



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Third, fourth and fifth periodic reports of States parties due  
in 2013

**Bulgaria\***

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\* The present document is being issued without formal editing.

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–9	4
II. General measures of implementation (articles 4, 42 and 44, paragraph 6, of the Convention).....	10–46	5
A. Previous concluding observations of the Committee and legislation.....	10–11	5
B. Coordination.....	12–14	6
C. National Action Plan.....	15–23	6
D. Independent monitoring .....	24	8
E. Allocation of resources .....	25–27	8
F. Data collection .....	28–34	9
G. Dissemination of the Convention and training .....	35–43	10
H. Cooperation with international organisations and civil society .....	44–46	11
III. Definition of the child .....	47–55	12
IV. General principles .....	56–93	14
A. Non-discrimination .....	56–63	14
B. Best interests of the child.....	64–82	15
C. The right to life, survival and development .....	83–87	20
D. Respect for the views of the child.....	88–93	21
V. Civil rights and freedoms .....	94–100	23
Torture or other cruel inhuman or degrading treatment or punishment .....	94–100	23
VI. Family environment and alternative care .....	101–172	24
A. Family environment.....	108–130	25
B. Alternative care.....	131–141	30
C. Adoption .....	142–150	32
D. Children without parental care who are living in public care institutions.....	151–164	34
E. Abuse and neglect.....	165–172	36
VII. Basic health and welfare .....	173–242	37
A. Children with disabilities .....	173–199	37
B. Health and health services .....	200–212	42
C. Adolescent health.....	213–219	45
D. Drugs, cigarettes, alcohol and other harmful substance abuse.....	220–229	46
E. HIV/AIDS.....	230–236	47
F. Mental health .....	237–240	49
G. Standards of life.....	241–242	49

VIII.	Education, leisure and cultural activities.....	243–311	50
A.	Budget.....	248–254	50
B.	Integration of Roma children and early childhood development .....	255–263	51
C.	School dropout.....	264–271	53
D.	Children from small communities and rural areas .....	272	54
E.	Children with disabilities .....	273–279	54
F.	Quality of education and teacher training .....	280–287	56
G.	Civic education .....	288–289	57
H.	Access to education .....	290–297	57
I.	School violence.....	298–301	58
J.	Leisure, recreation and cultural activities .....	302–311	59
IX.	Special protection measures .....	312–378	60
A.	Economic exploitation of children, including child labour .....	312–319	60
B.	Children in street situations .....	320–322	62
C.	Sexual exploitation and abuse.....	323–326	62
D.	Trafficking and abduction.....	327–345	63
E.	Sale of children, child prostitution and pornography.....	346–349	66
F.	Children outside their country of origin seeking refugee protection (art. 22), unaccompanied asylum-seeking children, migrant children and children affected by migration .....	350–362	66
G.	Administration of juvenile justice.....	363–368	68
H.	Roma children.....	369–375	70
I.	Children in armed conflict .....	376–378	71

Annexes\*

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\* Annexes may be consulted in the files of the secretariat.

## I. Introduction

1. Pursuant to article 44, paragraph 1 (b) of the United Nations Convention on the Rights of the Child (the Convention) and paragraph 76 of the concluding observations on the second periodic report (CRC/C/BGR/CO/2) concerning the implementation of the Convention, Bulgaria hereby submits its consolidated third, fourth and fifth report. It covers the period from January 2008 through December 2012 and reflects the measures taken with respect to the Committee's concluding observations on the implementation of the Convention by Bulgaria, as well as the measures relevant to the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). The report has been prepared in accordance with the treaty-specific guidelines regarding the form and content of reports (CRC/C/58/Rev.2 and Corr.1).

2. The report has been drafted by the State Agency for Child Protection (SACP) in cooperation with the Ministry of Foreign Affairs (MFA), on the basis of information submitted by other child protection authorities, namely, the Minister of Labour and Social Policy, the Minister of Interior, the Minister of Education and Science, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Culture, the Minister of Health and the mayors of municipalities.

3. The report is also based on information provided by all other government bodies, institutions, ministries and organizations having a bearing on the issues of child and family welfare, including the Supreme Court of Cassation (SCC), Supreme Prosecutor's Office of Cassation (SPOC), National Health Insurance Fund (NHIF), National Centre of Public Health and Analyses (NCPHA), National Centre for Addictions, Commission for Protection against Discrimination (CPD), Ministry of Physical Education and Sports (MPES), Agency for Social Assistance (ASA), General Labour Inspectorate (GLI), National Statistical Institute (NSI), Ministry of Regional Development and Public Works (MRDPW), Ministry of Economy, Energy and Tourism (MEET), Ministry of Defence (MoD).

4. The report includes aggregated statistical information, obtained predominantly from the National Statistical Institute. It reflects mainly the measures taken by the State in the area of the rights of the child and only partially the contribution of the civil sector, such as examples of joint work or presentation of good practices, since the representatives of the non-governmental sector will submit an alternative report to the Committee.

5. The report takes into account the Committee's concluding observations on previous reports on the implementation of the Convention on the Rights of the Child, namely CRC/C/15/Add.66 and CRC/C/BGR/CO/2, as well as the Committee's concluding observations on the initial reports under the above-mentioned Optional Protocols, CRC/C/OPAC/BGR/CO/1 and CRC/C/OPSC/BGR/CO/1.

6. The Republic of Bulgaria attaches special attention to the concluding observations of the Committee on the Rights of the Child (the Committee). However, it should be noted that so far not all of the Committee's recommendations have been implemented. The development of three major pieces of legislation relating to the rights of the child is under way: the Child Act, which seeks to replace the Child Protection Act, which is currently in effect; the Law on Preschool and School Education, which should replace the currently effective Public Education Act; and a new Law on Juvenile Justice that might substitute the Law on Counteracting Anti-social Behaviour of Juveniles and Minors.

7. The consolidated report accounts for the progress achieved by Bulgaria since the submission of its second periodic report and focuses on the implementation of the

recommendations made in the concluding observations of the Committee, and the respective measures undertaken. Prominence has been given to the analytical part, to the progress made, to compliance with the rights of the child, to the challenges that have emerged and how they have been surmounted in accordance with the Committee's earlier concluding observations CRC/C/118 (2002). The previous reports, concluding observations and replies to lists of issues have been published and are accessible at <http://sacp.government.bg/monitoring/>.

8. Prior to the finalization of this report, consultations were held with non-governmental organizations and with the Ombudsman of Bulgaria. The report was presented to the members of the National Council for Child Protection (NCCP) during its 25th regular session. Certain texts of the report were adjusted in a child-friendly manner and it was sent together with a tailor-made questionnaire to the members of the Child Council of the NCCP. The children were made aware of the voluntary nature of the consultations on the report, as well as of the purpose of the consultation and of the results stemming from it. Apart from their written feedback, the members of the Child Council were also able to recount their final view at a special session dedicated to consultations on the report. Those views have been duly included in the report.

9. Statistics and additional information are submitted as separate annexes to the report. Relevant laws and other documents referred to in the report can be found on the website of the State Agency for Child Protection of Bulgaria (SACP) at <http://sacp.government.bg>.

## **II. General measures of implementation (articles 4, 42 and 44, paragraph 6, of the Convention)**

### **A. Previous concluding observations of the Committee and legislation**

10. Bulgaria has ratified the United Nations Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, without reservations or declarations. A discussion between Government institutions and non-governmental organizations on the signing of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure is forthcoming. The signing and ratification of the instrument could take place only after the adoption of a new Child Act, which should provide for legally liable persons and systems of bodies that would guarantee the ensuring of every right, including procedures and financial mechanisms in support of children. There is still no operational compensatory mechanism for persons with respect to which there is an affirmative decision by the United Nations control bodies. Only after the fulfilment of these two conditions can the country consider signing and ratifying the third Optional Protocol to the Convention. The other international agreements to which Bulgaria became a party between 2008 and 2012 are specified in the annex to the present report, on the web site of SACP, and in the new common core document submitted simultaneously with this report.

11. With a view to the implementation of the recommendations contained in the concluding observations on Bulgaria's initial report (CRC/15/Add.66), as well as paragraphs 7 and 9 of the concluding observations on the second report (CRC/C/BGR/CO/2), the national legislation has been amended over the years, also taking into account the relevant strategies, decisions and declarations adopted by the European Union and the Council of Europe. An entirely new Family Code has been adopted in Bulgaria; amendments have been introduced in the Child Protection Act (CPA), in the

Public Education Act, the Health Act, the Civil Registration Act, the Criminal Code, the Criminal Procedure Code, among others.<sup>1</sup> The reforms launched in the area of the rights of the child have laid the foundations of a new understanding of the role of the child in society, as that of a rights holder, and not only as an object of protection. All bills, drafts of amendments to regulations, strategies and plans are prepared after broad public discussion and in cooperation with civil society.

## **B. Coordination**

12. In response to paragraph 11 of concluding observations CRC/C/BGR/CO/2 and in conformity with Committee's general comment No. 5 (2003), work on the creation of a new Child Act was initiated during the reporting period. An interdepartmental working group including representatives of the child protection bodies and the Ombudsman of Bulgaria developed, with broad NGO participation, a law covering all the rights of the child. The rationale of the draft Child Act was based on an inclusive approach of the rights of all children, and not only of children at risk. The draft was subjected to extensive public consultations (the first such consultations in respect of the legal framework pertaining to policies on children) prior to its submission to the National Assembly by the Council of Ministers. The consultations focused the sensitivity and considerations of the public, of parents and specialists, on the significance of the child and childhood, and as an outcome of the broad discussions and debates on various levels, awareness on the rights of the child, the child protection system and child protection authorities was raised.

13. During the public consultation process, the right of the child to participate in any decision-making affecting him/her appeared to be the most disputed right set out in the Convention. That concept implies a radical change in the mindset of many families and communities. A large portion of Bulgarian society is not yet prepared to perceive children as personalities entitled to their totally independent opinions, which led to a negative response to the draft Child Act on the part of parent organizations, mostly with respect to the right of the child to take part in various judicial and administrative proceedings.

14. The draft provided for the establishment of a commission on the rights of the child, an independent specialized body under the authority of the Council of Ministers, responsible for policy coordination, monitoring and control on the rights of the child. The commission would be a first-level spender of budgetary appropriations and it would monitor the respect for the rights of the child in compliance with the Convention and national legislation. Owing to the negative response from the parent organizations to the draft, the said commission was not approved by the National Assembly.

## **C. National Action Plan**

15. In relation to paragraph 13 of the concluding observations of 2008, Bulgaria adopted a long-term National Strategy for Children (2008–2018) which is in conformity with the objectives and principles of the Convention on the Rights of the Child and the Child Protection Act. The Strategy identifies priority areas and actions needed to improve child welfare in Bulgaria over a period of ten years. The strategic goal of the document is to ensure conditions for the effective exercise of the rights of children and for improving the quality of their life.

16. The strategy document was approved by the National Assembly and was the first to adopt a fundamentally new planning and integration approach in the area of child policies.

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<sup>1</sup> The annex to the report contains a detailed list of the amendments to the legislation.

It covers all spheres of social life of significance for child welfare: family environment, health services, education, recreation and leisure, alternative care, standards of life and social assistance, action against exploitation and abuse of children, special protection measures, protection against discrimination etc. Specific objectives for continuing the process of deinstitutionalization and development of alternative social services have also been envisaged.

17. In implementing the Strategy, the Council of Ministers annually adopts a National Programme for Child Protection (NPCP) on the basis of a proposal by the Minister of Labour and Social Policy and the Chairperson of the State Agency for Child Protection. All State institutions set out their annual activities in the programme, in accordance with their respective obligations and commitment to guarantee the rights of children in Bulgaria.

18. At the national level, the monitoring of child policies and the implementation of the Strategy are supervised by the Chairperson of the State Agency for Child Protection (SACP). The mechanism of monitoring and evaluating implementation of the National Strategy for Children 2008–2018 is applied by yearly reporting on the implementation of the annual national programmes. The evaluation of the results achieved for each calendar year is presented in the form of a report on the implementation of NPCP.

19. The Strategy also provides for monitoring mechanisms via periodic reports (every three years) by the line ministries and institutions, as well as reports from sociological surveys for assessment of the Strategy. Upon the expiry of the third, sixth, and tenth year of its implementation, the Chairperson of SACP prepares a report including an analysis of the results attained compared to the objectives set. This report is presented to the National Council for Child Protection (NCCP) for examination and to the Council of Ministers for approval.

20. In 2012, a thorough analysis was made of the implementation of the Strategy for Children over the period 2008 to 2010. It resulted in specific recommendations being made for amendments to the Strategy, aimed at better coordination and implementation of the annual programmes. On this basis proposals have been made for:

(a) Modifications to: the National Strategy for Children 2008–2018, the structure of the National Programme for Child Protection, the applicable regulations and the mode of operation of the competent institutions on national, regional and local level;

(b) Introduction of a system of indicators ensuring reliable information for the purpose of enhancing the effectiveness of the policies pursued; capacity-building within the State Agency for Child Protection (SACP), the Ministry of Labour and Social Policy (MLSP), the Agency for Social Assistance (ASA) via upgrading methods and skills to evaluate practical results and via ensuring a possibility for better evaluation of the performance and for development of policies and legislation;

(c) Development of a methodology for monitoring the activities for the sake of periodic evaluation of the implementation and outcomes of the enforcement of the National Strategy for Children.

21. The evaluation of the Strategy implementation over the three-year period since its adoption is also a manifestation of the clearly recognized need that the management process and decisions should be based on information that would allow tracing of changes and timely identification of weaknesses that require corrective action, so as to come up with appropriate policies seeking to attain adequate development of children by implementing the principles of the Convention in all areas.

22. In 2009, in an attempt to improve the coordination among child protection authorities, amendments were made to CPA and to its Implementing Regulations. The functions of all child protection authorities were laid out in detail and the powers of the

SACP Chairperson were expanded. The amendments referred to above provided for the establishment of a Coordination Mechanism for interaction between the SACP Chairperson and the rest of the protection authorities.

23. The amendments to the Child Protection Act approved in 2009 enabled the local authorities – mayors and municipal councils, to exercise more powers and responsibilities in the planning, management and control of the care and services for children and families. Each municipality has created a commission on children with coordinating and advisory functions and with the participation of representatives of the various institutions and organizations. Thus municipal authorities have a strategic role to play in planning and launching of social services. Every year each municipality approves a municipal programme for child protection consistent with the local needs and the annual National Programme for Child Protection (NPCP). The regional bodies of ASA are the lead partner in the development of strategies and plans on regional and municipal level.

#### **D. Independent monitoring**

24. Bulgaria has made considerable progress with regard to paragraph 15 of the 2008 concluding observations, as well as in achieving conformity with the previous concluding observations. In 2011 the Ombudsman of Bulgaria and the Commission for Protection against Discrimination acquired a “B” mandate in accordance with the Paris Principles in General Assembly resolution 48/134 of 20 December 1993 and the Committee’s general comment No. 2 of 2002. In 2012, the Ombudsman assumed a new role expanding his activities in cases of advocacy for the rights and freedoms of citizens to perform the functions of a National Preventive Mechanism (NPM) in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In 2012 the competences of the Ombudsman were further expanded in terms of the rights of the child: he/she acquired powers to protect the rights of children by applying the instruments provided for under the Law on the Ombudsman (LO), as well as to make recommendations and provide opinions on laws relevant to human rights.

