them is with priority in cases when there is a child in conflict with the law, but he/she does not bear penal liability. The main problem is the absence of an institution, which shall be fully

⁴ In conformity with the terminology introduced by the European Commission.

committed to the case, keep a watch over its development and change if needed, i.e. to “manage the case” in the social work terms.

- (9) The infringement of the rights of juveniles who are involved in the commitment of crimes by adults is serious. These children are not recognized as victims, and punitive measures are applied with regard to them in conformity with the Control of Juvenile Anti-Social Behavior Act, forming instructive cases by these local commissions. The children to the age of 14 are subject to instructive measures under the Control of Juvenile Anti-Social Behavior Act, and not of measures for protection under the Child Protection Act, which is obvious infringement of their rights.
- (10) The system consists of various institutions subordinated to various ministries; various state and municipal structures are included, without clearly defined and guaranteed interaction procedures. Each of the institutions works in its own legislative frame, without conformity with any other regulation, which results in not guaranteeing the best interest of the children in conflict with the law.
- (11) The effective system for struggle with the anti-social behaviour is inefficient and is characterized by an absence of a specialized training of nearly all the professionals involved in it. Its existence impedes the building up of a modern, professional, cantered on the needs of the child system for prevention and intervention of children’s criminal behaviour and limits the possibility for interaction between the criminal proceedings and the child protection system.

Recommendations

- 2.1. The Control of Juvenile Anti-Social Behavior Act has been subjected to serious criticism for a long time and should be replaced by a new modern act, which could provide for the connection with the child protection system, remove the sanction approach to juveniles, create guarantees for fair trial for juvenile perpetrators and provide for real protection of the children, victims of crimes and witnesses in criminal actions. Simultaneously, the creation of a new legislation is needed, which should be based upon the international standards for youth justice and creation of competence in the system for work with cases of children delinquents.
- 2.2. A change in the legislation is indispensable; it shall guarantee the introduction of a one-time hearing by specially trained professionals and in appropriate conditions for the child, irrespective whether the child is a victim, witness to violence and/or crime.
- 2.3. The specialization of experts from the entire juridical system to guarantee special conditions for the child, victim of or witness to a crime, is extremely indispensable.
- 2.4. The state must regulate and provide for systematic training on the rights of the children and topics such as recognition of children victims of violence for all the professionals, who work with children, as well as clearly defined mechanisms for signalization of the cases of violence over children in the systems of health care and education.
- 2.5. Development of a system of services, measures and institutions corresponding to the state-of-the-art tendencies in the youth justice with the participation of NGOs – professional foster families, specialized for children with behavioural problems, centres for intensive treatment in the community with programs of various duration; centres of a residential type with intensive programs for treatment of various duration, intensive programs with simulated isolation.
- 2.6. Building up of an information system with indicators, orientated towards the results and the effectiveness of the interventions, clearly defined mechanisms and sources of information.

III. Children in institutions

- (12) The rights of the children in institutions in Bulgaria continue to be violated. According to the State Agency for Child Protection (SACP) data at the end of December 2009, there are 6730 children in institutions. On 24 February 2010, the Government adopted a „Vision for Deinstitutionalization in Bulgaria” national strategy. Undoubtedly, the adoption of this program document and the long-term political commitment for closure of the institutions, are a huge step forward.
- (13) At the same time, despite of the efforts of the state, in practice, the institutional care system remains widely open. The number of children from the age of 0 to 3 who are enrolled in institutions for the year 2009 is 2094, of whom 1416 are children of the age up to one year. Thus, the regulation of the United Nations “Guidelines for the Alternative care of Children”, adopted at the 11th session of the UN Human Rights Council⁵, which defines “In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings” is violated.
- (14) The average stay of the children in institutions continues to be long – about 14 years and the quality of care remains low. In spite of the undertaken direction towards deinstitutionalization, the overhaul activities of the buildings of the institutions, which were declared for closure, continue. The individual action and care plans are formal, and their implementation is not bound to the planning and the development of new alternative care and services.
- (15) There are many signals that parents are encouraged by medically qualified persons to abandon their children after delivery in institutions, especially when they are with disabilities. Additional efforts to improve the understanding, the capacity and pro-activeness of the professionals from the health care and the educational system as well as the local authorities for their role in the protection of the children’s rights in practice are necessary.
- (16) There are no sufficient services and systems for support of the young people, leaving the institutions, which results in negative consequences as unemployment, exploitation and absence of residences and hampers the young people socialization.

