



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to fifth periodic reports of Bulgaria\*

#### I. Introduction

1. The Committee considered the combined third, fourth and fifth periodic reports of Bulgaria (CRC/C/BGR/3-5) at its 2123rd and 2124th meetings (see CRC/C/SR.2123 and 2124), held on 30 May 2016, and adopted the present concluding observations at its 2132nd meeting (see CRC/C/SR.2132), held on 3 June 2016.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/BGR/Q/3-5), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international and regional instruments as well as the adoption of a number of new acts and institutional and policy measures related to children's rights, since its last review, in particular the National Strategy for Roma Integration (2012-2020).

4. The Committee notes as positive the invitation and cooperation of the State party in relation to the visit undertaken by the Independent Expert on minority issues in 2011.

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\* Adopted by the Committee at its seventy-second session (17 May-3 June 2016).



### III. Main areas of concern and recommendations

#### A. General measures of implementation (arts. 4, 42 and 44 (6))

##### Committee's previous recommendations

5. **The Committee recommends that the State party take all the measures necessary to address the recommendations contained in its concluding observations of 2008 (CRC/C/BGR/CO/2) which have not been implemented or have been insufficiently implemented.**

##### Legislation

6. While the Committee welcomes the progress made by the State party in harmonizing its domestic legislation with the principles of the Convention through the adoption of a new Family Code, in 2009, and amendments to the Child Protection Act, the Family Allowance Act and the Social Assistance Act, it remains concerned at the lack of consistency in other key child-related legislation, in particular the Persons and Family Act and the Child Protection Act. The Committee is also concerned about the gaps in implementation as a result of a vague interpretation of laws owing to insufficient capacity and awareness of child rights on the part of the judiciary.

7. **The Committee recalls the recommendation in its previous concluding observations (para. 9)<sup>1</sup> and encourages the State party to continue harmonizing its legislation with the principles and provisions of the Convention. In particular the Committee recommends that the State party:**

(a) **Take measures to ensure that the provisions set out in other relevant domestic legislation are harmonized with the Child Protection Act;**

(b) **Introduce a child rights impact assessment procedure for all new legislation adopted at the national level;**

(c) **Offer continuous capacity-building in international human rights law for judges, prosecutors and lawyers, in line with recommendation made by the Special Rapporteur on the independence of judges and lawyers (see A/HRC/20/19/Add.2, para. 105), placing particular focus on the Convention.**

##### Comprehensive policy and strategy

8. The Committee notes with appreciation the introduction of the National Strategy for Children (2008-2018) as a means of improving coordination and the implementation of the Convention. However, it is concerned that progress has not been made in all envisaged areas, as indicated in the external evaluation of the strategy conducted in 2011. Of particular concern is the lack of coordination among individual sectoral policies and the disproportionate focus on children at risk. The Committee also notes with regret that the proposed Child Act, which provides for the establishment of a commission on the rights of the child, was not adopted due to a lack of public support.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee (CRC/C/BGR/CO/2).

9. **The Committee recommends that the State party:**
- (a) **Consider the recommendations outlined in the independent review and amend the strategy as appropriate to ensure that it is as comprehensive as possible and encompasses all areas covered by the Convention and covers all children;**
  - (b) **Ensure that the strategy is supported by the elements necessary for its application, including sufficient human, technical and financial resources;**
  - (c) **Ensure consultations with all relevant stakeholders, including children, to further develop the strategy and continue to regularly assess the effectiveness of its implementation;**
  - (d) **Develop an awareness-raising campaign to promote the benefits of establishing a commission for children.**

#### **Coordination**

10. **The Committee recommends that the State party establish an institutional mechanism at the interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels. The State party should ensure that the coordinating mechanism is provided with the human, technical and financial resources necessary for its effective operation.**

#### **Allocation of resources**

11. **The Committee is concerned that the State party's budgeting process fails to stipulate budget allocations for children in the relevant sectors and agencies, including indicators and tracking systems at all levels, as well as targeted budget allocations for children in marginalized and vulnerable situations, such as Roma children, children with disabilities, migrant children and children of refugees and asylum seekers. The Committee is also concerned that the State party has the lowest percentage of gross domestic product allocated to public education in the European Union.**

12. **In the light of its day of general discussion in 2007 on the theme "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:**

- (a) **Establish a child rights perspective in its budgeting process and specify clear allocations for children in the relevant sectors and agencies, including specific indicators and a tracking system;**
- (b) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;**
- (c) **Ensure transparent and participatory budgeting through public dialogue, especially with children, and proper accountability of the authorities, including at the local level;**
- (d) **Conduct a comprehensive assessment of the budgetary needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights; increase the budget allocated to social sectors; address disparities on the basis of indicators relating to children's rights; and, in particular, substantially increase the allocations in the areas of education and social assistance to adequate levels.**

**Data collection**

13. While noting the efforts made by the State party to develop a data collection system under the auspices of the State Agency for Child Protection and the National Statistical Institute, the Committee remains concerned that the lack of a unified centralized database, has resulted in a scarcity of disaggregated data on children, particularly children with disabilities, children living in marginalized situations and Roma children.

14. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Expediently improve its data collection system to cover all areas of the Convention. Data should be disaggregated by, among others, age, sex, disability, geographic location, ethnic and national origin, and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;**

(b) **Ensure that data and indicators are shared among relevant ministries and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(c) **Take into account the conceptual and methodological framework set out in *Human Rights Indicators: A Guide to Measurement and Implementation*, by the Office of the United Nations High Commissioner for Human Rights, when defining, collecting and disseminating statistical information.**

**Independent monitoring**

15. The Committee welcomes the steps taken by the State party to incorporate the rights of the child into the mandate of the Ombudsman through the amendment of the Ombudsman Act, in 2012 (art. 19.1.9), and the appointment of a Deputy Ombudsman to address children's rights, along with the Ombudsman's role as national preventive mechanism. Despite this progress, the Committee is concerned that, owing to a lack of sufficient resources within the Office of the Ombudsman, children's rights are not being sufficiently addressed.

16. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Strengthen the mandate of the Deputy Ombudsman to receive, investigate and address complaints by children in a child-sensitive manner, and allocate sufficient technical, human and financial resources to support the work of the office;**

(b) **Ensure the privacy and protection of child victims, particularly when monitoring and follow-up visits to institutions are undertaken in the context of the Ombudsman's role as national preventive mechanism;**

(c) **Ensure continuous capacity-building and training of Ombudsman staff on issues related to children's rights.**

**Dissemination, awareness-raising and training**

17. **The Committee reiterates the recommendation in its previous concluding observations (para. 21) and encourages the State party to:**

(a) **Strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for**

children, such as law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, school administrators, academics, social workers, media professionals and others, as required;

(b) **Ensure systematic teaching of the principles and provisions set out in the Convention, at all levels of the school curriculum;**

(c) **Give special attention to promoting the participation of children in the dissemination of their rights;**

(d) **Encourage the media to demonstrate sensitivity to children's rights and ensure the inclusion of children in the development of programmes;**

(e) **Continue to strengthen its efforts to increase the awareness of the Convention, its principles and provisions, and to disseminate the Convention throughout the country, in close cooperation with non-governmental organizations and other stakeholders and by paying particular attention to remote and rural areas and children belonging to minority groups.**

## **B. Definition of the child (art. 1)**

18. **The Committee recommends that the State party amend its Family Code to remove all exceptions that allow marriage for anyone under the age of 18 years.**

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

19. While noting as positive the introduction of the National Strategy for Roma Integration (2012-2020), the Committee remains deeply concerned at the persistent discrimination against Roma children. Of particular concern are reports indicating that existing discrimination against Roma in all areas of life is among the principal reason leading to the placement of Roma children in institutions. Further concern is expressed that Roma children, as well as children with disabilities, asylum seeking and refugee children, minority children and children living in remote areas, continue to face discrimination with regard to access to education, health care and adequate housing. The Committee is also concerned that the Commission for the Protection against Discrimination does not have a special unit to deal with cases of discrimination against children.

20. **The Committee urges the State party to:**

(a) **Ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards Roma children, children with disabilities, minority children and refugees and asylum seeking children;**

(b) **Ensure that children living in rural areas have access to quality education, adequate health care and housing;**

(c) **Implement the National Strategy for Roma Integration (2012-2020) and ensure the availability of sufficient human, technical and financial resources;**

(d) **Introduce a specific mechanism within the Commission for Protection against Discrimination to address cases of discrimination against children.**

**Best interests of the child**

21. The Committee welcomes the amendment to the Child Protection Act, in 2009, to ensure the right of the child to have his or her best interests taken as a primary consideration, and notes the general framework established by the State party to ensure that the best interests of the child are upheld as a fundamental principle of child protection. However, it is concerned about the continuing misunderstanding with respect to the meaning of the principle and the responsibilities it entails, in particular among the judiciary, child protection professionals and social workers.

22. **In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.**

**Right to life, survival and development**

23. While noting as positive the overall decrease in child mortality since 2008, the Committee is concerned at the high rate of infant mortality in some parts of the country owing to a lack of adequate health care, poverty, inadequate nutrition and the existence of harmful traditional practices. The Committee is also seriously concerned at the continuing allegations of serious abuse resulting in a significant number of deaths of children between the ages of 0 to 3 years who are deprived of parental care and of children with intellectual and psychosocial disabilities in institutions for the medical and social care of children. The Committee is also concerned that socioeconomic inequalities place children from marginalized and deprived areas at particular risk of unintentional injury due to exposure to unsafe home, play and road environments.