#### **E. Allocation of resources**

25. Bulgaria’s annual budget is allocated by sector and programme without explicit specification of the amounts set aside for measures to meet the obligations of implementing the principles of the Convention in the different sectoral policies. Each first level spender of budgetary allocations prioritizes its expenditures within the approved budget for the respective year, so as to guarantee the required resourcing for the execution of the policy for which it is responsible.

26. In addition to budgetary allocations, institutions also work on various EU-funded projects. Such is the case of the Action Plan under the Vision for the Deinstitutionalization of Children in the Republic of Bulgaria Strategy, as well as of a number of measures in the education system. World Bank funding is also being used.

27. Since 2012, the funds released from the capacity reduction of specialized child institutions, as well as the resources generated due to the closure of child institutions are rechanneled for ensuring sustainability of social services provided under completed projects part of the Human Resources Development Operational Programme (HRD OP).



## F. Data collection

28. Bulgaria has made considerable progress regarding the recommendation on data collection (see CRC/C/BGR/CO/2, para. 19). The basic data currently used by the institutions in Bulgaria are handled by the National Statistical Institute (NSI). The National Statistical Institute regularly publishes data disaggregated by individual components: for example, children born in and out of wedlock according to the age of the mothers; education and enrolment rate; employment, health services, etc. The collection of disaggregated data according to ethnic origin takes place on a voluntary and self-identification basis, in line with the United Nations principles and recommendations on studying the basis of ethnicity and religion. In 2011, there was a population and housing census in Bulgaria in compliance with the EU regulations on the technical format and quantity of the data, which provided a full and comprehensive picture according to multiple indicators. The NSI is currently implementing a project that will enable the creation of a detailed picture of all groups of the population – gender, age, marital, health, educational status, economic situation, ethnic origin of the parents, etc.

29. In addition, the Chairperson of the State Agency for Child Protection has the prerogative to create and maintain a National Information System (NIS). NIS collects information from the Child Protection Departments about children victims of violence and about the cases of children at risk on which they work. The main information flows are reviewed and analyzed, supplemented and adjusted every year, taking into account the comparability of the indicators and indices over the years, as well as to their comparability to those on European and international level (Eurostat, TransMONEE, UNICEF, UNICEF Innocenti Research Centre).

30. The main information maintained at SACP via the National Information System contains data on: children in need of special protection; children at risk; the condition of the specialized child institutions and special schools; children of prominent talent; children eligible for full adoption; information on applicant and approved adoptive parents; information on applicant and approved foster families, information on the performance of Child Protection Departments (CPDs): signals, cases, measures taken, services, operational issues, suggestions, information about NGOs.

31. On the basis of the data obtained, SACP prepares an annual National Report on the state of children in Bulgaria, which incorporates data from the National Statistical Institute (NSI), from NGOs, from research institutions and ministries, etc., with which SACP has signed agreements for the exchange of general and specialized information for the purposes of the State policy in the area of child protection. Apart from that, analyses are also developed as needed for determining the strands of the Government policy on child protection (analyses of the effectiveness of the child protection system; the state of the children in the specialized institutions; gifted children; children with disabilities, street children; services for children at risk, etc.). A part of the analyses is uploaded on the web site of the Agency.

32. A process of automation of NIS of SACP is underway. It will boost the effectiveness in pursuing the policies of the Agency for Child Protection by better informing management and operational activities. The data bases of various institutions involved in policies and activities related to the rights and welfare of children still “rest on” a multitude of diverse indicators, insofar as the collection of the data and their publication is done according to different methods and for different purposes.

33. The project to create a single system for managing the overall process of implementation of the State policy for working with people with disabilities in Bulgaria, which is being implemented by the Agency for People with Disabilities, envisages the collection of data on people with disabilities and in particular on children with disabilities.

The system has been established and a process of signing agreements for exchange of information is underway.

34. Information reflecting the condition of and challenges in the lives of children and young people and of their families is also obtained from national and international surveys: Situation Analysis (UNICEF); Global education survey (PISA); Gender Education, Research and Technologies (GERT) Foundation, Gender equality – the perceptions and attitudes of children, Applied Research and Communications Fund (ARC Fund), Schools without gender-based violence and stereotypes, and many more.

## **G. Dissemination of the Convention and training**

35. Regarding the recommendation in paragraph 21 of CRC/C/BGR/CO/2 on the dissemination of the Convention and conducting training on it, in accordance with our commitments under article 42, a comprehensive and systematic approach has not been developed yet. SACP is faced with the challenge to undertake systematic education and introduce a training programme based on the principles of the Convention and targeting children, parents and all professional groups working for and with children. The inclusion of the rights of the child in various courses and trainings for all target groups is a recognized but still unattained objective due to the status and powers of the Agency focused mostly on social work and social policy. The efforts of the State to train specialists are described in the individual thematic areas and such courses are most comprehensively applied by the Ministry of Defence, which trains all servicemen undergoing preparation for participation in operations and missions abroad on the main aspects of international humanitarian law and in particular on the rights of children in areas of armed conflicts.

36. Since 2012, MFA has trained individuals and technical staff in Bulgaria's consulates abroad on the Convention on the Rights of the Child and on Child protection as preparation of the employees to work with children victims of trafficking for the purposes of sexual or labour exploitation. The training is conducted with the participation of experts from the State Agency for Child Protection, the National Commission for Combating Trafficking in Human Beings under the Council of Ministers and the General Directorate for Combating Organized Crime of the Ministry of Interior. Experts from the Ministry of Justice conduct trainings of consular staff on the topic of international abduction of children, on the Hague Convention on the Civil Aspects of International Child Abduction, on cases of international abduction, etc.

37. Measures have been taken to promote the Convention on the Rights of the Child (the Convention) and its Optional Protocols among the staff of the Ministry of the Interior (MoI) by means of dissemination, trainings and integration in the syllabus of the Academy of MoI. All curricula for training police officers to work with children incorporate the fundamental principle of respecting and ensuring the rights and freedoms of citizens, as well as their dignity. The overall training is aimed at preventing violence against children, including such committed by police officers.

38. According to the curricular documentation of the Academy of MoI, the subjects, Prevention of anti-social behaviour of juveniles and minors and Police work in schools, include topics for studying and disseminating the Convention on the Rights of the Child both in the vocational training courses and in higher education for acquiring the academic degree of Bachelor majoring in Combating crime and public order protection.

39. Since 2012, the Academy of MoI has been conducting courses for updating the vocational qualification, Specialized hearing of children victims of violence, as part of a programme developed jointly with the Social Activities and Practices Institute under the Hear the Child project. One of the objectives of this training programme is the acquisition

of theoretical knowledge and practical skills to apply Bulgarian and international standards and best practices relating to the respect for the rights of children victims of crime.

40. The Ministry of Education and Science, in cooperation with non-governmental organizations, social partners, etc., is developing a State educational standard of civil, intercultural and health education. Civil sector organizations, jointly with schools, implement projects aimed at increasing civic activism of students and disseminating the Convention. Measures to promote the Convention by using the peer-to-peer training method have been included in NPCP.

41. Bulgaria is making efforts to raise the awareness of the media on the rights of children. Purposeful meetings and trainings on the rights of the child targeting media representatives are planned within the National Programme for Child Protection, focusing annually on certain topics. In 2009, such a topic was violence against children and its coverage in the media, which provoked, apart from legislative modifications,<sup>2</sup> a series of meetings and workshops with representatives of the media and resulted in greater awareness and responsibility in covering child-related subjects and information about children.

42. In October 2011, the Council for Electronic Media adopted criteria for assessing content that is adverse or creates a risk of damaging the physical, mental, moral and/or social development of children. Providers of media services are obliged to prevent participation of children in programmes with such content. Every year until 31 March, the Council for Electronic Media, the providers of media services and the State Agency for Child Protection conclude an agreement on the protection of children against content that is adverse or creates a risk of damaging their physical, mental, moral and/or social development. The agreement is uploaded on the websites of the Council for Electronic Media and the State Agency for Child Protection. A similar obligation to protect children has also been introduced with respect to parents, guardians, custodians or other persons who care for children.

43. Regarding the commitment for dissemination of the concluding observations on the second periodic report, the State Agency for Child Protection has undertaken prompt measures to disseminate that document. It was translated and uploaded on the official web site of the Agency,<sup>3</sup> as well as on the specialized website dedicated to the topic of commercial sexual exploitation of children.<sup>4</sup> Measures were taken to disseminate the concluding observations among all authorities and partners involved in their implementation. The recommendations in the concluding observations were considered in detail during the sessions of the NCCP expert working groups, with the participation of all institutions, and the measures required for their implementation were outlined.

## **H. Cooperation with international organisations and civil society**

44. The government cooperates actively with the representations of UNICEF and UNHCR in Bulgaria. The 2013–2017 Country Programme Action Plan for cooperation with UNICEF is being implemented. The main areas of interaction include family care for all children, child participation, dissemination of the Convention and upgrading the capacity for its implementation by professionals working with children, as well as monitoring and evaluation of the implementation of the arrangements under it.

<sup>2</sup> A CPA provision has been approved prohibiting the disclosure of information about children without their parents' consent, and when they have reached the age of [...] without the children's consent as well.

<sup>3</sup> [www.sacp.government.bg](http://www.sacp.government.bg).

<sup>4</sup> [www.stopech.sacp.government.bg](http://www.stopech.sacp.government.bg).

45. Representatives of the civil sector have been included in NCCP. In 2011, the rules for admitting members from the civil sector were amended, thus guaranteeing a more transparent and democratic process. A number of agreements have been signed with various NGOs, such as that in support of the activities related to deinstitutionalization with LUMOS Foundation, Know-How centre at the New Bulgarian University, etc.

46. Another example in this respect is the establishment, with an Order of the Minister of Labour and Social Policy and in line with the Operational Manual of the Social Inclusion Project (SIP), of a Monitoring Committee (MC) of SIP with the participation of two NGOs. The civil sector has been included and takes an active part in all working groups for preparing policies, laws, strategic documents, methods, etc. at all levels of governance. Representatives of NGOs working with children were also included in the composition of the National Council on Social Inclusion under the Council of Ministers in 2009. This Council performs coordination, cooperation and consultations in the development, conducting, monitoring and evaluation of the State policy on social inclusion. The coordination is manifested in discussing and making suggestions for drafting strategies, programmes, action plans and other strategic social inclusion documents.

### **III. Definition of the child**

47. The legal definition of a child is contained in the CPA and is fully consistent with article 1 of the Convention: "A child shall be any natural person, who has not reached the age of 18". When the age of 18 is reached, civil capacity is also acquired. As stated in Bulgaria's initial report, minors are persons aged under 14 and juveniles are persons in the age bracket between 14 and 18.

48. In 2009, a new Family Code was adopted by the National Assembly. Marriage is allowed to persons above the age of 18. By way of exception, where compelling reasons warrant it, a person aged 16 may also get married with the consent of the district judge at the place of permanent residence of the person. In general, child labour is forbidden. A child aged over 16 could work only after a special permit of General Labour Inspectorate Executive Agency and under specific conditions and a child over 15 could work only as an exception, again after receiving a permit.

49. Regarding the employment of children, two supplements have been made to the Labour Code relating to the social protection of juveniles. The provision of article 305, paragraph 4 of the Labour Code (LC) specifies that factory and office workers, who have not attained the age of 18 shall be entitled to basic paid annual leave in the amount of not less than 26 working days, including during the calendar year, when they attain the age of 18; the rule of article 404, paragraph 1 (5) of LC provides for the power of the control authorities of the General Labour Inspectorate Executive Agency (GLI EA) to suspend from work factory and office workers, who have not attained the age of 18, in respect of whom the permission for employment under article 302, paragraph 2 and article 303, paragraph 3 of LC has been withdrawn.

50. Practice derived from inspection activities shows that juveniles are offered jobs with temporary, seasonal employment, which do not require special education or qualification. The insufficient level of education of some of the juveniles willing to work and the low level of their training on occupational safety matters require special attention for reasons of physiological and psychological nature. The immaturity of the hired juveniles, the lack of experience and labour skills, as well as their inability to recognize and protect themselves against existing or potential occupational risks are further complicating conditions affecting the health of young people and their physical, mental and social development. The majority of the economically active children work in the private sector and their labour is not

coercive in nature. The largest number of requests for authorizations to hire persons under the age of 18 under employment contracts has been filed by employers in the hotel and restaurant industry, retail and other “personal services”. There is a distinct trend indicating that boys are more economically active than girls, and that the relative share of economically active children grows with age. GLI EA focuses its controlling activity on compliance with the prohibitions and protection regulations, when juveniles are hired by employers, by enhancing the inspection capacity for prevention, protection and elimination of the cases of unauthorized forms of labour rendered by children.

51. Pursuant to article 31, paragraph 2 of the Criminal Code (CC), a juvenile, who has completed 14 years of age, shall be criminally responsible if he/she was able to understand the nature and meaning of the act perpetrated by him/her and to manage his actions. CC contains privilege provisions – special rules for handling criminal responsibility of juveniles. The following penalties can be imposed on juveniles: imprisonment, probation and deprivation of rights. Many of the penal provisions allow for replacement of the “imprisonment” penalty with another, less severe punishment. In the majority of cases the “probation” penalty is imposed.

52. Cohabitation on conjugal principle with a person under the age of 16 has been criminalized, and the penalties for cohabitation with a juvenile are even more severe. The sexual activity of persons who have not reached majority is surveyed periodically. The greatest concerns are caused by a trend in Roma communities, where early marriage and cohabitation on conjugal principle with a juvenile and even minor girls is seen as a tradition rather than as a practice detrimental to the health and development of the child. The measures for reducing and preventing this phenomenon are described in detail in the Health and welfare section of this report.

53. Regarding the prohibition for children to have access to pornographic materials, the amendments to the Criminal Code (CC) of April 2009 have resulted in the inclusion of “creation of pornographic materials” to such acts as “fornication”, “copulation”, “sexual intercourse” and “prostitution”. Moreover, the 2007 amendments to CC introduced a definition of the concept of “pornographic material”, which includes the definition of “child pornography” within the meaning of article 20, paragraph 2 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Completely new provisions of a crime have been included, for example: Article 155 b (New, SG No. 27/2009, amended, SG No. 26/2010): “Anyone, who persuades a person who is under the age of fourteen to participate in or to watch real, virtual or simulated sexual intercourses between individuals of the same or different sex, carnal display of human genitals, sodomy, masturbation, sexual sadism or masochism, shall be subjected to a penalty of imprisonment for a term of up to three years or probation.”

54. On 1 April 2012, a project supported and co-funded by the European Commission was launched in Bulgaria. It is a continuation of the previous projects under the Safer Internet Programme of the Commission, which resulted in the establishment and operation of a National Safer Internet Centre and its functional subdivisions: an Internet Hotline for receiving reports on illegal and harmful for children content and online behaviour and the Bulgarian helpline for online safety (BLOB) – an advisory centre for rendering assistance in case of issues related to the online safety of children. The Internet Hotline handles reports and helps limit child pornography and detect and prosecute child abuse via computer systems. Children themselves can file reports on pornographic content with BLOB (both by phone and electronically) or send alerts via the National Child Helpline 116 111. If a child is faced with a genuine risk, an immediate check is performed, at the time of filing of the report, by the General Directorate for Combating Organized Crime (GDCOC) by virtue of an agreement signed between the line operators and MoI.

55. There is an explicit prohibition in Bulgaria to sell tobacco products and alcohol to persons under the age of 18. A total ban on indoor smoking in public places became effective in 2012.