Recommendations

- 3.1. The Government must undertake the commitment to discontinue the practice to leave the children in the institutions, financing and popularizing the preventive measures with regard to the abandonment of children. An effective system for rendering support to families residing in highly risky communities must be introduced in this respect.
- 3.2. Reformation of the child protection system and its financial and resource assistance in order to provide quality of the measures for protection of children in institutions and children residing at risk from abandonment.
- 3.3. The development of the alternative services must be bound to an analysis of the placement of the children in institutions and their needs of care and services, i.e. their development should result in real closure down of the institutions of the boarding school type.
- 3.4. The tendency of committing the entire process for rendering the service of foster care to hired providers, who should be trained in the provision of the service, must continue. Maximal relief of the social services providers in the process of opening new ones is needed.

⁵ Human Rights Council, UN, “Guidelines for the Alternative care of Children”, page 7, point 21.

- 3.5. A change in the mechanisms of monitoring over the care and services for children and families is needed, both in the specialized institutions and in the alternative services for children and families. The monitoring and control exercised by the state must be directed towards the results in the situation of the child and not towards the documentation and the procedures. A monitoring and control system should be built up, based on sufficient data, which shall substantiate the policies for deinstitutionalization.
- 3.6. Amendments in the legislation are needed, so that the young people leaving the institutions should be considered as a specific social group to guarantee continuity and systematic nature of the services for them.

IV. Adoption

- (17) The practice of the “secrecy of adoption”, where the origin and the family ties of the children are hidden and/or erased from the dossier of the child, violates the rights of the adopted children and, at a later stage of the development, there is a number of moral, mental and even health problems. For years on end, in Bulgaria, the “secrecy of the adoption” was imposed by the state to conceal that there is abandonment and that there are couples in the society, who are not able to have their biological children. Nowadays, a great part of the adoptive parents continue to believe that the “secrecy of the adoption” is a good approach, and very frequently this practice is supported and encouraged on the part of the professionals working with adopters.
- (18) Regardless of the amendments in the Family Code, adoptions in the country continue to be exceptionally few. The entire process of the adoption is fragmented and the matching process is done on the basis of papers. The professional community has not completely developed services for adopted and adopters, who could support each other. In addition, there must be training and qualification of the staff in the sphere of adoption both in the child protection system and with regard to the service providers. Another negative practice is the “disruption of adoption”, where the adoption is stopped without depriving the adopter of his/her rights.

Recommendations

- 4.1. Legal prohibition of the “secret of adoption”, guaranteeing the right of the child to know his/her origin and the adopters to be encouraged and supported in the process of sharing it with the child.
- 4.2. Elimination of the adoption disruption practice as an option in the Family Code and regulation of parental rights removal in cases, when there is a separation of the adopter with the adopted child.
- 4.3. Development of widely accessible educational programs about the problems in adoption, the secret of the adoption, the rights of the child in adoption. Building up of culture of the adoption – in the sense of positive, approving and supporting attitudes to the adopters and the adopted.
- 4.4. Regulation of obligatory training of adopters-applicants and support after the adoption.
- 4.5. Moratorium on international adoptions where the adoptive applicants haven't been introduced with the child.

V. Children with disabilities

- (19) The existing mechanisms for early diagnosis of illnesses – including in the prenatal phase – for evaluation of disabilities and support of families – are too outdated in Bulgaria. The health care in Bulgaria definitely refuses to accept the technological development in the medicine – the innovations

remain the privilege of few medical doctors, predominantly in the capital, who show personal interest in them and not vocational duty in conformity with the law.