24. **The Committee urges the State party to:**

(a) **Introduce a thorough investigative review procedure in respect of cases in which a child has died or is seriously injured as a result of abuse or neglect and, in particular, conduct a full investigation into the allegations of the significant number of child deaths in medical and social care institutions;**

(b) **Fully investigate all allegations of ill-treatment of children and ensure that such acts are addressed appropriately through judicial processes in order to avoid impunity for perpetrators;**

(c) **Strengthen efforts to ensure that access to adequate health care, including prenatal care for uninsured pregnant women, is extended to the most vulnerable families, in particular those living in marginalized and remote areas;**

(d) **Intensify awareness-raising and educational campaigns through the National Strategy for the Improvement of Road Safety.**

**Respect for the views of the child**

25. While welcoming the ongoing efforts to ensure respect for the views of the child, including consideration of the principle as a priority area in the National Strategy for Children (2008-2018), and its incorporation in the Child Protection Act, the Committee is concerned that the implementation of this right remains at the discretion of professionals involved in each case. Traditional practices and cultural attitudes in the family, schools and

certain social and judicial settings further impede the full realization of the right of children to express their views freely. While the Committee recognizes the efforts made by the State party to address this issue through awareness-raising campaigns, it remains concerned that children in vulnerable or marginalized situations, such as children in administrative care and children with disabilities, are often not consulted in matters concerning them.

26. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee reiterates the recommendation in its previous concluding observations (para. 27) and encourages the State party to ensure that children’s views are given due consideration, in accordance with article 12 of the Convention, in the family, at schools, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, training of professionals, establishment of specific activities at school and general awareness raising. The Committee also encourages the State Party to work in collaboration with stakeholders to disseminate the Convention (including in minority languages) and to strengthen the creation of meaningful spaces through which children can influence public policy.**

#### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

##### **Freedom of the child from all forms of violence**

27. The Committee notes as positive the efforts made by the State party to develop a child protection system, in particular through the provisions set out in the Child Protection Act and the Family Code; the establishment of a coordination mechanism to address the situation of children who are victims or at risk of violence; the establishment of an expert task force to tackle bullying in schools; and the introduction of a national helpline for children, in 2009. Despite this progress, the Committee is deeply concerned at:

(a) The inhuman or degrading treatment, including physical, psychological and sexual abuse, among and against children living in institutional care homes;

(b) Reports indicating that children in juvenile detention centres, sociopedagogical boarding schools, correctional schools and temporary placement homes for minors and juveniles suffer from disproportionate punishment, including physical beatings, arbitrary periods in solitary confinement and limited food rations;

(c) The secondary victimization of children as a result of flawed investigative procedures, which fail to provide sufficient guarantees of redress and which lack a child-sensitive approach;

(d) The general lack of understanding as to what constitutes violence against children, limited ability on the part of professionals to recognize cases of violence, insufficient cooperation and information-sharing among relevant agencies and inadequate follow-up;

(e) The lack of continued investment and ongoing support to ensure a “whole-school” approach to tackle bullying.

28. **With reference to Sustainable Development Goal 16.2 to end, inter alia, all forms of violence against children and its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:**

(a) **In coordination with the Office of the Ombudsman, in its capacity as national Preventive mechanism, establish a monitoring mechanism to ensure that all children deprived of their liberty, including in the course of criminal or corrective**

procedures, are free from all forms of torture, inhuman or degrading treatment, and ensure that they have access to a safe and child-friendly mechanism to file complaints relating to their deprivation of liberty, conditions of detention or internment and treatment;

(b) Ensure that child victims of ill-treatment are provided with proper care and rehabilitation programmes and that revictimization of any kind is avoided;

(c) Strengthen capacity-building programmes for teachers and staff of childcare facilities in order to promote positive and alternative forms of discipline and respect for children's rights and to raise awareness about the adverse consequences of corporal punishment on children;

(d) Ensure efficient cooperation, coordination and data-sharing between child protection services, the police and the justice system;

(e) Establish compulsory training courses on violence against children for all relevant professionals;

(f) Develop a national programme to address violence in schools with support from the Ministry of Education and Science and teacher training agencies to establish standards, mentoring and peer review of violence in schools, and provide training, including for parents, on the risks of bullying, including cyber bullying;

(g) Develop a public-awareness campaign as a means of changing prevailing attitudes in relation to violence against children and move towards zero tolerance;

(h) Seek technical cooperation from United Nations Children's Fund and World Health Organization to address the aforementioned issues.

#### **Abuse and neglect**

29. While the Committee notes as positive the establishment of a coordination mechanism to address cases of children who are victims or at risk of violence, it is concerned that gaps in coordination are preventing multidisciplinary teams at the local level from functioning properly. It is also concerned that there is insufficient refuge accommodation and accessible counselling services for children affected by abuse. It is further concerned at prevailing societal attitudes that consider domestic abuse to be a private matter.

30. **The Committee recommends that the State party:**

(a) Further strengthen awareness-raising and education programmes — including campaigns — with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse;

(b) Establish a national database on all cases of domestic violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(c) Ensure the allocation of adequate human, technical and financial resources to the State Agency for Child Protection to enable it to implement long-term programmes for addressing the root causes of violence and abuse;

(d) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing training support to them.