## IV. General principles

### A. Non-discrimination

56. The ban on discrimination has been incorporated in the Constitution of Bulgaria,<sup>5</sup> in the Law on Protection against Discrimination and in the Law on the Integration of People with Disabilities.<sup>6</sup> The State has explicitly introduced special bans against discrimination in its legislation, also in the Public Education Act. Any limitations or privileges on grounds of race, nationality, sex, ethnic or social origin, religion or public status are forbidden.

57. The Law on Protection against Discrimination introduces a general prohibition on discrimination, also on grounds of disability. A special section of the Law on Protection against Discrimination is dedicated to protection in cases of exercising the right to education and training. The right of equal access to education of children with disabilities is also guaranteed by the general regulation of the integrated education of children with special educational needs. The Public Education Act contains an imperative provision that children with special educational needs and/or chronic diseases shall be offered integrated education at mainstream kindergartens and schools. The same act imposes an obligation on educational institutions to accept children with special educational needs and/or chronic diseases.

58. The Law on Protection against Discrimination, effective since 2004, applies to all natural persons on the territory of the Republic of Bulgaria. It refers to disability as one of the grounds for discrimination. The effective legislation provides for two alternative ways to safeguard the right to equal treatment: (1) judicially; and (2) via administrative proceedings before the Commission for Protection against Discrimination.

59. An Equal Treatment Handbook<sup>7</sup> was issued in 2010 for the purpose of serving as guidelines in preventing and precluding discrimination in the following three areas: education, police and local authorities. The Handbook identifies typical cases of discrimination, common standards, good practices and recommendations for their prevention. It targets the key players in these three spheres, but it may be of benefit to a broader audience as well.

60. Another body that assists the Council of Ministers in developing and implementing the State policy on ethnic and integration issues is the National Council for Cooperation on Ethnic and Integration Issues (NCCEII).

61. As part of the measures taken against discrimination, the Council of Ministers approved a National Roma Integration Strategy of the Republic of Bulgaria 2012–2020 and

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<sup>5</sup> In the Preamble to the Constitution of the Republic of Bulgaria (CRB) equality is highlighted as one of the fundamental principles underlying the development of the Bulgarian society. Article 6, paragraph 2 of CRB states that all citizens shall be equal before the law and that neither abridgement of rights nor any privileges whatsoever shall be admissible on the grounds of race, nationality, ethnic identity, sex, origin, religion, education, convictions, political affiliation, personal and social status, or property status.

<sup>6</sup> Article 3. No form of discrimination be it direct nor indirect, shall be allowed against people with disabilities.

<sup>7</sup> VS/2009/0384. Support to national activities for identifying good practices in combating discrimination and promoting equality – PROGRESS (2007–2013) (in Bulgarian language).

adopted an Action Plan for its implementation, as well as one on the Decade of Roma Inclusion 2005–2015 initiative. The National Roma Integration Strategy was prepared in line with the EU Framework for National Roma Integration Strategies up to 2020 and in accordance with the National Reform Programme of the Republic of Bulgaria (2011–2015).

62. NCCEII coordinates and controls the implementation and performs current monitoring of the Action Plan for Implementation of the National Roma Integration Strategy of the Republic of Bulgaria (2012–2020) and the Decade of Roma Inclusion (2005–2015), including of the commitments of all State institutions according to their functional competence. The main objectives of the Strategy are accelerating the progress on improving the welfare of the Roma by including them in the process of decision-making and performing transparent and quantifiable reviews of progress achieved.

63. Measures targeting specifically Roma children are exclusively planned under the “Education” priority. The “Healthcare” section attaches particular significance to children and motherhood. These are also addressed under the “Culture and media” priority and under “Rule of law and non-discrimination”. The rest of the measures for ensuring employment and living conditions contribute to the improvement of the situation of children in vulnerable Roma families.

## **B. Best interests of the child**

64. In 2009, certain amendments to the Child Protection Act and its Implementing Regulation resulted in the establishment of a system of rules designed to ensure the best interests of the child. Thus, CPA explicitly states that securing the best interests of the child is a fundamental principle of child protection. Further on in the report, it is explained that “Best interest of the child” is an assessment of:

1. The wishes and feelings of the child;
2. The physical, mental and emotional needs of the child;
3. The age, gender, history and other characteristics of the child;
4. The danger or harm caused or likely to be caused to the child;
5. The ability of the parents to care for the child;
6. The consequences for the child upon change in the circumstances;
7. Other circumstances related to the child.

65. The amended regulations have defined and refined the responsibilities of all child protection authorities. They have specified the obligations and responsibilities of all persons who care for the raising and upbringing of children – not only parents, but also guardians, custodians and all persons involved in child care. The provisions on the grounds for placing a child to live out of his or her family have been supplemented by adding guardians and custodians to the persons who, without a valid reason, continuously fail to provide care for the child and/or are in a position of permanent inability to rear the child. For the purpose of guaranteeing the best interest of the child, a statutory requirement was established in 2009 that the placement of a child to live out of his or her family shall be undertaken as a protection measure after the exhaustion of all options for protection in the family, except in cases, where he or she has to be urgently removed.

66. In 2009, the quality standards codified in the Ordinance on the Criteria and Standards of Social Services for Children, adopted by the Council of Ministers in 2003, were modified in line with the CPA amendments. The modifications have refined the social services standards, which mostly seek to ensure quality care and guarantee the security and

safety of the children, who use various types of services. In 2009, an obligation was imposed on service providers to inform the child and the parent about the mode of provision of the social service and to develop, jointly with them, a care plan and a service provision plan. Furthermore, the Ordinance guarantees that the provider shall preclude discrimination in the process of performing the social service and that all actions of staff members and volunteers shall be consistent with the rights of the child guaranteed by the Convention on the Rights of the Child. Certain modifications of 2009 also regulate the ensuring of appropriate location and conditions for the provision of the service in accordance with the needs of the clients and the aims of the service, and the performance of periodic assessment of the risks ensuing from the environment. The criteria for social services targeting children are the indicators for measuring the conformity of the social service provided with the standards of social services for children established by the Ordinance.

67. The best interest of the child underlies every decision concerning the child in court or administrative proceedings. Even though this phrase has not been explicitly included in the Criminal Procedure Code, Criminal Code or Family Code, the court has the right to request additional information and a report from the Social Assistance Directorate on any case with a view to taking a decision that is consistent with the best interest of the child. The property of the child is also explicitly protected by law and parents should treat it with all due care and cannot dispose of it without an express court permission.

68. The State exerts particular efforts to coordinate and implement programmes on children in sectoral policies. There is still no common understanding on the influence of the various measures and actions in different sectors on children and there is no preliminary assessment of the impact of a certain policy on children. This is particularly valid for areas such as environment, transport, regional development and public works. In the sectors of social policy, education and juvenile justice the best interest of the child is explicitly incorporated in the legislation, and it is best regulated in the legislation in the social policy sphere. The undertaking of any protection measure always rests on an assessment of the situation. The Bulgarian State also follows the guidelines for providing alternative care to vulnerable children, where it once again acts in the best interest of the child. The Social Assistance Directorate prepares a social assessment and an action plan for the child. When children are placed in institutions, an individual care plan is drafted for each of them, which is reviewed every six months.

69. Social services in Bulgaria are implemented in compliance with uniform legislation and standards both for public and private organizations. When exercising their functions and powers, child protection authorities are guided by the best interests of the child in all their actions pertaining to children and their families. The law does not distinguish between public and private institutions and the criteria and standards are identical.

70. According to a statutory requirement in the social sphere, all providers of social services for children should file an application for a license with SACP. An exception is only made for municipalities in their capacity of providers of services for children, but despite the efforts made by SACP over the years this inequality continues to exist and this fact also affects the quality of services rendered by them, as seen in the results of the subsequent checks on the quality of the services. Licensing is a form of preliminary control on services for children. When such licenses are issued, all providers are informed about their obligations as such and they are subject to subsequent control. The criteria and standards for social services for children seek to ensure safe and secure environment for raising and nurturing children and for protecting their rights and interests, improving their general welfare, as well as guaranteeing better quality and accessibility of social services for children. After obtaining a license from SACP, each provider of services for children is obliged to register with the Agency for Social Assistance. The Agency also exercises



control pursuant to the Law on the Integration of People with Disabilities and the Family Allowances for Children Act. Furthermore, SACP controls municipalities in their capacity of providers of social services for children.

71. Child welfare is enshrined in the Constitution of the Republic of Bulgaria. The main tool of child policy, the National Strategy for Children 2008–2018, has placed child welfare in the centre of attention of all sectors. The welfare of children is the concern of their parents. According to the Family Code, the spouses shall be obliged, through mutual understanding and common efforts and according to their abilities, property and incomes, to provide the family welfare and to take care of the upbringing, fostering and education and support of the children. In case it is not possible for the child to be raised by his/her parents or this is not in his/her interest, measures are taken to place the child with an extended family or special protection measures are imposed. The State is obliged to provide the child with good living conditions. According to CPA, “Every child has a right to protection with a view to his/her normal physical, intellectual, moral and social development and to protection of his/her rights and interests. There shall be no limitation of rights, nor any privilege, on the grounds of race, nationality, ethnic background, sex, origin, property status, religion, education and convictions or disability”. According to the Implementing Regulation on CPA, “Child protection bodies shall grant the child the protection and care necessary for his/her welfare duly taking all necessary legislative and administrative measures”.

72. That is why the first objective of the National Strategy for Children is decreasing child poverty and creating conditions for children’s social inclusion. In the context of the Europe 2020 Strategy, in 2010, the Government adopted Bulgaria’s general national target on social inclusion promotion, in particular through poverty reduction by 2020, which consists in reducing the number of people living in poverty by 260 000. Four specific targets addressing specific target groups were defined under it. One of the specific targets seeks to reduce the number of children in the 0–18 age bracket living in poverty by 78 000. The activities and measures planned in the National Strategy for Children 2008–2018 in the area of the standard of living and social inclusion encompass: ensuring of a standard of living corresponding to the child’s needs for physical, mental, spiritual, moral and social development; family social assistance; creation of conditions for reconciliation of parents’ private and professional life and for employment of women; development day care – nursery schools, kindergartens.

73. According to data yielded by the 2008 Statistics on Income and Living Conditions (EU-SILC),<sup>8</sup> the poverty rate in Bulgaria for children under the age of 18 was 24.9 per cent. In 2009, the value of this indicator went up by 1.8 percentage points to reach 26.7 per cent, and in 2010 it was 28.9 per cent. A slight increase was also observed in the rate of children living in material deprivation between 2008 and 2009: from 43.6 per cent in 2008 to 46.5 per cent in 2009.<sup>9</sup> In 2010,<sup>10</sup> there was a drop by 0.9 percentage points, the magnitude of the indicator being 45.6 per cent.

74. Child poverty stands out as a significant problem for Bulgaria. According to a 2012 research of the Innocenti Centre,<sup>11</sup> the child poverty rate in Bulgaria was 17.8 per cent, while the deprivation measure was 56.6 per cent. The State takes measures to support low-income parents. Various kinds of benefits are granted under the Family Allowances for Children Act, the Social Assistance Act, the Law on the Integration of People with Disabilities, the Child Protection Act and their by-laws. In addition, there are incentives for

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<sup>8</sup> EU-SILC 2009, NSI.

<sup>9</sup> EU-SILC 2009, EU-SILC 2010, NSI.

<sup>10</sup> EU-SILC 2011, NSI.

<sup>11</sup> “Report card 10” Measuring Child Poverty, Innocenti Research Centre ISBN: 978-88-8912-965-4.

employing single (adoptive) parents and/or (adoptive) mothers with children aged 3 to 5 for a period of 12 months. The subsidy period is not longer than 6 months, and parallel with that, quality care is provided to children aged up to 3 if both parents are hired under employment or civil service contracts, or work as self-employed persons, and employment is provided to unemployed individuals registered with the Labour Office Directorates. Additional incentives are provided for employers to hire unemployed persons, who are single (adoptive) parents and/or (adoptive) mothers with children aged up to 3 (article 53 of the Employment Promotion Act).

75. Families are also supported through the social services system. Regarding the funding of social services that constitute activities mandated (delegated) by the State, a system of uniform expenditure standards was introduced in 2008 for the purpose of financing of social services according to the budget capacity and the needs in the sector. The introduction of the uniform standards for all types of social services virtually marked the beginning of a new stage in the development of the social services system. Every year, by virtue of a resolution of the Council of Ministers, the activities funded via the municipal budgets are divided into local activities and such mandated by the State and uniform expenditure standards are set for financing the State mandated activities. The uniform expenditure standards not only create a formal option for the extensive participation of non-governmental organizations and trade companies in this sector, but also allow efficient spending of the funds for the development of social services.

76. Income support is also provided to families, whose children are at risk of social exclusion, by means of developing economic assistance, or the so-called “income support” for the sake of reducing poverty among vulnerable families, such as single parents, parents and children with disabilities, big families, families with unemployed parents, etc.; updating of benefit thresholds; applying more favourable eligibility conditions for financial support to children from low-income families and raising the level of the monthly allowance for children who attend school regularly; social assistance driven by responsible parenthood, combining of financial support and services in a package of measures, offered by the Social Assistance Directorates, for the purpose of successful social inclusion of children; updating of the legislation on the establishment and payment of upkeep for children by their parents in the interest of the child.

77. Parents are supported in reconciling their professional and family life by means of: promoting the role of the father, also by creating statutory incentives for fathers to use parental leave; sustaining of the systematic policies for guaranteeing gender equality in the labour market, in political, social and family life; development of flexible employment options (part-time arrangements, job-sharing, working from home, etc.) and occupational mobility of the workforce; enhancing the effectiveness of monitoring compliance with labour legislation.

78. The access to quality day care for children is being improved by means of: systematic studying, needs-based planning by the municipalities and supply of day care; developing a system of incentives for the municipal authorities by the government in cooperation with the employer organizations as a manifestation of their corporate social responsibility for day care development, including alternatives of nursery schools and kindergartens; development of a system of incentives for parents to enrol their children in pre-school forms of education and for attending kindergartens, etc.; creating of options for early enrolment of children with disabilities in childcare facilities; increasing the investment in the staff of childcare facilities – by training them to work with children with disabilities, with children from vulnerable ethnic minorities, with gifted children, etc.; streamlining the ratio between the number of the staff and the number of the children in day care.

79. Even though these measures are applied to all children, there is a lower standard of living in the case of Roma children. This is conditioned by a multitude of factors: low educational level of the parents, difficulty in finding a job and respectively reliance mostly on the social system. Roma children, particularly girls, are exposed to the risk of early marriage and to a greater risk of dropping out of the education system. Furthermore, such children often fail to attend school because they are forced by their parents to work. Some Roma children have no access to health care. Even though the access to a GP is free of charge for children, some children remain out of the health system due to ignorance on the part of their parents or due to the fact that there are no surgeries in the areas of predominantly Roma population. Similar issues are encountered by children in small and remote communities. Due to their depopulation and to the unfavourable demographic trends, schools are closed down and students are redirected to central (focal) schools. There are no trained medical professionals in such areas, and mobile units are still rare. Social assistance benefits are frequently bound to other conditions: for example, family allowances are linked to mandatory school attendance and regular medical examinations, which, along with the requirement to file documents at one's place of permanent address, impede the actual receipt of social assistance benefits by some categories of people in need.