- (20) The families, where there are children with disabilities, get meager social benefits, outdated medical items and technically unfit means as well as miserable mental and social support so that they could cope with the upbringing of their children. Simultaneously, the big institutions for children with disabilities, where the access is exceptionally easy, are supported with millions of Bulgarian leva from the public budget.
- (21) In spite of the measures for integration of children with disabilities via education, the kindergartens and the schools are still not ready to enrol children with disabilities, even less to work with them, owing to non-adapted architectural environment, technical non-provision with additional aids, improper qualification of the pedagogical staff.

Recommendations

- 5.1. Development of programs for qualification of the medical staff so that they would be better informed about the modern methods of diagnostics, treatment and rehabilitation of children with disabilities. Opening clinical paths for effective treatment and rehabilitation of children with disabilities without separation from their families and the community. Provision of modern medical articles and auxiliary means for compensation of the deficit caused by the disorder.
- 5.2. Undertaking decisive measures for adaptation of the educational institutions to the needs of the children with disabilities with exercise of strict control over the quality of the work during the execution of the construction and assembly works – frequently funds are spent and adaptations are made which do not correspond to the technical norms for accessibility. Conduct of qualification courses and training life programs via which the knowledge and the skills both of the pedagogical and of the auxiliary personnel could be enhanced to satisfy the needs of the children with disabilities in general environment.
- 5.3. Increase of the capacity of the child protection system aimed at the effective application of the approach for “management of cases” in the social work in practice, which should allow for complex assessment of the disorder and the needs of each child with disabilities and support of the families as consultancy, mental-social support and inclusion in social networks for mutual assistance and so forth.

VI. Inclusive education

- (22) The state has taken measures in the last few years, which could be assessed as introduction of practices of inclusive education but it is still not amongst the visible priorities of the educational policy.
- (23) The number of the children with disabilities in the schools of general education for the period of 2005-2008 increased from 717 to 2563, though this is still an insignificant part of all the children. Various forms of educational segregation based on the availability of disorder, specific difficulties and different ethnic belonging, still exist.
- (24) The enrolment of children in special schools and institutions, where they grow up separated from their peers, continues and the education they are offered, if they have access to such an education at all, is of a lower quality and is governed by rules, criteria and standards other than those in the schools of

general education. The provision of a pupil in the system for special education is 3,3 times (or by 230% more)⁶ higher than the provision for a pupil at a school of general education.

- (25) In the sphere of education, the Roma children are with the highest percentage of dropping out of school (this percentage has considerably increased after the closure down of 300 schools in 2008 and has reached critical values now), the low percentage of participation of Roma children in the pre-school education, discrimination in the classroom, segregation of Roma children in separate schools and classes and in schools with predominating percentage of Roma pupils, the absence of intercultural education.

Recommendations

- 6.1. Improvement of training and motivation of general education schools and kindergartens to admit and work with children with special educational needs.
- 6.2. It is necessary to introduce training for the teachers of general education so that they could acquire skills for work with children with special educational needs and for work in multicultural environment. Purposeful efforts should be made to suspend the discrimination in the classrooms via training of the teachers, introduction of intercultural knowledge and skills, stimulation of the training in ethnically mixed environment and so on.
- 6.3. Continuation of the efforts for the improvement of the physical access to school and to the educational contents.
- 6.4. Evaluation of the effectiveness and the sustainability of the good practices in the sphere of the desegregation of Roma schools and enhancement of the quality of education.
- 6.5. Special emphasis should also be laid on the inclusion of Roma children in the pre-school education and upbringing.
- 6.6. The enhancement of the quality of education at schools, where Roma children are educated, (predominantly in villages) should be subject to purposeful investment, without resulting in creation of standards specific for the Roma children. The activity of the Educational Integration Centre with the Ministry of Education and Science should be made operational for the attainment of these objectives, its financing should be considerably increased and the funds from the “Human Resources Development” Operational Program should be used much more effectively.

⁶ Research “How much is the expulsion of children from the system of general education?” (2006, www.ciebg.eu)