### **Corporal punishment**

31. While the Committee notes as positive the provisions in the Child Protection Act (art. 11 (2)) and the Family Code (art. 125 (2)) that prohibit violence in all settings, including the home, and in the implementing regulation of the Public Education Act (art. 129) that prohibits violence in schools, it is concerned that corporal punishment continues to be widely accepted in society as a means of disciplining children and is not explicitly prohibited or sanctioned in legislation.

32. **In the light of its general comment No. 8 (2006) on protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State Party to:**

- (a) **Explicitly prohibit corporal punishment in legislation;**
- (b) **Ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings;**
- (c) **Promote positive, non-violent and participatory forms of child-rearing and discipline through awareness campaigns;**
- (d) **Ensure that offenders are brought before the competent administrative and judicial authorities.**

### **Harmful practices**

33. **The Committee recommends that the State party establish a system to track all cases involving child marriage within ethnic groups, particularly Roma girls, and provide victims with shelter as well as appropriate rehabilitation and counselling services.**

## **E. Family environment and alternative care (arts. 5, 9-11, 18 (1)-(2), 20, 21, 25 and 27 (4))**

### **Children deprived of a family environment**

34. While the Committee welcomes the progress made through the State party's deinstitutionalization process in considerably reducing the number of children living in institutional care and increasing the number of children entering family-based care, it remains seriously concerned that:

- (a) The number of children, including children up to 3 years of age, placed in institutional care is still significant, with the risk of family separation and institutionalization remaining high for children from the most disadvantaged groups, including Roma children and children with disabilities;
- (b) Lack of support and inadequate training for social workers and staff in family-type placement centres, along with gaps in the child protection system, has led to the separation of children from their families without proper assessment and planning and with the risk of reinstitutionalization remaining high;
- (c) Implementation of the "I have a family too" project is relatively slow due to lack of coordination among relevant agencies, while the lack of capacity and management of foster care services has led to poor placement decisions;
- (d) Family court judges tend to choose placement of the child in institutional care, rather than prioritize support to the original family to keep their children;

(e) Support for reintegration into society to children and young people leaving care, including those with disabilities, is insufficient.

35. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care or for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:

(a) Urgently reduce placement of children under the age of 3 years in residential institutional care, including those with disabilities, and expedite placement in family-based care;

(b) Ensure adequate safeguards and clear criteria, particularly for Roma children and children with disabilities, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care;

(c) Ensure that institutionalization is used only in the short term, including by providing information to expectant parents and health-care workers who serve new parents, on the rights and dignity of children with disabilities;

(d) Ensure implementation of proper preparation procedures, before relocation to the newly established family-type placement centres, including adequate participation by children and develop a monitoring mechanism to ensure that staff receive adequate and regular training and supervision;

(e) Ensure adequate legal safeguards and clear criteria for determining whether a child should be placed in alternative care, taking into consideration the views and best interests of the child, and enforce such criteria by raising awareness of family court judges;

(f) Support and monitor regular and appropriate contact between child and his or her family, provided that it is consistent with the child's best interests;

(g) Strengthen support to children and young people leaving care, including those with disabilities, to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services, as well as educational and vocational training opportunities;

(h) Raise awareness in society to counter the stigmatization and discrimination of children in alternative care.

#### **Adoption**

36. While the Committee notes that the number of adoptions of children with disabilities and special needs has increased, it remains concerned that the number of adoptions of children with severe disabilities has only slightly increased and the number of adoptions of Roma children remains very low.

37. The Committee reiterates the recommendations in its previous concluding observations (para. 38) and further recommends that the State party:

(a) Ensure that children with disabilities and Roma children are not discriminated against in the adoption process and establish programmes to reduce misconceptions relating to the adoption of children with severe disabilities and Roma children;

(b) **Amend the Family Code to ensure that children under the age of 14 years are consulted in all decisions that affect their lives, including in cases of adoption;**

(c) **Ensure enhanced coordination of relevant agencies and sufficient training of staff to ensure appropriate long-term support for adopted children and adoptive parents;**

(d) **Introduce legislation guaranteeing the right of the child to know his or her origins in line with recommendation 80.79 of the universal periodic review of 2011 (A/HRC/16/9).**

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

**Children with disabilities**

38. While the Committee welcomes the ratification by the State party of the Convention on the Rights of Persons with Disabilities, in 2012, and the adoption of a number of strategic national plans, it is concerned that:

(a) The absence of a standard legal definition providing for children with disabilities, combined with a lack of reliable data, hinders the delivery and evaluation of services for them;

(b) A disproportionate number of children with disabilities continue to live in institutions, owing to, inter alia, stigmatization of children with disabilities and a fragmented system of social assistance, which does not sufficiently encourage and support families to keep their children at home;

(c) Parents may decide not to place a child with disabilities in inclusive education, without taking into account his or her best interests, which results in a large proportion of children with disabilities attending special schools;

(d) Although the draft law on Preschool and School Education proposes the development of an inclusive education system, it does not provide for the necessary measures to change teaching methods, nor for the provision of specialized training for teachers. It, however, proposes establishing three categories of alternative support centres for children with disabilities, which may undermine efforts to ensure inclusive education for all;

(e) Inclusion of children with intellectual and psychosocial disabilities remains unsatisfactory due to a lack of trained specialists, including speech therapists, mental health professionals and psychologists.