80. Information on child welfare is collected by NSI. Even though there is still no generally recognized definition of the concept of "child welfare" or agreement on the indicators for its measurement, a common reference point is provided by the criteria released and used by UNICEF, Innocenti Research Centre, Florence. The disaggregation of the data by ethnic group is hindered by the principle of voluntary self-identification. In addition, it is not rare that the parents of some children at risk cannot be found and provided with the opportunity to identify their own ethnicity and that of their child. When implementing certain projects, NGOs, the scientific community and SACP use a system of markers that may allow the identification of the ethnicity of these children for the purpose of finding a suitable language and living environment that is close to the child, but the official government authorities do not apply such an approach yet. SACP is planning to organize a joint meeting with representatives of various competent institutions and the scientific community, with the Commission for Protection against Discrimination and the Commission for Personal Data Protection, with leaders and organizations of different ethnic communities, for the purpose of passing a decision on the application of "positive discrimination".

81. SACP guides, coordinates and controls the implementation of child protection policies in Bulgaria. Along with that, the powers of SACP include control on the observance of the rights of the child, as well as on the compliance with the criteria and standards specified in the Ordinance on the Criteria and Standards of Social Services for Children by social service providers and by all institutions working with children (educational, medical, social).

82. The annual National Programmes for Child Protection envisage monitoring and control of activities relevant to the respect for the rights of children and conformity with the quality standards for services targeting children. The annual reports on the implementation of those Programmes account for the results yielded by the monitoring on the child protection system. The SACP annual reports for the period 2008 – 2012, which are published on the web site of the Agency, contain detailed descriptions of the number and type of inspected institutions and providers of services for children, analyze the established omissions, account for the specific actions taken to modify policies and make proposals for amending and supplementing regulations and measures with the aim of improving social practices.

### C. The right to life, survival and development

83. The Constitution of Bulgaria guarantees the right to life, development and respect for the dignity of each person, including children. An attempt on a person's life is penalized as the gravest crime.

84. Pursuant to the Family Code, the parent shall have the right and obligation to take care of the physical, mental, moral and social development of the child, of his/her education and his/her personal and property interests. The parent shall raise the child, form his/her views and provide for his/her education in accordance with his/her possibilities and in accordance with the child's needs and aptitudes, and in view to his/her growing up as an independent and responsible person. The parent shall not use force or methods of education, which lower the child's dignity. The parent shall provide permanent supervision in relation to his/her under-age child and appropriate control of the under-age child's behaviour.

85. Where parents are not in a position to honour their obligations or their actions threaten the life and the development of the child, the State provides its protection. Certain amendments to CPA of 2009 supplemented the protection principles as follows:

- (a) Ensuring the development of a child of prominent talents;
- (b) Encouragement of responsible parenthood;
- (c) Support for the family;
- (d) Preventive measures for child security and protection.

86. In the past 10 years, there has been a steady downtrend in child mortality in Bulgaria. In 2008, its decline, compared to the level from the beginning of the century, was over 40 per cent and its magnitude stood at 8.6 per 1,000 live births – a record low for the country. This indicator however is 2 to 3 times higher compared to the rest of the Central European countries and the Baltic republics and worse than the indicators of a number of Balkan countries, which are not EU members, including Albania. Field studies<sup>12</sup> reveal that one of the risk factors is the existence of mothers who belong to communities with a low daily living and health culture, which are not covered even by the lowest protection levels of the health system. Some of them do not appear in the administrative registers and most probably are not accounted for in health statistics.

87. Risk factors are likely to affect the levels of yet another key indicator of the risk of higher mortality rate in the neonatal period – low birth weight. The data yielded by the “Tranmone” monitoring system indicate that the number of live births with low birth weight (less than 2,500 g) in 2010 was 8.7 per cent, which differs by 2.7 per cent from Bulgaria's Millennium goal target. After 2007, there was an upward trend in the proportion of live-born children weighing less than 1,500 g, and by 2010, a growth of over 25 per cent was achieved. In that connection, the Ministry of Health has initiated a one-off free examination per pregnant uninsured woman and maintains a network of health mediators. In addition, there are mobile gynaecological and paediatric units, described in detail in the “Basic health and standard of living” cluster.

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<sup>12</sup> The State should be sufficiently rich for the health of its children (Aggregated results of a qualitative study on issues and challenges of maternal and child healthcare), L. Yadvova, MD, A. Doychinova, MD, I. Yordanov, Open Society Institute, UNICEF – Bulgaria, 2009 (in Bulgarian language).

## D. Respect for the views of the child

88. In connection with the concluding observations of the Committee (CRC/C/BGR/CO/2, para. 27) regarding respect for the views of the child as a right under article 12 of the Convention and in conformity with the Committee's general comment No. 12 of 2009, the situation has been analysed and initial measures have been taken. The State is aware that the right to child participation is not sufficiently addressed in the legislation and that such participation takes place on a voluntary principle rather than as a systematic holistic approach.

89. The National Strategy for Children 2008–2018 includes a number of measures for encouraging child participation, such as: creation of mechanisms to account for the views of children in developing and implementing policies affecting them; introduction of specialization on work with children for judges, prosecutors and investigators, as well as for the staff in the administration of the executive branch authorities; the National Institute of Justice develops programmes with the participation of lawyers in the area of family and child law, child psychologists and social workers, and regular trainings are organized for judges, prosecutors and lawyers from the legal aid system on the peculiarities of child development and communication with children; equipment/adjustment of special premises for stay, hearing, interrogation of children, including children with disabilities, as part of proceedings that affect them; introduction, in the Civil Procedure Code, of full guarantees for child participation in the process, as well as introduction of procedural capacity of the social worker and social report, pursuant to the Child Protection Act; ratification of the Council of Europe Convention on the Exercise of Children's Rights; introduction of provisions in the Family Code obliging parents to consult the child on all matters that concern him/her; the Public Education Act provides for mandatory participation of representatives of student councils in meetings discussing key issues related to the life in school, curricula, extracurricular activities, issues of discipline, the imposition of penalties on individual students, the internal rules and regulations of the school; issuing, by municipal administrations and courts, in cooperation with NGOs, of brochures in child friendly language, that are to inform children about their rights, about the implications of the decisions pertaining to them and about the consequences of the child's view; provision of an opinion by the Child Council to the National Council for Child Protection (NCCP) in the process of developing a child policy, also on Bills and drafts of other regulatory acts; encouragement of municipalities to create and include in specific debates child (youth) councils, parliaments, etc.; the Child Protection Act provides for a mechanism via which child councils at municipalities are to cooperate with commissions for child protection; creation of mechanisms and procedures to account for the views, participation and empowerment of children in the protection system; capacity building, including resources, support and mechanisms for facilitating the participation of children in the development and implementation of the strategy.

90. In its endeavour to encourage child participation, SACP accepted without any observations the draft recommendation of the Committee of Ministers of the Council of Europe to member States on child and youth participation. This served as an impetus for a number of NGOs to initiate advocacy projects seeking modification of the legislation on the individual aspects in spheres such as family life, health and social care, institutional care, child protection, adoption, education, public life, administration, legal procedures, as well as in the implementation of the public policy and democratic decision-making at local, regional, national and international levels. The Child Council to SACP also developed a four-level mechanism for child participation. It is designed to encourage collective child participation in the decision-making processes at school, municipal, regional and national level. Currently the mechanism is being piloted with the cooperation of UNICEF, the Ministry of Education and Science (MES) and the local authorities in three districts in

Bulgaria. The project is expected to end up with analysis and recommendations for modifications in the legislation. In addition, the Ministry of Education and Science started the project “I participate and change”, which also includes training of children on the topic of active citizenship and their participation right. A Youth Law was adopted in 2011, which provides, inter alia, for the establishment of a register of youth organizations, as well as of such represented at national level, that are to participate in the formation of the decisions pertaining to youth policies.

91. Bulgaria attaches great significance to the opportunity for the opinions and views of children to be heard in judicial and administrative proceedings. That is why the views of each child aged 10 and above are mandatorily heard in case of participation in any administrative or judicial proceedings, which affect his or her rights or interests, and the views of a child under the age of 10 may be heard depending on his/her development level. Judicial and administrative bodies are obliged to ensure appropriate surrounding for the hearing, to provide to the child the entire necessary information and to warn him or her about the consequences of their participation in the procedure (article 15 CPA). The child has a right to legal aid and appeal in all proceedings, affecting his or her rights or interests. In cases of divorce, procedures the court may request an additional opinion from the Social Assistance Directorate, for the purpose of preventing parental alienation and reducing the negative consequences for the child, particularly in situations of severe parental conflict. An unaccompanied juvenile or minor alien, who is seeking or has received protection, and who has no appointed guardian, respectively custodian, is represented in the proceedings by the Social Assistance Directorate. The process of adoption allows hearing of the adoptee as well: if the child has reached the age of 14, his consent is required, and if he or she is younger than 14, the hearing takes place in court.

92. The reform in the system of juvenile justice envisages the construction of specialized premises for child hearings (at the end of 2012, there were 11 hearing rooms, made operational mostly under NGO projects and supported by the State), training of judges, prosecutors, defence attorneys and MoI officers working with children (in 2012, SPOC announced a list of prosecutors, who have undergone specialized training for work with children). Standards for child interrogation were developed and in 2011 and 2012, experts from SACP, SPOC, the Ministry of Justice and the Academy of MoI approved a working version of standards and good practices, simpler and non-traumatic procedures for participation of children in pre-trial and court proceedings. In 2010, a special article was included in the Criminal Procedure Code (CPC), according to which “A juvenile witness, who has been questioned in criminal proceedings, shall be interrogated again only if his testimony cannot be read under the conditions and the procedure as per article 281 or if the new interrogation is crucial for uncovering the truth”. Interrogation of a juvenile or minor witness in Bulgaria can take place, where necessary, by videoconference as well. Such actions are taken in regard with the best interests of the child.

93. In the social services area, providers are obliged to create conditions for free expression of views and independent decision-making on the part of the child, according to the Ordinance on the Criteria and the Standards of the Social Services for Children, as well as for participation in the discussion of issues related to the in-house rules and regulations of the specialized institution and to the residential service, while providing an opportunity for unimpeded filing of petitions and complaints by the users and developing a written procedure for protection against violence, abuse and discrimination. At present, there is no statutory option for a child to take independent decisions on his or her medical treatment until they reach majority and the recent surveys among children show that children don't want to take these decisions. An opportunity has been created in the field of education for each school to set up student councils, whereby children participate in the creation of school rules, express opinions and make suggestions regarding the organization and

performance of the overall school activities.<sup>13</sup> School rules of operation specify students' rights, including those, associated with their participation in the creation of school rules.

## V. Civil rights and freedoms

### **Torture or other cruel inhuman or degrading treatment or punishment**

94. Corporal punishment is prohibited by the legislation of the Republic of Bulgaria. Article 11 (2) of the Child Protection Act (2000) stipulates that: "Every child has a right to protection against all methods of upbringing that undermine his or her dignity; against physical, psychical or other types of violence; against all forms of influence, which go against his or her interests". The Implementing Regulation on the Child Protection Act defines child abuse as "any act of physical, mental or sexual abuse, neglect, commercial or other exploitation resulting in actual or potential damage to the child's health, life, development or dignity that may be performed in a family, school and social environment". Physical abuse is described as "causing of bodily harm, including causing of pain or suffering, harm caused to health". The prohibition is confirmed in the legislation relevant to schools and the other institutions.

95. Despite the ban, a 2009 survey involving 1,000 adults revealed public attitudes in favour of corporal punishment in raising children: in some cases over 45 per cent or 46 per cent of the 202 teachers surveyed expressed the opinion that more than half of the children in Bulgaria were smacked (hit).

96. Statistics indicate that the Bulgarian society is becoming increasingly intolerant to the forms of violence targeting children, which is also the reason for the growing number of reports from citizens about cases of child abuse and failure to provide due care to a child. Measures have been taken to guarantee the enforcement of the prohibition by introducing specific mechanisms and changes:

- (a) Legislative changes in the area of child protection against violence;
- (b) Implementation of standards for the participation of children in legal proceedings, when they are victims of abuse, in 2012;
- (c) Establishment of a national mechanism for early warning of the public in cases of missing or abducted children;
- (d) A harmonized pan-European telephone hotline for missing children, 116 000, was introduced, in 2012;
- (e) Ensuring the operation of a Bulgarian hotline for online safety with access number 124 123, in 2010;
- (f) Introduction of a mechanism for the prevention of school bullying, in 2012;
- (g) Introduction of a coordination mechanism for operational interaction in cases of children victims or at risk of abuse and for interaction in case of emergency intervention, in 2010.

97. Corporal punishment is prohibited in Bulgaria with respect to all citizens. Death penalty has been abolished. There are no Bulgarian customs or traditions associated with child abuse or maiming.

<sup>13</sup> Provided for under Article 134 of the Implementing Regulation of the Public Education Act.

98. The legal ban on the use of corporal punishment as a method of upbringing of children was introduced in Bulgaria, in 2000.

99. The new Family Code (FC) was the first to stipulate such a ban vis-à-vis the parent: “The parent shall not use force, as well as methods of education, which lower the child’s dignity”. The text prohibits not only the physical punishment of the child, but also the use of educational methods, either verbal or psychological, that are inappropriate in view of the preservation of his or her dignity.

100. Police violence against children is inadmissible. In case of an incident timely and relentless measures are taken. Such is the case of January 2012, when physical force was inappropriately used with respect to a child detained at the Botevgrad District Police Department (DPD) under the Regional Directorate of the Ministry of Interior, Sofia. Disciplinary proceedings were initiated against the police officer, who had exercised the violence and later on he was dismissed. The disciplinary penalty “censure” was imposed on the Chief of the DPD for failing to exercise control on his subordinated officers, and the immediate superior of the dismissed officer was relocated to another district police department.

## **VI. Family environment and alternative care**

101. In connection with the Committee’s concluding observations (CRC/C/BGR/CO/2, paras. 33-42) and in addition to the information provided in its first and second reports, Bulgaria has taken further action.

102. A new Family Code was passed in 2009. It regulates in a fundamentally new way the relationship between parents and children and reflects the present-day needs and values of society with respect to children and their rights. FC established the principle of special protection of children and along with that, the principle of protection of the evolving capacity of the child, in line with the Child Protection Act and the Convention on the Rights of the Child.

103. Unlike the revoked FC, the new one offers detailed regulation of the relations between parents and children, especially in the part concerning the exercising of parental rights. A new principle of the law is the expansion of self-regulation when exercising parental rights and obligations, in combination with retention of the public monitoring of the interests of the child, particularly in situations of disputes between the parents, as well as in cases of restriction and deprivation of parental rights.

104. The new elements of FC include:

(a) FC regulates in detail parental rights and obligations without differentiating between rights, on the one hand, and obligations, on the other hand. A minimum standard of parental care is provided for;

(b) FC is the first act containing text on the rights of the child vis-à-vis the parents: for example, to be raised and educated in a way, which should secure his/her normal physical, mental, moral and social development. The legislator’s well-established approach so far has been to assign mostly obligations to the child: to live with his or her parents, to accord respect to his or her parents and grandparents, to help them;

(c) There is a change in the approach to the right to personal relations. So far traditionally the matter of the personal relations between parents and children has been regulated in the context of the divorce or separation of the parents, not as a subjective right but as a measure stemming from the rearrangement of custody in this context. The new piece of legislation explicitly provides for the right to personal relations (contact) as a



separate fundamental human right of the child. It is indeed as such that it is protected by international conventions such as ECHR and the Convention.