39. **In the light of its general comment no. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and establish a comprehensive strategy to ensure the inclusion of children with disabilities. It also urges the State party to:**

(a) **Enhance data collection relating to children with disabilities and conduct studies and analyses on the effectiveness of the implementation of the Convention and the existing laws and policies;**

(b) **Reform the social assistance system for children with disabilities and their families in order to improve coherence and coordination and avoid institutionalization;**

(c) Give priority to measures that facilitate the full inclusion of children with disabilities, including those with intellectual and psychosocial disabilities, in all areas of public life, including leisure activities, community-based care and provision of social housing with reasonable accommodation;

(d) Undertake awareness-raising campaigns to combat the stigmatization of and prejudice against children with disabilities;

(e) Guarantee all children with disabilities the right to inclusive education in mainstream school, independent of parental consent;

(f) Train and assign specialized teachers and professionals in integrated classes to provide individual support and due attention to children with learning difficulties and address the shortage of speech therapists and qualified professionals for children with mental and psychosocial disabilities;

(g) Revise the draft law on Preschool and School Education to ensure that the proposed three categories of alternative support centres for children with disabilities do not undermine efforts to ensure inclusive education for all.

#### **Health and health services**

40. The Committee notes the efforts made by the State party to improve maternal and child health services, including through the National Programme for Improving Mother and Child Health care (2014-2020), however, it remains deeply concerned at the high infant and under-5 mortality rates, premature births and pregnancies that are not subject to medical prenatal services. The Committee is also concerned that the Roma community, in particular Roma mothers and young children, is particularly vulnerable and continue to lack access to maternal and adequate health care — resulting in early births, have low rates of immunization against childhood diseases, high rates of dental disease and high levels of malnutrition, with poverty and social isolation further exacerbating their plight. The Committee is further concerned at the lack of information on breastfeeding in the country.

41. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal 3.1 on reducing maternal mortality worldwide and Goal 3.2 on ending preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:

(a) Allocate adequate human and financial resources to ensure full implementation of the National Programme for Improving Mother and Child Health care (2014-2020) and strengthen and increase support to newly appointed health mediators in Roma communities;

(b) Ensure availability of and equitable access to quality primary and specialized health and dental care for all children in the country, particularly those from socially and economically disadvantaged groups, including Roma children and children with disabilities;

(c) Strengthen efforts to ensure that access to adequate health care, including prenatal care for uninsured pregnant women, is extended to families living in the most vulnerable situations, particularly those living in marginalized and remote areas;

(d) Implement and apply the “Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years

of age” by the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/31);

(e) Fully implement the World Health Organization *International Code of Marketing of Breast-milk Substitutes* and develop a national programme for the protection, promotion and support of breastfeeding through comprehensive campaigns, provide appropriate support to mothers through counselling structures in hospitals, clinics and the community and implement the Baby-friendly Hospital Initiative throughout the country.

#### **Mental health**

42. The Committee notes certain measures taken by the State party to address mental health issues and particularly welcomes the combined educational and social measures adopted for treating children with behavioural problems. The Committee is, however, concerned about the shortage of qualified child psychiatrists and community-based mental health services.

43. **The Committee recommends that community-based mental health services be made readily available and preventive work in schools, the home and care centres be strengthened. It also recommends that the number of child psychiatrists and psychologists be increased.**

#### **Adolescent health**

44. While welcoming the efforts made to address the reproductive health of adolescents through its National Programme for Sexual and Reproductive Health (2013-2017), the Committee remains concerned at the high rate of teenage pregnancies and abortions. It is also concerned at the lack of a comprehensive national programme and poor coordination among agencies that undermines the potential to develop a strategic and sustainable response to prevent early pregnancies. It is further concerned about the high incidence of the use of drugs, tobacco, alcohol and other toxic substances by children.

45. **In the light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) **Expand the scope of the National Programme for Sexual and Reproductive Health (2013-2017) to provide comprehensive, age-appropriate education on sexual and reproductive health, including information on family planning and contraceptives, the dangers of early pregnancy and the prevention and treatment of sexually transmitted diseases;**

(b) **Ensure unimpeded access to sexual and reproductive health services, including confidential counselling and modern contraception, for adolescent girls and boys and make the conditions for abortion less restrictive; in relation to adolescent girls, reflect the right of the child to express her views;**

(c) **Address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information and life skills education on preventing substance — including tobacco and alcohol — abuse and develop accessible and youth-friendly drug dependence treatment and harm-reduction services.**

**Standard of living**

46. While noting as positive the efforts made by the State party to address poverty and social exclusion through the National Strategy for Reducing Poverty and Encouraging Social Inclusion and the National Development Programme, the Committee remains deeply concerned that:

(a) Children in marginalized and remote and rural communities continue to be disproportionately affected by poverty, while families with more than three children, Roma families and families with children with disabilities are at higher risk of experiencing multidimensional poverty;

(b) Inadequate housing continues to be a problem, particularly for Roma families who are often subjected to forced evictions, which leaves children without access to basic services — including clean and safe drinking water and sanitation — and therefore vulnerable to serious health problems.

47. **The Committee draws the State party's attention to Sustainable Development Goal 1.3 on implementing nationally appropriate social protection systems and measures for all and recommends that the State party:**

(a) **Consider holding targeted consultations with families and children, including those in vulnerable situations, particularly Roma families, and rights civil society organizations dealing with children's rights, with a view to strengthening the strategies and measures for reducing child poverty;**

(b) **Strengthen support to children living below the poverty line, in particular single-parent families, families with three or more children and families with children with disabilities, and ensure that social protection measures provide for the real costs of a decent living for the children, including expenses relating to their right to health, a nutritious diet, education, adequate housing and water and sanitation;**

(c) **Review its legislation, policies and programmes on housing in order to prevent and eliminate homelessness, taking into account the special needs of children, including Roma children, children with disabilities, their families and young people leaving alternative care;**

(d) **Ensure that the policies, projects and practices on development and land governance, including those that may entail relocation of populations, are in line with relevant international standards, including the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex 1), and the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* of the Food and Agriculture Organization of the United Nations in 2012.**

**G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)****Education, including vocational training and guidance**

48. The Committee welcomes efforts made to: reduce urban and rural disparities in accessing quality education, enhance the provision of early childhood education, integrate Roma children into mainstream schools, reduce dropout rates and guarantee access to free public education and educational support services for asylum-seeking and refugee children. However, the Committee remains seriously concerned that:

(a) Children living in rural areas and small towns still face inequality in accessing quality education;

(b) The high levels of non-attendance and the large number of students who drop out of school is still a problem in many parts of the country;

(c) Participation in preschool, primary, secondary and vocational education for Roma children, particularly for Roma girls, remains low with many Roma children continuing to face segregation in the school system.

(d) Asylum-seeking children placed in detention centres based in remote areas do not have access to full-time education.

**49. In the light of its general comment No. 1 (2001) on the aims of education and with reference to Sustainable Development Goals 4.1 and 4.2 on ensuring that, by 2030, all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party:**

(a) **Further strengthen its efforts to improve access to quality education in rural areas and in small towns, including access to preschool and secondary and higher education;**

(b) **Develop programmes with monitoring and evaluation mechanisms to reduce drop-out rates;**

(c) **Facilitate the participation and inclusion of Roma children in education at all levels — including preschool education — raise awareness of teachers and staff of psychological and pedagogical counselling centres about the history and culture of Roma people and ensure the use of non-verbal and culturally sensitive tests;**

(d) **Ensure the full enjoyment of the right to education by asylum-seeking children, regardless of their status, length of stay or residence, on equal footing with all other children in the country.**

## **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d), 38-40)**

### **Asylum-seeking and refugee children**

50. While welcoming the State party's continued cooperation with the Office of the United Nations High Commissioner for Refugees and the efforts made to improve reception facilities and the registration process for asylum seekers and refugees, the Committee is concerned that:

(a) A targeted refugee integration support programme has not been in place since 2014;

(b) Owing to lack of space in reception centres, in some cases, unaccompanied asylum-seeking children are placed in rooms with adults; in addition, reports suggest that overcrowding and poor hygiene place children at risk;

(c) Under the current regulations, a working mechanism to appoint a guardian for unaccompanied children does not exist;

(d) Despite amendments to the Foreigners Act stipulating that unaccompanied children must not be detained but should be cared for by the Social Assistance Directorate, children continue to be detained and, in exceptional circumstances, for up to three months. Similarly, proposals to detain asylum seekers, including children, in closed reception centres to ensure family unity have been made without due regard for the best interest of the child, including their physical, emotional and physical development or sufficient guarantees to ensure access to judicial review;

(e) There are no administrative or financial arrangements in place to ensure free legal assistance for asylum seekers, including unaccompanied children;

(f) The procedures for family reunification are not physically and economically accessible for many asylum seekers and refugees and are overly demanding in terms of requirements for documentation and physical verification of applicants;

(g) The absence of a proper identification procedure and the lack of sufficient interpreters at the border increase the risk of unaccompanied children entering the country being identified as “accompanied” and therefore placed in detention centres, or not being promptly referred to the State Agency for Refugees;

(h) Hate speech against asylum seekers and refugees in the media as well as among high-ranking officials is on the rise.