105. A new aspect in the Bulgarian legislation is the empowerment of third persons, other than and in addition to the parents, to perform legal actions part of the content of parental rights and obligations. Persons, to whom care for a child has been assigned, do not acquire parental rights and obligations. Along with that they may, without the consent of the parents, take decisions and undertake action for guarding the life and health of the children, to whom they provide care. The persons, with whom the child has been placed by a court procedure, shall have the right and obligation to live with him/her, as well as the obligation of realizing factual acts.

106. The institution of the parents-children relations reflects the general philosophy of the 2009 FC regarding the protection of the rights and interests of children. This conclusion has been prompted by the numerous provisions that take into account the interest of the child:

- (a) A condition for approval of the agreement on the consequences of the divorce;
- (b) Detailed and clear arrangements on the personal relations of both parents with the child, regardless of their actual separation;
- (c) Simplified conditions and procedure for entering children in the register for full adoption;
- (d) Establishment of a minimum level of the support, without a cap. The payment of the child support is provided for in the Family Code, Civil Procedure Code and Criminal Code. There are also provisions on the option that the adjudicated support should be paid via the municipalities – in the cases, where it is established that the debtor has no property;
- (e) In cases of disagreement with the parents the child can turn to the Social Assistance Directorate for cooperation, and when the child has reached the age of 14 and the disagreement is on a substantive matter, he or she may turn, via the Social Assistance Directorate, to the regional court at his or her place of current residence for settling the dispute.

107. As an EU Member State, Bulgaria applies Regulation No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. As part of the procedures provided for by the Regulation, Bulgaria receives requests from other States for recognition and enforcement of judgments, agreements and other documents, which entail an obligation for payment of support. The Regulation seeks to introduce uniform rules and fast-track procedures for receipt of support in EU member States, regardless of where the maintenance obligation has arisen.

## **A. Family environment**

108. For the purpose of improving the capacity of families to take care of their children in the family setting, MLSP/ASA has implemented a number of programmes: Provision of social assistance benefits by applying a differentiated approach, Integration of persons with disabilities, Child protection via a transition from institutional care to alternative care in family environment, Support for families with children, etc. The programmes seek to render financial support to the vulnerable groups of the population, including children, in line with one of the leading protection principles: raising children in family environment. The amount of the granted funds is tied to the number of the genuinely needy children and persons, as well as to eligibility criteria, stated in the regulations.

109. The Social Assistance Act (SAA) regulates the types of social assistance benefits intended as support for people and families in need living on an income, which is lower than a certain protected threshold, for meeting their basic living needs. Social assistance benefits are resources provided in cash and/or in kind, which supplement or substitute the own income up to an amount sufficient to meet the basic necessities of life or to meet incidental needs of the beneficiary persons and families. The aim in granting social assistance benefits is to channel resources, via a differentiated approach, to the most vulnerable groups: single elderly people, persons with disabilities and single parents.

110. In the period 2008–2012, a number of amendments were made in SSA and its Implementing Regulations for the purpose of improving the legal framework on the provision of social assistance benefits, the major of them relevant to the policies on the child and his/her family being:

(a) The provision for determining the differentiated minimum income for children shall apply to children, who have been granted refugee status and humanitarian status and who have been included in certain integration programmes (2009);

(b) The 12-month period of continuous assistance was abolished (starting on 1 January 2011);

(c) Facilitation of the access to monthly and ear-marked heating benefits for persons, who have transferred residential, cottage, farm or forest property and/or parts of them in return for payment made over the past five years, along with identification of a maximum amount of the income received from such transactions (2010);

(d) Binding the granted benefits with the performed mandatory immunizations and screening of the child, which is a way to prioritize responsible parenthood (2011);

(e) Reduction of the period for mandatory registration with the labour offices of unemployed people of working age, who apply for social assistance benefits, from 9 to 6 months, which is a strong protective measure in a situation of crisis and a condition for better coordination with ongoing policies in the labour market (2011);

(f) The income threshold serving as an eligibility criterion for receiving monthly earmarked benefits for paying municipal housing money was increased (2011).

111. Financial support granted under the Law on Family Allowances for Children reaches more than 80 per cent of the children in Bulgaria. The main purpose for providing family benefits is raising children in a family setting, in accordance with article 18 of the Convention. Nine categories of benefits are provided under the Law on Family Allowances for Children and a distinguishing criterion has been identified for each of them in accordance with the intended purpose of the specific family benefit. Most of the family benefits are granted to families regardless of their income. Such are the lump sum benefit at childbirth; the lump sum allowance for raising twins up to the age of 1; the lump sum allowance for raising a child up to the age of 1, where the mother is a university student attending a regular form of education; the monthly allowance for children with permanent disabilities up to the age of 18 and until the completion of secondary education, but not after reaching the age of 20; as well as the ear-marked benefit for free public railway and bus trips in the country for mothers with three and more children.

112. Specific criteria have been introduced for another part of the family benefits for children, according to their orientation or the income of a family member as defined in the State Budget Act of the Republic of Bulgaria for the respective year. Such are: the lump sum pregnancy benefit; the monthly allowance for children until the completion of secondary education, but not after reaching the age of 20; the monthly allowance for raising a child up to the age of 1 and the ear-marked benefit for schoolchildren. The reporting period was marked by considerable dynamics in the modification of the eligibility criteria

for granting benefits. Two types of new benefits were introduced in the Law on Family Allowances for Children as of 1 January 2009: a lump sum cash benefit for raising twins up to the age of 1 and a lump sum cash benefit for raising a child up to the age of 1, where the mother is a university student attending a regular form of education. Starting on 1 January 2008 the level of the monthly allowances for children until the completion of secondary education, but not after reaching the age of 20, was no more differentiated according to the sequential number of all children raised in the family and was the same for all children.

113. As a result of a modification in the legal framework of February 2010 the earmarked benefit for free public railway and bus trips in the country for mothers with three and more children, which used to be granted under the Implementing Regulations of the Social Assistance Act, is already granted under the conditions and procedure of the Law on Family Allowances for Children. Due to another change in the legal framework in March 2010 the monthly allowance for children with permanent disabilities up to the age of 18, which used to be granted under the Law on the Integration of People with Disabilities, was transferred to the Law on Family Allowances for Children.

114. The period under review saw the introduction of new eligibility criteria for the monthly allowances for children until the completion of secondary education, but not after reaching the age of 20 and for the monthly allowances for raising a child up to the age of 1, the purpose being to encourage responsible parenthood and to ensure health care for children. The modifications of 2010 regulate the provision of these two types of benefits under the condition that the mandatory immunizations and screening of the child have been performed, which is evidenced by an official note issued by the child's GP. This requirement does not apply to children with permanent disabilities.

115. A significant change and supplement from the beginning of 2011 was the provision for the statutory option to grant the monthly supplement for a child with a permanent disability from the first day of the month, in which the disability date is set and entered in the expert decision of the Territorial Expert Medical Panel/National Expert Medical Panel.

116. With a view to ensuring better and more focused support for children raised by one living parent, amendments and supplements were introduced in the Law on Family Allowances and in its Implementing Regulations in 2012 with an effective date 1 January 2013. Due to the changes referred to above, the monthly allowances for children until the completion of secondary education, but not after reaching the age of 20, as well as the monthly allowances for raising a child up to the age of 1, for this group of children, will be granted under a simplified procedure without an income test. These changes have achieved yet another effect regarding the monthly allowance for a child until the completion of secondary education, but not after reaching the age of 20, namely, that this benefit will also be granted to a child that has completed his or her secondary education before reaching the age of 18, if the other eligibility criteria are met. In this case the monthly benefits will be paid until the child reaches majority, without any need for submitting a certificate from the educational establishment that the child has been enrolled as a student, which is required as a mandatory document for studying children when granting the benefit.

117. One of the forms of specific support targeting solely the parents of children with disabilities is the possibility, regulated in 2009 in the Social Insurance Code, for recognition of contributory service in cases, where the parents do not work, because they care for a permanently incapacitated child/person, who needs constant attendance.

118. A monthly supplement for social integration is provided to children and persons with disabilities for the purpose of improving their social status. It is differentiated and takes the form of cash that supplements the own income of people with disabilities, its intended purpose being to cover their additional expenditures for transportation,

information and telecommunication services, for education, skilling, accessible information, training, medicinal drugs, dietetic food, balneological treatment, rehabilitation, etc.

119. A National Programme on Guaranteeing the Rights of Children with Disabilities 2010–2013 was adopted in June 2010. The recommendations addressed by the European Committee of Social Rights to the Bulgarian government have been taken into consideration and have been included as part of the leading priorities in the Programme. It encompasses measures and activities associated with the right to education, health care and adequate social services, in support of children and their families, the right to sport and other leisure activities, the creation of an accessible architectural environment, etc.

120. Some of the most successful social services in support of children with disabilities and their families are the services “personal assistant”, “social assistant” and “domestic assistant”, which are aimed, on the one hand, at improving the quality of life of people with disabilities and, on the other hand, at preventing placement in specialized institutions. These social services are provided in family environment under different programmes and projects, over various periods and with diverse employers and financial resources, as well as under different terms and procedures for appointment of the assistants. In this context, a National Programme “Assistants to People with Disabilities” (NP APD) was implemented in 2012 to provide the social service “personal assistant”. The analysis of the results yielded by the Programme indicates that it has a powerful social effect toward improving the quality of life of people with disabilities and that it is of great importance, particularly for the small towns and villages in the country, where no other community-based social services are provided and persons with disabilities rely solely on their relatives. Moreover, the programme provides employment to unemployed persons, who render quality care in family environment to persons and children with disabilities.

121. The country is faced with insufficient and unevenly distributed family counselling services, parent training programmes, as well as trained professionals, who are to identify the problems and work on their surmounting jointly with the family. Due to this finding the competent institutions – MLSP and in particular ASA, continue their deliberate efforts to support the regional and municipal administrations in assessing adequately the needs for services in the community, in planning and managing the universal services network and social services network for children and their families. An amendment and supplement of the Implementing Regulations of the Social Assistance Act (IR SAA), effective since 2011, streamlines and refines the procedure of social service provision with the aim of performing a more precise social assessment consistent with the needs of the children/persons.

122. The “community support centre” (CSC) service is a universal advisory service supporting the child and the family. CSC provides a set of social services related to abandonment prevention, prevention of abuse and school dropout, deinstitutionalization and reintegration of children, training in independent living skills and social integration of children from institutions, counselling and support to families at risk, evaluation and training of prospective foster parents and adoptive parents, counselling and support to children with antisocial behaviour. The CSC service is operational in all districts in Bulgaria and develops at a good pace: 62 centres were opened and operated as State-mandated activities in the period 2008–2012. In 2008 there were 26 CSCs with a total capacity of 1,382 users. As of 31 December 2012 their number reached 88. The total capacity of the operational centres at the end of 2012 was 3,839.

123. Bulgaria’s efforts to develop and implement integrated policies for early child development – for children in the 0 to 7 age group, are in line with general comment No. 7 of 2005 of the Committee. A social inclusion project worth EUR 40 million was launched in 2010. The project seeks to prevent social exclusion and reduce child poverty through investments in early childhood development. The improvement of children’s readiness to join the education system and the support for cultivating parenting skills among vulnerable

groups of parents are also aimed at limiting the intergenerational transmission of poverty. The projects of 58 municipalities were launched in 2011 and in 2012 the number of the projects was 69. By implementing the project the municipalities will initiate the provision of new types of services for children and families: for early child development, for preventing risks in early childhood, for better coverage and improvement of the readiness of children for inclusion in the education system, for improving the family environment. One of the project activities is advising parents on the network of support services (social, health, employment and others) and on their role for the development of the child, as well as on the role of community support.

124. A good example of cooperation between the State and NGOs is the project “From planning to effective provision of community based social services for people with intellectual disabilities in Bulgaria” realized jointly with the Dutch organization De Passerel, which was completed at the end of 2011. One of the outcomes of the project was the developed methodology for achieving basic social infrastructure of the social services, the establishment of central offices for local level services and the optimization of the access to social services through early detection of problems.

125. Regulatory modifications were approved in 2010 with the aim of creating conditions for the participation of civil society organizations in shaping municipal policy on planning social services and the functions of public councils in this process were stipulated. Public councils are created in municipalities, following a decision of the Municipal Council. Apart from having the right to exercise control on the quality of social services in line with the established criteria and standards, these councils also provide opinions on the opening and closing down of specialized institutions for provision of social services on the territory of the municipality and render assistance for coordination of the activities for social service provision.

126. Another form of civil control, provided for in the Implementing Regulations of the Social Assistance Act, are the councils of the users of social services, of their guardians or custodians. They are created to protect the interests of the users of social services and to exercise public control. The councils have advisory functions in the implementation of the activities of providing social services and monitor their quality.

127. Regarding the financing of social services that constitute State delegated activities, a system of uniform expenditure standards was introduced in 2008 for the purpose of financing of social services in accordance with the budget capacity and the needs in the sector. As of the end of 2008 the number of the social services for children were 128 with a total capacity of 4,081 positions, while as of 31 December 2012 their number had gone up to 338 with a total capacity of 8 769 positions. In 2008 the amount of the funds allocated from the national budget for social services for children and persons was BGN 143,032,900, and in 2012 it reached BGN 159,226,600. Funding is also secured by implementing projects in the social services area via operations of the Human Resources Development Operational Programme, namely: “Better future for children” with a budget of BGN 17.8 million, “Chance for a happy future” with a budget of BGN 16.5 million, “Living in the Community”, with a budget of BGN 29.3 million. The social service providers under the “Better future for children” operation are candidates, and the provider under the other two operations is a partner. In 2012 certain changes in the Methodology for determining the positions of the staff in the specialized institutions and the community-based social services in relation to the percentage of the budgetary allocations made it possible for the providers themselves to allocate the budget approved for the respective year. For the sake of improving the care of children and better satisfying their needs, in 2013 the uniform expenditure standards for the maintenance of social services constituting State mandated activities were increased by 10 per cent as compared to 2012.

128. Changes have been introduced for the purpose of improving motivation and reducing turnover in the field of social work with children and families: the new Classification of positions in the administration<sup>14</sup> grades the position of a “social worker” in three groups, respectively, in descending order: Chief Social Worker, Senior Social Worker and Social Worker. The required mechanisms – basic and upgrading training for acquiring the respective levels of competence, have been identified.

129. A Law Amending and Supplementing the Social Assistance Act became effective on 24 April 2012 and introduced changes allowing the adoption of an ordinance on the career development of the social workers employed by the Agency for Social Assistance, which is subject to approval by the Minister of Labour and Social Policy. Ordinance No. RD-07-6 of 10 October 2012 on the career development of the social workers at the Agency for Social Assistance, issued by the Minister of Labour and Social Policy has been adopted. It is consistent with the recent changes in the regulations concerning the application of the new Classification of positions in the administration. The Ordinance specifies requirements for holding the positions as graded in the new Classification of positions in the administration, which include specific knowledge, skills and competencies for social work with children and families. In addition, the Ordinance provides for the organizational forms for skilling social workers, which include basic and upgrading training.

130. The project, Strengthening the capacity of ASA to improve the quality and effectiveness of social work, funded under HRD OP, concerns the elevation of the professional and administrative capacity, as well as the staff motivation in the bodies of the Agency for Social Assistance. The workload of the social workers during the implementation of the first five activities in the period from the launching of the project until 31 December 2012 was analysed and a mechanism for workload assessment and management was created. The completed analysis of the workload of the social workers served as a basis to distribute 400 social workers to Child Protection Departments (CPDs) and Persons with Disabilities and Social Services (PDSS) Departments in all Social Assistance Directorates (SADs) in the country; selection has been conducted for recruitment of 400 social workers distributed among all Child Protection Departments and Persons with Disabilities and Social Services Departments at all the 147 SADs in the country. As of 31 December 2012, there were 217 social workers appointed at CPDs; an analysis had been made of the needs to train and monitor the experts and social workers occupied at CPDs and PDSS departments of SADs. The key components and the topics on which trainings would be organized had been identified.

## **B. Alternative care**

131. Alternative care in Bulgaria is based on the Guidelines for the Alternative Care of Children annexed to General Assembly resolution 64/142 of 18 December 2009, and includes return to the biological family (where possible), accommodation with extended family, provision of foster care, adoption or placement in a social service facility, e.g. a residential or specialized institution. When undertaking such protective measures with respect to children at risk, the staff of CPDs at SADs is guided by the best interest of the child. When the proposed protection measure is placement outside of the biological family, it must be considered by a court. The court is the independent body which confirms or rejects the protection measure proposed by SADs, i.e. there is judicial control in Bulgaria regarding the placement of children to live out of the family: with friends and relatives, with foster families, adoptions and placements in specialized institutions, or in facilities

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<sup>14</sup> Promulgated, SG, No. 49 of 29 June 2012, effective since 1 July 2012, supplemented, No. 80 of 19 October 2012, effective since 19 October 2012.

with residential social services. According to the national regulations, the social workers at CPDs develop an Action Plan for each child at risk on a case-by-case basis, and in the event of children placed in specialized institutions and residential facilities with social services the social workers participate in the development of a care plan jointly with representatives of the institution and the child. This plan is updated at periods not longer than 6 months. Children placed with families of friends and relatives are actively monitored and the family is supported, and in the case of children placed with foster families, the service providers are obliged to monitor the quality of the service provided.

132. In 2009, new forms of community-based social services were introduced, such as residential services, where placement is also subject to judicial control. There are two types of residential social services: transitional housing and monitored housing, intended for young people leaving specialized institutions, and which have been financed as State-mandated activities. In such facilities, young people get ready to leave the institution and get support in their professional fulfilment, as well as a dwelling that enables their independent living. In 2010, a definition of “social service of a residential type” was introduced in the Implementing Regulations of the Social Assistance Act, according to which it is a form of a social service designed to meet the daily needs of a limited number of persons – not more than 15, and provide them with an opportunity to live in a family-like environment.

133. Foster care is one of the priorities in State and social policy and a primary alternative and tool in the ongoing process of child deinstitutionalization in the Republic of Bulgaria. Foster care is implemented via placement with the families of relatives or friends or placement with a foster family. It is both a social service and a child protection measure.

134. A methodology on the conditions and modalities of provision of the social service “foster care” was approved in 2008. The reform in the child protection area conducted in 2009 involved refinement of the social service standards mostly aimed at ensuring quality care and guaranteeing the security and safety of children using different types of services, including the provision of foster care.

135. Certain amendments to the Child Protection Act of 2012 refined and regulated in detail the provision of the “foster care” service. A change was introduced in the form of the employment relationship between the professional foster family and the provider of the “foster care” social service, whereby the arrangement with the professional foster family is not in the form of an employment contract any more. Hence, there is no limitation that such care should be provided within an 8-hour working day by virtue of an employment relationship. These amendments stipulate that foster family applicants should be endorsed by a Foster Care Commission established at each Regional Directorate for Social Assistance. The same amendments stipulate that the families of relatives or friends, the applicant foster families and the approved foster families may be supported via the “foster care” social service.

136. There are also provisions on the types of activities included in the “foster care” social service, namely, activities involving recruitment and evaluation of applicant foster families, training, mutual adaptation, support and monitoring of the child rearing. The amendments stipulate that spouses or persons belonging to the foster family shall not be holders of parental rights and obligations.

137. For the purpose of aligning the regulatory framework with the amendments introduced in 2012, amendments and supplements were also introduced to the Ordinance on the conditions and procedure for application, selection and approval of foster families and placement of children with them, as well as in the Implementing Regulation of the Child Protection Act (IR CPA). These amendments provide for a possibility for the monthly allowances for children placed for nurture with relatives or friends and for children placed

for nurture with a foster family to be awarded by the municipality or by the licensed provider of the social service “foster care” that is to be identified in accordance with the child’s age.

138. Professional foster families receive remuneration. All foster families undergo training – preliminary training and evaluation, subsequent support and consultations, and the manner in which they care for the children is monitored on a regular basis. In 2012, the remuneration of foster families was increased by 20 per cent. The remuneration stated in the contracts of professional foster families, entered into after 4 September 2012, is determined in relation to the minimum salary established for the country, and after 1 January 2013, it is updated in line with the increased minimum salary.

139. A major instrument for promoting foster care is the project, I Have a Family Too, which is being implemented by the Agency for Social Assistance. Over a period of just one year, ending on 31 December 2012, a total of 838 applications from prospective foster families were filed solely under this project on the territory of all the 83 municipalities covered by it. For a total of 115 applicants, the assessment has already been terminated. As of 31 December 2012, the number of the approved foster families was 276 and there were 100 children placed with foster families.

140. Priority target groups under the project are children from specialized institutions, children in the 0 to 3 age group and children with disabilities. The continuous information campaigns conducted by the foster care teams (FCTs) at local level focus on the recruitment and approval of a growing number of foster families to be trained for the provision of quality foster care to babies. The objective is that in case of unsuccessful abandonment prevention at the maternity hospital level, children should be immediately placed with foster families.

141. All locations where social services for children are provided — community-based social services, social services of a residential type and specialized institutions for children — are subject to monitoring by authorized controlling bodies from the inspectorate under the Executive Director of ASA, Directorate General - Control on the Rights of the Child of SACP and the municipality. Inspections can be alert-triggered, planned and thematic.

### **C. Adoption**

142. The Committee made a recommendation for improving the procedures for adoption and guaranteeing equal rights and the best interests of all children in adoption procedures, as well as for conducting trainings for specialists and raising public awareness on the adoption process. This recommendation was taken into account during the adoption of the Family Code in 2009. Each Regional Directorate for Social Assistance establishes an Adoption Council, which is a collective body that guarantees the participation of more representatives of the institutions in the adoption process, as well as transparency of the procedure. The amendments to the Family Code have abolished the complex and long judicial procedure of registering children that can be adopted under the conditions of full adoption. There has been a reduction in the number of children in specialized institutions, the number of the children that have been reintegrated in a family environment has increased, and so has that of the children placed in the care of relatives, friends and foster families. The number of adopted children is also on the rise. The Ordinance on the Conditions and Procedure for Keeping and Maintenance of the Registers for Full Adoption (the Ordinance), approved in 2010, envisaged that the Regional Directorates for Social Assistance should keep registers of children that can be adopted under full adoption conditions and a register of adoptive parents under full adoption conditions. According to the provisions of the Family Code and the Ordinance, the Agency for Social Assistance (ASA) keeps a National Register of adoptive parents under full adoption conditions and



maintains a National Electronic System of children that can be adopted under full adoption conditions.

143. The above-mentioned provisions make it possible to take adequate and timely action regarding children, for whom, within the 6-month period after their entry in the register, the Adoption Council has not identified an appropriate adoptive parent or none of the identified ones (not less than three adopters) has submitted a request for adopting the particular child, as well as in the cases, where despite the efforts, it has not been possible to find a suitable adopter of the child.

144. In 2011, following an order of the Minister of Labour and Social Policy, a Programme for Training Adopters under the Conditions of Full Adoption was established.

145. In 2011, the Ministry of Labour and Social Policy, the Ministry of Justice, the State Agency for Child Protection and the Agency for Social Assistance adopted Methodological Guidelines for Cooperation and Coordination in conducting administrative procedures for national and inter-country adoption. The purpose of these guidelines is to coordinate the activities of the institutions engaged in the process of national and inter-country adoption.

146. In 2012, a process was started to improve the actions and align the foster care and adoption procedures, due to problems in the adoption of a child placed with and raised by a foster family. To this end, following an order by the Minister of Labour and Social Policy, a task force was established with the participation of representatives of the institutions involved.

147. The new Family Code creates special rules for intercountry adoption, thus aligning procedures even further with the requirements of article 21 of the Convention on the Rights of the Child and the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The criterion adopted by the Hague Convention for distinguishing between intercountry and domestic adoption was introduced, i.e. separation according to the habitual residence of the adopted child and the adoptive parents, rather than according to their citizenship, as well as the relocation of the adopted individual from the country of origin to the country of habitual residence of the adoptive parent. The special rules relevant to intercountry adoption highlight its subsidiary nature, as they establish additional requirements for entering a child in the Intercountry Adoption Register when the possibilities for adoption in the country have been exhausted.

148. Ordinance No. 13 of 30 September 2009, issued by the Minister of Justice, established the conditions and procedure for consenting to intercountry adoption and for maintaining the Intercountry Adoption Registers and repealed Ordinance No. 3 of 2003 on the conditions and procedure for the adoption of a Bulgarian citizen by an alien. The ordinance of 2009 also contains the provisions on the special adoption measures taken when the register contains no entries of suitable adoptive parents, the Intercountry Adoption Council cannot identify suitable adoptive parents from the registered persons or the identified adoptive parents have refused to adopt a child with a health problem, with special needs or aged over 7.

149. Ordinance No. 12 of 30 September 2009 issued by the Minister of Justice established the conditions and procedure for granting and withdrawal of a license for mediation in intercountry adoption and for performance and suspension of the activities of accredited organizations. The ordinance introduced a new procedure for issuing a license for intermediation, including a limit for intermediation for no more than 10 countries, and the provisions for exercising control on the activities of the accredited organizations have been supplemented and elaborated.

150. In accordance with the competencies of the Intercountry Adoption Council established in the Family Code, the Minister of Justice issued its new Operational Rules

effective since 10 October 2009. For the purpose of raising the awareness of the public and the institutions on the activities of the Council, a provision has been introduced obliging it to publish information on its decisions on the official web site of the Ministry of Justice within one month after the session that has adopted them. The publishing takes place on a monthly basis, along with the uploading of information on the number of the children, whose files have been considered at the respective session.

#### **D. Children without parental care who are living in public care institutions**

151. The main purpose of the national strategy, Vision for Deinstitutionalization of the Children in the Republic of Bulgaria, which was adopted in the beginning of 2010, is to close down all child institutions within 15 years. The strategy envisages the closure of the classic type of specialized institutions and a change in the quality of the policies in support of families, which would lead to the prevention of risks, including the risk of abandonment of the child. In the recent five years, the policy of providing support to children and families has been aimed at introducing a completely new approach in child care for the purpose of prevention, early intervention, support to families and securing of a family or near-family environment for each Bulgarian child.

152. At the end of 2010, an Action Plan for implementing the national strategy, Vision for Deinstitutionalization of the Children in the Republic of Bulgaria, was adopted. It specified the activities, tasks, responsibilities and resources for its implementation. The Action Plan includes the development and implementation of five projects:

- (a) For deinstitutionalization from facilities for children with disabilities;
- (b) For deinstitutionalization from facilities for medical and social childcare;
- (c) For deinstitutionalization from facilities for children deprived of parental care;
- (d) For development of foster care; and
- (e) For career development of social workers.<sup>15</sup>

The projects contain specific indicators and measures for reporting progress. They are funded under the operational programmes Human Resources Development, Regional Development and the EU Rural Development Programme, and their total value is over EUR 100 million.

153. Every year, by means of the support project,<sup>16</sup> monitoring reports are developed for reporting the implementation of the Action Plan for implementation of the national strategy, Vision for Deinstitutionalization of the Children in the Republic of Bulgaria. The projects in the Action Plan are interrelated and parallel efforts are made to improve the child protection system, to develop community-based services and amend the legislation.

154. The reform in the area of child protection, an essential part of which is also the deinstitutionalization process, entails a lasting tendency of a declining number of children raised in specialized institutions. Purposeful work is performed toward closing the child facilities and, along with that, for developing new social services (see data in the Annex).

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<sup>15</sup> The Annex to the report contains similar information about the projects.

<sup>16</sup> SACP has developed and is currently implementing the "Support" project with funding coming from Operational Programme Technical Assistance. At this stage of its implementation the project ensured coordination and regular exchange of information among all participants on national and regional level.

155. There is a qualitative change in the system for rendering care to children and their families. The ongoing activities are aimed at the social inclusion and involvement of all children, as well as at replacing the institutional care with community-based care, care in a family or near-family environment. In this context, a number of alternative forms and services are launched in the community in support of children and families at risk. The most successful measures leading to a significant reduction in the number of children raised in specialized institutions are measures for abandonment prevention, reintegration of children in their biological families, placing them with families of relatives and friends, with foster families or for adoption.

156. A number of actions have been taken in support of deinstitutionalization: dedicated efforts of the Child Protection Departments for abandonment prevention, for reintegration in the biological family, in the cases where this is possible, referral to suitable community-based social services, working with children placed in specialized institutions, restriction of the placement of children in specialized institutions in line with the regional principle, reduction of capacities in specialized institutions with a steady downtrend in the number of the accommodated children, provision of new residential services to children, for whom it is not possible to be raised in a family, closing down of specialized institutions.

157. The ongoing national projects which are part of the Action Plan for the implementation of the national strategy, Vision for Deinstitutionalization of the Children in the Republic of Bulgaria, include activities for training the staff of the specialized institutions for children, including the projects: Childhood for All; DIRECTION: Family; Development of the Planning System and Provision of Social Services at Regional Level.

158. The Action Plan for implementing the national strategy, Vision for Deinstitutionalization of the Children in the Republic of Bulgaria, foresees the establishment of basic structures for managing the process:

- (a) Interdepartmental task force;
- (b) Steering Monitoring Committee (expert group);
- (c) Technical unit for managing each of the projects;
- (d) Regional bodies in support of the process.

159. The main mechanism for management, coordination, planning and decision-making vis-à-vis the overall implementation of the Action Plan under the national strategy, Vision for Deinstitutionalization of the Children in the Republic of Bulgaria, including planning, launching and modes of implementation of the projects included in the Plan, is via the established interdepartmental task force at high political level (the chairperson being the Deputy Prime Minister in charge of economic development). Furthermore, the interdepartmental task force became the main counterpart of the European Commission for coordination of the envisaged solutions and for participation of the European Commission in the processes in Bulgaria.

160. In addition, the Action Plan envisages the establishment of a Steering Monitoring Committee (expert group), which would be a collective interdepartmental body dealing with the coordination of its implementation. It is planned that the members will be representatives of the different competent institutions, of the National Association of Municipalities in the Republic of Bulgaria, of UNICEF, of non-governmental organizations, and the managers of all projects included in the Action Plan. The intended functions are direct monitoring of the implementation of the activities envisaged in the plan, provision of coordination between the State institutions and the other involved organizations and coordination of all projects.

161. So far the Steering Committee has acted as a task force whose first assignment was to develop the Action Plan. Its second assignment was the preparation of annual monitoring reports accounting for the implementation of the Action Plan, also covering projects, activities, initiatives, as well as main results, conclusions, challenges and recommendations for future decisions.