**51. In the light of general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:**

**(a) Ensure that sufficient provisions are made to prevent unaccompanied asylum-seeking children from being placed in rooms with unrelated adults;**

**(b) Take all necessary legal and practical steps to ensure the timely appointment of guardians for unaccompanied and separated children;**

**(c) Avoid any form of detention of asylum seekers under the age of 18 years and families with children, and consider all possible alternatives, including unconditional release, prior to detention. To that end, the Committee draws the State party’s attention to *UNHCR’s Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers* of 26 February 1999;**

**(d) Ensure that all asylum-seeking children are systematically provided with information on their rights and obligations, asylum procedures and available services. In this regard, consider amending relevant national legislation, including the Asylum and Refugees Act;**

**(e) Expand the scope of free legal assistance to all asylum-seeking and refugee children at all stages of the application for international protection by amending relevant legislation and providing financial support to non-governmental organizations that provide legal assistance to asylum-seeking and refugee children;**

**(f) Ensure full respect of the principle of non-refoulement and facilitate access to the asylum system for children in need of international protection, in line with articles 6, 22 and 37 of the Convention and the Committee’s general comment No. 6 on treatment of unaccompanied and separated children outside their country of origin;**

**(g) Take all necessary measures to safeguard the principle of the family unity for refugees and their children, including by making administrative requirements for family unification more flexible and affordable;**

**(h) Develop campaigns to counter hate speech against asylum seekers and refugees;**

**(i) Effectively implement the National Integration Strategy for Individuals Granted International Protection in Bulgaria (2014-2020) with particular focus on the needs of children.**



**Children belonging to minority groups**

52. The Committee is concerned that:

- (a) Stigma and discrimination against Roma people, including children, are still widespread, resulting in violence and hate speech against them;
- (b) Roma families with children living in informal settlements face forced eviction;
- (c) Roma families face difficulty in accessing social protection services and social integration programmes.

53. **The Committee urges the State party to:**

- (a) **Conduct campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and take effective measures to prevent violence and hate speech against Roma;**
- (b) **Assess the particular situation of Roma children and take measures to facilitate their access to social protection measures and social integration programmes, including by improving cultural sensitivity of services provided and readjusting the scope of social programmes.**

**Economic exploitation, including child labour**

54. While noting as positive the efforts made by the State party to address child labour, particularly through the Labour Inspection Act of 2008, and its collaboration with the International Labour Organization (ILO), the Committee is concerned that children living in vulnerable situations, particularly Roma children, continue to be exposed to harmful and exploitative work in the informal economy, mainly in agriculture, tourism, retail and domestic work.

55. **The Committee urges the State party to:**

- (a) **Continue to seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard;**
- (b) **Take all measures necessary to enforce the Labour Act and fully implement ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182);**
- (c) **Establish training programmes for labour inspectors and increase their numbers to ensure that employment practices are sufficiently monitored.**

**Sexual exploitation and trafficking**

56. The Committee welcomes the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2011, and the amendments to the Criminal Code and the Child Protection Act, which aim to protect victims of trafficking. However, the Committee remains concerned that:

- (a) The 2010 Coordination Mechanism for Referral, Care, and Protection of Repatriated Bulgarian Unaccompanied Minors and Children Victims of Trafficking Returning from Abroad does not function efficiently;
- (b) There is no system to provide specialized care and support to child victims of trafficking who are often placed in sociopedagogical boarding schools and correctional centres.

57. **The Committee recommends that the State party:**

(a) **Establish adequate and coordinated mechanisms for identification and protection of child victims of trafficking, including systematic and timely information sharing among relevant officials, and strengthen the capacity of police officers, border guards, labour inspectors and social workers to identify child victims of trafficking;**

(b) **Redouble efforts to raise awareness and enhance the competency of family court judges and prosecutors in relation to existing national and international standards as well as respecting and taking into account the best interests of the child in the legal proceedings relevant to human trafficking, taking into consideration the specific protection needs of child victims of trafficking;**

(c) **Based on the evaluation of the outcome of the National Programme for Preventing and Combating Human Trafficking and Protecting Victims ( as prepared and implemented annually since 2011), integrate, in the next round of the programme, comprehensive measures to identify, protect and support child victims of trafficking that reflect their best interests and special needs.**

#### **Administration of juvenile justice**

58. While noting as positive the efforts made to reform the juvenile justice system through the adoption of the Concept paper for public policy on justice for children, in 2011, the road map for its implementation, in 2013, the Strategy for the Judicial Reform of the Ministry of Justice, in 2015, and the training of magistrates in relation to child rights, the Committee remains deeply concerned that the majority of the recommendations from its previous concluding observations (para. 69) have not yet been implemented. It is particularly concerned that:

(a) Children as young as 8 years of age continue to be deprived of their liberty in correctional facilities under the Juvenile Delinquency Act;

(b) The principle of deprivation of liberty as a last resort and for the minimum period of time is not explicitly provided for in legislation;

(c) Amendments to the Juvenile Delinquency Act and the Criminal Procedure Code have not been implemented as recommended by the Committee in its previous concluding observations (para. 69);

(d) The term “anti-social behaviour” continues to be applied in contravention of international standards;

(e) A large number of children continue to be placed in juvenile correctional and educational facilities with inadequate living conditions, often isolated from the wider community and with limited contact with family.