162. Technical units ensuring the implementation of each specific project were created in the course of the implementation of the Action Plan. The technical units are bodies made up of experts that coordinate and organize the implementation of the projects in accordance with the activities envisaged and a timetable. Currently the technical units for managing the five projects are operational.

163. After the successful work and support regarding the process of deinstitutionalization on a regional level, the period of operation of the regional deinstitutionalization teams has been extended as part of the project of the State Agency under Operational Programme Technical Assistance. 28 regional teams including representatives of three regional bodies — regional directorates for social assistance, regional health inspectorates and regional educational inspectorates — have been engaged, which makes a total of 84 participants in the teams. This body continues to operate in close interaction with the regional structures for coordination and monitoring of the implementation of the regional strategies on social services and to guarantee the development of the projects on local and regional level, as well as to ensure monitoring on the new services and the connection with the educational, health and social agencies. The regional team for deinstitutionalization (RTD) has the opportunity to participate in a number of meetings and to ensure a continuous coordination on regional level, as well as to submit timely information about the stages of implementation of the projects, including specific expert requests.

164. The implementation of the Roadmap for State Policy in the Area of Juvenile Justice 2013–2014 includes options for creating specialized services for children in conflict with the law. The purpose of these services is to preclude the joint raising of children deprived of parental care and children found to be guilty or accused of criminal acts.

## **E. Abuse and neglect**

165. In addition to the provisions of the Child Protection Act (CPA) and its Implementing Regulation, the new Family Code prohibits, for the first time in family law, the use of force by the parent or methods of education which lower the child's dignity.

166. An Agreement for Cooperation and Coordination of the Work of the Territorial Structures of the Child Protection Bodies in applying a coordination mechanism for interaction when working on cases involving children who are victims of or at risk of abuse and for interaction during emergency intervention was signed in March 2010, and it listed the specific commitments and obligations for interaction of the involved parties. The application of the Coordination Mechanism helps achieve quick response, cooperation and coordination of the actions of the responsible institutions in case of a child at risk and/or a child victim of violence.

167. In May 2012, following a decision of the Council of Ministers, a 2012–2014 National Plan for Child Violence Prevention was adopted. The Plan is consistent with the concluding observations of the Committee on the Rights of the Child, and more specifically with the recommendation that the country should include institutional action plans in the National Strategy for Children 2008–2018.

168. The National Plan for Child Violence Prevention is in line with the requirements and recommendations of the Council of Europe Strategy for the Rights of the Child (2012–2015), adopted at the Monaco conference of the Council of Europe held on 20–21

November 2011, which supported the adoption and implementation, by the States parties, of integrated national strategies for child abuse protection, requiring legislative, political and institutional reforms and focusing on prevention. The National Plan for Child Abuse Prevention is also consistent with the activities envisaged in the National Strategy for Children 2008–2018, which seek to achieve higher effectiveness of the work in response to reports on child abuse, to introduce procedures and principles of work with the partners from the different institutions when handling cases, as well as to introduce standardized methods for collecting information.

169. The operational goals set in the National Plan for Child Abuse Prevention are as follows:

- (a) Increasing the effectiveness of the measures for protecting children against abuse;
- (b) Improving the access and the types of services for work with children in cases of abuse and rehabilitation of the children and the families;
- (c) Upgrading the professional capacity of the specialists working with children;
- (d) Prevention of the child abuse phenomenon.

170. The territorial divisions of the Agency for Social Assistance — the Social Assistance Directorates and in particular the Child Protection departments, work actively with children victims of abuse, and their families — they take protection measures, guide them to social services, provide counselling, support and assist them to overcome the adverse consequences of the experienced abuse. Large portions of the child victims of abuse placed in a specialized institution or in a social service facility have been placed under “police protection” as an initial measure. If it is found that there is an immediate risk to the life and health of the children, they are immediately taken away from the dangerous environment and placed in Crisis Centres for Children Victims of Abuse and Trafficking, in specialized institutions or in other social services of residential type, depending on the specifics of the case.

171. In accordance with the recommendation of the Committee for establishing a 24-hour hotline and in compliance with the EU requirements for establishing and maintaining a hotline for children (published in the Official Journal of the European Community of 15 February 2007 and 29 October 2007), SACP has been provided with the pan-European harmonized number 116 111 for establishing and managing a telephone line with national coverage for informing, counselling and helping children. The national hotline for children, 116 111, operated by SACP was opened on 5 November 2009. It provides children with 24-hour free access for sharing a problem or receiving information about their problems from a professional.

172. One of the powers of the Chairperson of SACP, according to the Child Protection Act, is to “establish and maintain a harmonized telephone number with national coverage for informing, counselling and helping children”. The Implementing Regulation of the Act provides for the functions and interaction of the team, which supports the hotline for children, with the child protection bodies, as well as with the single emergency number 112.

## **VII. Basic health and welfare**

### **A. Children with disabilities**

173. The Committee recommends that the State party provide children with disabilities and their families with adequate support, while taking into account the United Nations

Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and general comment No. 9 (CRC/C/GC/9) on the rights of children with disabilities.

174. In 2012, Bulgaria demonstrated its intention to improve State care for persons with disabilities by signing and ratifying the Convention on the Rights of Persons with Disabilities. Currently, the issue of signing the Annex to it is being considered. Strategic documents and plans for supporting children with disabilities were adopted during the reporting period including, inter alia, the Strategy for Providing Equal Opportunities to Persons with Disabilities 2008–2015, the National Strategy for Children 2008–2018, the National Programme for Guaranteeing the Rights of Children with Disabilities 2010–2013, the National Programme for Developing School Education and Pre-school Upbringing and Training (2006–2015) and the National Plan for Integration of Children with Special Educational Needs and/or with Chronic Diseases in the National Education System.

175. The following objectives have been set in the Strategy for Providing Equal Opportunities to Persons with Disabilities 2008–2015: creation of conditions ensuring accessible environment for people with disabilities, shifting from the model of rendering care to children with disabilities from the moment of their placement in specialized institutions to provision of care in a family environment, creation of conditions for access to quality education, ensuring of combined medical and social rehabilitation, aids, devices and facilities and medical products, priority development of community-based social services, development of alternative forms of services, etc.

176. The National Programme for Guaranteeing the Rights of Children with Disabilities 2010–2013 was created after a thorough analysis of the gathered information on the situation of children with disabilities and the problems identified in this context. This act was used by the State as a vehicle for planning specific steps that would lead to improvement in the living conditions of children with disabilities, as well as for ensuring the respect for their rights. The implementation of this programme is aimed at:

- (a) Increasing the number of kindergartens, schools and support units that ensure accessible environment for children with special educational needs;
- (b) Providing opportunities for children with special educational needs to be integrated in the mainstream educational environment;
- (c) Individual approach consistent with the child's abilities for integration and learning, for the purpose of ensuring special and social preparation for school;
- (d) Procurement and introduction of a modern methodology for comprehensive evaluation of children with disabilities;
- (e) Increasing the number of the professionals trained to work with children with special educational needs;
- (f) Provision of support to the families of children with disabilities;
- (g) Tracing the process of integration of children with special educational needs in mainstream kindergartens and schools;
- (h) Provision of opportunities for professional fulfilment of young people with special educational needs;
- (i) Securing of early diagnostics and reduction of the risk of giving birth to a child with disabilities;
- (j) Supporting parents and securing early diagnostics and rehabilitation for children with disabilities;

(k) Increasing of the social services for children with disabilities;

(l) Possibility to monitor, analyse and design policies for children with disabilities.

177. The main activities for improving the situation of children with disabilities are aimed at creating an accessible environment (in 2009, the Ministry of Regional Development and Public Works adopted an Ordinance on the Design, Implementation and Maintenance of Buildings in Accordance with the Requirements for Public Accessible, Including People with Disabilities), financial and intangible support (described in detail in the family environment and alternative care cluster), expansion of social and medical services, improved access to education.

178. Over the period January–December 2012, the average monthly number of children with disabilities, who received an additional monthly supplement for children with permanent disabilities up to the age of 18 and until completing their secondary education, but not after reaching the age 20 was 22,549. The amount paid out was BGN 63,481,573. In 2011, the supplement was paid out to an average monthly number of 21,205 children, and the total amount disbursed was BGN 59,607,186.

179. Regarding the number of children recipients of the benefit, an increase of 1,344 from the 2011 level was reported in 2012. Compared to that in 2008, the average monthly number of the supported children was 19,569, and the total amount paid out was 40,329,520; in 2009 the average monthly number of the supported children was 19,490 and the amount paid out was BGN 45,559,237.

180. The social services regulated by the Implementing Regulations of the Social Assistance Act occupy an important position in the system for protecting children with disabilities. Currently the following social services are regulated and accessible for children with disabilities: day-care centre for children with disabilities, day-care centre for children and adults with disabilities, centre for social rehabilitation and integration, family type accommodation centre, public support centre, personal assistant, social assistant. Currently there are ongoing projects, whose activities include the creation of innovative services in support of the child and the families. The design of early intervention services is forthcoming: assistance and support for children and their families; family counselling; family centres for children, services for cultivating and developing parental skills, etc. The listed services are part of the “Social Inclusion” project implemented by the Ministry of Labour and Social Policy. Integrated health and social services are also planned. In the past 2012 a total of 25 new social services for children were launched: 17 centres for public support with a total capacity of 508 positions; 5 day-care centres for children with disabilities with a total capacity of 82 positions; 3 centres for social rehabilitation and integration with a total capacity of 75 positions.

181. Each of the projects in the Action Plan for implementing the national strategy, Vision for Deinstitutionalization of the Child Care in the Republic of Bulgaria, invariably envisages obligatory training of the staff and supervision. In respect of the teams working with children/youths with disabilities, there were trainings for the social workers on the assessment of children and young people placed in facilities for children with mental disabilities, facilities for children with physical disabilities and facilities for medical and social care for children, and training courses for applying the toolkit for studying the desires and abilities of parents to keep in contact with their child placed in a specialized institution.

182. Measures are being taken to boost the professional and administrative capacity, as well as the motivation of the staff in the bodies of the Agency for Social Assistance. An analysis was made on the needs to train and supervise the experts and the social workers employed at Child Protection Departments and the People with Disabilities and Social Services Departments of the Social Assistance directorates. The key competences and the

topics on which the trainings will be conducted have been identified. Questionnaires were developed and used in a survey, among the social workers to examine their needs for education and supervision.

183. In 2011, training was conducted in 21 facilities for children with mental disabilities on the practical implementation of the method of intensive communication and change in the meal pattern of children with severe multiple disabilities. 449 members of the staff of the homes for children with disabilities took the trainings and received support and consultations from outside consultants.

184. The data yielded by the 2012 annual survey of SACP indicated that a total of 355 staff members directly involved in caring for children from the specialized institutions of the Ministry of Health participated in training programmes and skilling courses in the calendar 2012. The topics included training on the new developments in the diagnostics and treatment of underlying diseases in early childhood and feeding of nursing infants and children.

185. In September and October 2012, 87 staff members from Child Protection Departments and People with Disabilities and Social Services departments received training on the preparation of detailed assessment of each child/young person from facilities for children with mental disabilities and facilities for children with physical disabilities, as well as of the children with disabilities over the age of 3 from facilities for medical and social care for children for the purpose of updating the information about their needs.

186. Effective January 2012, an external contractor was selected for conducting regular supervision of the staff in all facilities for children with mental disabilities in order to reduce the tension and insecurity and to avoid deterioration of the care for institutionalized children. At the end of 2012, a total of 168 group monitoring sessions were carried out (one session per month at each of the facilities for children with mental disabilities) and a total of 69 individual monitoring sessions were held on request with different professionals from facilities for children with mental disabilities.

187. Training of the professional rehabilitators and occupational therapists from facilities for children with mental disabilities and facilities for medical and social care for children was conducted jointly with the “Lumos-Bulgaria” Foundation. The training was aimed at upgrading and expanding the knowledge of the professionals (physiotherapists, occupational therapists, rehabilitators) on therapeutic interventions in cases of children with multiple disabilities; identifying the needs for future trainings on therapeutic interventions in cases of children with multiple disabilities; improving the skills of catching, positioning and therapeutic interventions with the aim of facilitating the functional activities of children with multiple disabilities.

188. Over the period 2009–2013, the Ministry of Education and Science organized intensive skilling activities aimed at improving the educational results. The qualification plans of the kindergartens and schools are focused on skilling courses and subjects, the priority ones among them being those on cultivating competences for working in an intercultural environment, with children at risk etc. Training of 400 elementary school teachers from mainstream schools on dealing with children with special educational needs in a general education environment was conducted under different projects of the Ministry of Education and Science.

189. Following the adoption of a 2009 MES Ordinance on the education of children and students with special educational needs and/or with chronic diseases, the emphasis was laid on integrated education and on the inclusion of children and students with special educational needs in a general educational environment.



190. An amendment to the Child Protection Act of 2009 regulated the rights and obligations of the governing bodies of specialized institutions, of social services of residential type, and of community-based social services in respect of the children using social services, when placing a child in an institution due to a long-term inability of the parents, guardians or custodians to raise the child. These governing bodies have an imposed obligation to notify in writing the parents, guardians or custodians of each child about the upcoming evaluations of his or her educational needs and about his/her referral for education in a special school or for integrated education. On the other hand, they have the obligation to ensure the execution of the decision of the teams for comprehensive pedagogical evaluation for referring the children or students for a certain type of education in the cases, where the parents, guardians or custodians of the child fail to fulfil their obligations in accordance with the Public Education Act and the Implementing Regulations of the Public Education Act.

191. The providers of social services for children in specialized institutions are obliged to ensure the participation of the children in the educational process and to assist them in their preparation. The provider makes an evaluation of the needs of the child, including of the needs for education, and drafts an individual care plan. The fulfilment of these obligations is controlled as part of checks performed by the experts of SACP on the basis on an order issued by the Chairperson.

192. Pursuant to the Public Education Act, the municipalities are mandated to ensure and control the obligatory pre-school training of children and the obligatory school education of students up to the age of 16. This power applies also to children with mental and other disabilities that have been placed in specialized institutions on the territory of the municipality.

193. During the implementation of the Childhood for All project, the project team maintained information on every child and young person from the target group from the moment of the initial examination and analysis of the needs evaluations of the children over the age of 3 and of the young people with disabilities from facilities for medical and social care for children and facilities for children with mental disabilities (10 September–15 October 2010). The implementation of the project will ensure possible access of the children to a package of the necessary services in accordance with their individual needs. The possibility for integrated education of the child will also be accessed by means of an integrated approach for removing the children out of the specialized institutions and taking into account the individual interest of each child.

194. As part of the project, Establishing a Single System for Management of the Overall Process of Implementation of the State Policy on Working with the People with Disabilities in Bulgaria, pursued by the Agency for People with Disabilities, an information system on persons with disabilities has been established, which is intended to collect data about people with disabilities and in particular about children with disabilities. The deadline for completing all the activities under the project is August 2013. Currently a Register of the Specialized Enterprises and Cooperatives of the People with Disabilities is being kept.

195. As of the time of preparing the present report, SACP and the Agency for Social Assistance are gathering aggregated statistics on the children with disabilities currently raised in specialized institutions, at facilities with a residential type of services, as well as on those who attend a daily or weekly form of services. Reporting sets about the child protection activities are prepared (on a monthly bases) and a report is drafted on the locations in the specialized institutions providing community-based social services, which are responsibility of the State (on a monthly bases), a card for collecting systematic information about children using social services provided at facilities for children, deprived of parental care, facilities for children with mental disabilities and facilities for children

with physical disabilities (semi-annually), a report on the number of children with disabilities for whom benefits have been granted under different legal acts.