**59. In relation to the above-mentioned concerns, the Committee urges the State party to implement the recommendations contained in its previous concluding observations (para. 69) as a matter of priority.**

60. The Committee is also concerned that:

(a) Children with intellectual and psychosocial disabilities, severe health issues, such as HIV/AIDS, and drug addiction continue to be placed in sociopedagogical boarding schools and correctional schools;

(b) Pregnant girls placed in correctional facilities are often deprived of adequate living conditions, including a safe environment, adequate food and nutrition and a lack of access to appropriate medical care, and separation of mother and child after birth is apparently common place;

(c) Legal counsel and representation are not guaranteed for children and periodic review and monitoring of correctional facilities is lacking. The placement of children in homes for the temporary placement of minors and adolescents is implemented by administrative order without the possibility of judicial review.

61. **The Committee urges the State party to:**

(a) **Ensure that children placed in specialized educational facilities have access to protection measures under the Child Protection Act;**

(b) **Ensure that pregnant girls placed in correctional facilities are provided with adequate living conditions, including the right to adequate food and nutrition, medical care and a safe environment;**

(c) **Monitor the implementation of alternatives when deprivation of liberty is handed down by courts to ensure that it is only used as a last resort and for the shortest possible period of time and ensure that the deprivation of liberty is reviewed on a regular basis with a view to withdrawing it;**

(d) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(e) **In cases where detention is unavoidable, ensure that children are not detained together with adults and that detention conditions are in compliance with international standards, including with regard to access to education and health services.**

#### **Child victims and witnesses of crimes**

62. **While welcoming the adoption by the State party of several European Union directives (including Directive 2012/29/EU) as a means of improving conditions for child witnesses and the establishment of child friendly “blue rooms”, the Committee urges the State party to expedite the establishment of child-sensitive procedures, ensure that interviews are conducted in an appropriate manner — without the accused perpetrator being present — by adequately trained judicial staff so as to prevent revictimization and traumatization of children and take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).**

#### **Follow-up to the Committee’s concluding observations on the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BGR/CO/1)**

63. The Committee notes as positive the amendments to the Criminal Code, which are aimed at increasing penalties for various trafficking offences. However, it is concerned at the absence of measures taken to amend domestic legislation to incorporate the provisions outlined in article 3 of the Optional Protocol concerning all elements relating to child pornography and sale of children for adoption. The Committee is also concerned at the lack of information as to whether or not the State party exercises extraterritorial jurisdiction over all crimes covered in the Optional Protocol. It is further concerned at reports of illegal adoptions, including the sale of babies, particularly within the Roma community.

64. **The Committee urges the State party to bring its Criminal Code into full compliance with articles 2 and 3 of the Optional Protocol and recommends that it step up its efforts to prevent trafficking in child and take preventive measures to address the sale of children, child prostitution and sex trafficking in Roma communities. In particular, urgent measures should be taken to combat the sale of children for**

**adoption. The State party is requested to provide information in its next report on extraterritorial jurisdiction over all crimes provided for in the Optional Protocol.**

**Follow-up to the Committee's concluding observations on the Optional Protocol to the Convention on children in armed conflict (CRC/C/OPAC/BGR/CO/1**

65. The Committee welcomes the State party's decision to abolish obligatory military conscription, in 2008, and the fact that children under the age of 18 years are not permitted to serve in the Bulgarian armed forces. However, the Committee regrets the lack of information provided on measures taken to:

(a) Criminalize the recruitment and involvement of children in hostilities led by the armed forces and/or by non-State armed groups;

(b) Establish and exercise extraterritorial jurisdiction over all crimes covered by the Optional Protocol;

(c) Ensure that psychological assistance, rehabilitation and reintegration into society is provided for asylum-seeking, refugee and migrant children, including unaccompanied children, who may have been involved in armed conflicts or recruited for hostilities abroad.

**66. The Committee urges the State party to provide information in its next report on the issues outlined in the foregoing paragraph.**

**Ratification of the Optional Protocol on a communications procedure**

67. The Committee is concerned that the State party's decision to ratify the Optional Protocol is based on whether or not the proposed Child Act is adopted.

**68. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Optional Protocol to the Convention on a communications procedure and ensure that appropriate mechanisms are put in place to ensure that it is fully implemented.**

**I. Ratification of international human rights instruments**

69. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) The International Convention for the Protection of All Persons from Enforced Disappearance.

**J. Cooperation with regional bodies**

70. The Committee recommends that the State party continue to cooperate with the Council of Europe in the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

## V. Implementation and reporting

### A. Follow-up and dissemination

71. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third, fourth and fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### B. Next report

72. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 2 January 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

73. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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