196. At the end of the process, the different registers will be integrated and, through agreements for data exchange, the institutions responsible for children with disabilities will have a certain level of access to the data, classified by gender, age, type of disability, family, educational and social status of the family and of the child etc., so that the measures for ensuring the best interest of the child should be envisaged.

197. Effective March 2011, regional teams for deinstitutionalization have been set up in implementation of the activities under the Childhood for All project, for the purpose of creating better living and development conditions for the children with disabilities placed in specialized institutions. The regional teams for deinstitutionalization are made up of representatives of the selected (targeted) municipalities, professionals from regional directorates for social assistance, regional health inspectorates and regional education inspectorates, and the local coordinators of the projects in the respective regions. The regional teams for deinstitutionalization have three major tasks:

(a) To initiate the update of the regional strategies and municipal development plans in their part concerning child services;

(b) To assist and render methodological support to the municipal authorities in the design and development of the new social services, according to the specific local situation;

(c) To contribute, with their professional competences, to the integration of the children in the new environment and to their access to the necessary health and educational services.

198. Currently, various forms of services concerning early childhood development are being offered in the country, including intersectoral services. At this stage, they are provided by NGOs – for example the Centre for Early Intervention, the For Our Children Foundation, the Priateli 2006 Foundation.

199. The non-governmental sector plays a significant role for the full integration of people with disabilities, and particularly of the children with disabilities, in social life, and it affects the change in the public attitudes and for the inclusion of persons with disabilities. Taking into account this important role of the non-governmental sector in the process of social inclusion of people with disabilities, the Agency for People with Disabilities funds, on an annual basis, projects for rehabilitation and social integration of people with disabilities, developed by non-governmental organizations. The application is project-based and the funds are distributed on a competitive basis. To this end, a methodology has been developed and approved by the Executive Director of the Agency for People with Disabilities, which sets out the requirements that the projects should meet, the mechanism for their evaluation and ranking, as well as the procedure for receiving and accounting for of the received subsidy.

## **B. Health and health services**

200. All children in the Republic of Bulgaria have free unrestricted access to primary and specialized medical care — both in-patient and out-patient, due to their health insurance from the national budget. The State provides health insurance for all children up to the age of 18 and after reaching this age, if they study as regular students — until finishing secondary education, regular education in universities for students until reaching the age of 26, as well as regular education for the PhD students within the State quota.

201. The care for children's health is a priority in the State policy for child protection, and the regulation and control of the medical activities are carried out by the Ministry of Health. During the reporting period, a couple of long-term strategic documents were adopted in the area of healthcare, which were identified as problematic and requiring special attention on the part of the State and the non-governmental sector: National Health Strategy 2008–2013 and an Action Plan for its implementation, National Program for Prevention of HIV and Sexually Transmitted Diseases in the Republic of Bulgaria 2008–2015, National Program for Prevention of Oral Diseases of Children aged 0–18 in the Republic of Bulgaria, National Programme for Health and Environmental Action 2008–2013, Second Community Action Programme in the Area of Health, National Programme for rare diseases 2009–2013 (genetic, congenital malformations and non-hereditary diseases), National Anti-Drug Program 2009–2013 and an Action Plan for its implementation, National Programme for Primary Prevention of Cervical Cancer in the Republic of Bulgaria 2012–2016, National Programme for Prevention and Control of Tuberculosis in the Republic of Bulgaria for the Period 2012–2015.

202. Ordinance No. 40 of the Ministry of Health for establishing a basic package of health activities, guaranteed by the budget of the Bulgarian National Health Insurance Fund and the Child Health Program, established a wide range of medical activities to which children have free access. The Ministry of Health implements health protection measures under the National Child Protection Programme, related to the prevention of abandonment of children in maternity hospitals, early prenatal diagnostics, combined medical rehabilitation of children with disabilities, preventive measures vis-à-vis children with risky behaviours for precluding the use of drugs and narcotics, etc.

203. The Ministry of Health provides, beyond the scope of the obligatory health insurance, one screening during the pregnancy of each uninsured woman. This became possible due to the latest 2013 modifications in the Ordinance of the Ministry of Health for providing obstetric care to uninsured women and for conducting tests outside of the range of the obligatory health insurance for children and pregnant women. The National Health Insurance Fund provides in-patient care to all pregnant women in Bulgaria through 11 clinical pathways. Intensive treatment of newborn children is conducted under the clinical procedure, Intensive Treatment of Children with Assisted Breathing with or without Applying of Surfactant.

204. The work of the health mediators continues in response to the recommendation for improving of provision of health care among Roma children. The profession of "health mediator" is included in the National Classification of the Professions and Job Positions in the Republic of Bulgaria. A programme has been developed for training health mediators and the Sofia Medical University and the Plovdiv Medical University are accredited to train them. In accordance with the needs of the municipalities with considerable Roma populations, the mayors of the respective municipalities plan and organize the training of health mediators. Health mediators support both the densely populated Roma neighbourhoods and the medical professionals who provide services of this population. A Ministry of Health priority in the area of Roma healthcare is the enhancement and expansion of the network of health mediators. The introduction of the new profession contributes to the overcoming of the cultural barriers in the communications between the Roma population and local medical staff.

205. The number of health mediators in 2008 was 111, in 2009, it was 106, in 2010 – 105, in 2011 – 105, in 2012, it was 109. It is expected that in 2013 their number will go up to 130. Health mediators have experience in working with families at risk of abandoning their children. The knowledge of the medical professionals on the specific health problems of the Roma population is periodically expanded by improving of the medical education curricular at the medical universities and colleges.

206. A National Health Roadmap was adopted in 2011, its purpose being to overcome the disproportionate access to basic medical services. In the period 2010–2012, there were regulatory changes for the purpose of reorganizing the primary out-patient medical care and for establishing “on-duty surgeries” also in municipalities, located in rural or mountainous regions. Reorganization was also performed in the in-patient care by implementing quality criteria and introducing levels of competence. All hospitals have re-registered on that basis, the map of the in-patient care has changed, and plans are also made to fund hospitals in hard to reach regions.

207. The early marriages of children from some ethnic groups in the Republic of Bulgaria are a prerequisite for their social isolation. As children enter into matrimony and cohabit on a conjugal principle at an early age, their rights to free choice, education and normal mental and physical development are at risk. According to the National Statistical Institute in 2010 there were 350 children born by girls under the age of 16. At the same time, the abortions in the same age group were 146. This situation has deteriorated and there is also an increase in the cases of couples cohabiting on a conjugal principle where one of the partners is a female minor or juvenile, the so called “early marriages”, where the normal mental and physical development of the mother is threatened and the minor/juvenile mother and her newborn child are at risk.

208. In 2009, the Prosecutor General of the Republic of Bulgaria was seized with regard to the increased number of cases where regional prosecutors refuse to prosecute persons cohabiting on a conjugal principal with minor or juvenile girls, stating as a reason the ethnic origin of the persons, also in cases of Roma population, where traditions and customs are quoted as reasons. As a result of the actions taken by SACP in December 2010 the Prosecutor General issued Methodological Guidelines for improving the prosecutorial activity in the institution and termination of criminal proceedings pursuant to article 151, paragraph 1 and article 191, paragraph 3 of the Criminal Code addressed to the administrative heads of the district prosecutor’s offices in the country, who were to organize the examination and of and compliance with the methodical guidelines and to perform periodic checks and audits of the district prosecutor’s offices.

209. In March 2001, the Executive Director of the Agency for Social Assistance issued methodical guidelines addressed to all social assistance directorates/departments for child protection in the country with the instructions to report all cases of such cohabitation on a conjugal principal to the respective district prosecutor’s office. The undertaking of quick and adequate actions for protecting the best interest of these minor or juvenile girls is part of the competences and powers of the departments for child protection under the directorates for social assistance. In support of the efforts of the social workers on cases of children, who have entered in early cohabitation with adults and in view of the subsequent early births, the Executive Director of the Agency for Social Assistance issued Guidelines.

210. Measures were taken for early reporting of minors and juvenile pregnant girls and mothers by GPs and health institutions.

211. On this matter the country is cooperating with non-governmental organizations, which work with Roma communities. In 2010, the Centre for Inter-ethnic Dialogue “Amalipe” realized the project, Prevention of Early/Forced Marriages, which was funded by the European Commission under the 2007–2013 DAPHNE III Programme. The goal of the project was prevention and decreasing the number of early and forced marriages among some traditional Roma groups in Bulgaria, Romania and Greece by researching the issue, developing a multisectoral network and partnership between the State institutions, non-governmental organizations and informal Roma leaders, campaigns for increasing the public sensitivity and work with the Roma families. The project was realized in partnership with the main interested institutions in Bulgaria: the Ministry of Transport and Social Policy, the Ministry of Education, Youth and Science, SACP, the National Council for

Cooperation on Ethnic and Integration Issues, the general directorates and others. The achieved results are related to increasing the social work in the traditional and marginalized Roma communities, imposing administrative penalties, as well as a realized, by the educational representatives in these communities, programme for prevention. The Regional Strategies for Development of Social Services 2010–2015 include activities for prevention of early marriages.

212. The possibility for reducing the minimum lawful age for medical treatment without the parents' consent was widely discussed during the debates of the draft Child Act. The parents' organizations, the inquired children as well as a large part of the professionals, were strongly against this possibility.

### **C. Adolescent health**

213. In 2008, the National Health Strategy 2008–2013 was adopted and according to it, reproductive health is one of the directions for work within the Third Strategic Goal of the document. In accordance with the Committee's general comment No. 4 (2003) on the Health and Development of Adolescents, the tasks set in the area of reproductive health are related to the prevention of sexually transmitted diseases and HIV, in view of prevention of infertility. The Ministry of Health developed a project under the National Programme for Sexual and Reproductive Health (2013–2017). The project foresees development and application of programs for sexual education in grades 1 to 12, as well as training teachers for conducting health and sexual education in schools. It is foreseen to create and develop a national network of peer educators, as well as to equip and maintain 20 pilot specialized cabinets in 10 municipalities, for which there will be training materials and programs for training of the specialists, working in the cabinets. Health education is foreseen in the draft law for the pre-school education.

214. The project, Improvement of the Sexual and Reproductive Health of the Young People in Bulgaria, which was initiated by the Ministry of Education and Science and the United Nations Population Fund, ended in 2009. Twenty-five pilot primary and professional high-schools from the regions of Vratsa, Lovech and Targovishte participated in the project. Its main goal was to improve the sexual and reproductive health of the young people through a wide range of quality services in the area of sexual and reproductive health, as well as via improved opportunities for education, in view of developing knowledge, skills and attitude for responsible sexual behaviour. The realized activities are in two directions: provision of services, appropriate for young people and promotion of health for prevention of sexually transmitted infections HIV/AIDS and unwanted pregnancy. Nearly 1,500 young people have attended the classes for sexual and reproductive health within the project. Four modern information and educational centres for reproductive health have been equipped for conducting consultations, debates and training of young people, both in groups and individually. These centres have established themselves as attractive locations for young people who want to find information on topics, in which they are interested – pubertal development, friendship, sexuality, risky sexual behaviour, sexual violence, physical, mental and social consequences of unwanted pregnancy, contraception, sexually transmitted infections. In May 2012, there was a Final National Conference on issues related to reproductive health of young people in Bulgaria.

215. The regional health inspectorates are working on the problems related to the protection of the sexual and reproductive health by using different ways for raising the awareness of the adolescents, as well as for improving the professional competence of the medical specialists, working in institutions for children. In 2011, there were 102 seminars, 6 courses, 1,072 lectures and debates, 898 video showings, 1924 individual trainings, 173 mass events and 994 media events. 187,587 people were involved. 15 educational health

materials were issued in 56,283 editions and 269,342 informational materials were disseminated. The Bulgarian Red Cross has a voluntary network which successfully disseminates information and knowledge, especially through the “peer-to-peer” method.

216. The action plan for the Health Strategy for Disadvantaged People Belonging to Ethnic Minorities (2005–2015) provides for funds for buying intrauterine spirals for free use by anyone who wants, belonging to the socially disadvantaged group during the medical exams performed in the mobile cabinets.

217. In 2007–2008, under the PHARE project, Health Promotion and Prevention of Healthcare for Mothers and Children, the Ministry of Health received three mobile gynaecological cabinets and two mobile mammography devices. The goal of the project is to improve the healthcare for mothers and children by implementing the pilot programme for conducting preventive gynaecological and paediatric exams with mobile equipment and to provide training sessions for women, children and young people, belonging to disadvantaged groups from ethnic minorities.

218. In recent years, the Ministry of Health annually provides funds for conducting preventive exams and tests in towns or villages with predominant Roma population by using the mobile units received under the PHARE programme. A total of 13,230 exams were conducted in the four gynaecological cabinets during the 2008–2012 period. The conducting of medical exams in the targeted regions is preceded or followed by lectures, debates, on-site conversations, during which the specially designed educational health materials are provided and presented by the specialists from the regional health inspectorates. The debated topics and developed materials are in the areas of contraception, sexually transmitted infections, reproductive health, breast cancer, cervical cancer and others.

219. There are debates with adolescents and their parents about the methods for prevention of unwanted and early pregnancy, the risks for the mother and the baby related to the unwanted pregnancy; about the risk of giving birth to children with congenital anomalies and hereditary diseases and the prevention methods.

#### **D. Drugs, cigarettes, alcohol and other harmful substance abuse**

220. A number of measures are taken through the National Anti-drug Strategy – preventive ones, increasing the awareness, improved access to treatment, reintegration, enhancing the control and coordination efforts. The purpose is to reduce the offering of narcotic substances via comprehensive customs control, fight against organized crime, etc.

221. Specific activities, aimed at children and students, for preventing the use of tobacco and alcohol abuse, are envisaged. A study entitled, Researching the Factors of the Risk of Chronic and Infectious Diseases among Students Aged 14–18, was conducted in the areas covered by the 2008 SINDI-Bulgaria Programme. Behavioural risk health factors were researched (unhealthy diet, low physical activity, use of alcohol and smoking); as well as biological factors (increased arterial pressure, overweight/obesity); the knowledge and habits of the students about healthy lifestyle. An intervention programme for reducing the risk factors to the health of students was developed.

222. Activities aimed at improving the awareness of children regarding the use of tobacco products are annually carried out by conducting national campaign for marking the World Anti-tobacco Day in May and the International Anti-tobacco Day in October; a media campaign, entitled Dangers of Smoking, broadcast in the national and regional network through an audio and video clip provided by the World Lung Foundation in 2011; a campaign, entitled The First Seven Years of the Cabinets for Consultations for Giving up Smoking, in 2012. A number of other informational health campaigns were conducted.

223. Upon the initiative of the Ministry of Health, annual national school contests, “The Project of Our Class – for a Life without Tobacco”, started in 2008. The projects are implemented by students and the purpose is to show that the human life is healthier and more nature-oriented when living in an environment without tobacco smoke.

224. The Ministry of Health, the National Centre of Public Health and Analyses (NCPHA) and the National Italian Association for Fighting Cancer Diseases are organizing annual children’s drawing contest, which involves children aged 5–11. The contest is carried out with the cooperation of the Ministry of Education and Science and the Ministry of Physical Education and Sports (MFES). All campaigns and activities are realized with the active participation of the regional health inspectorates.

225. One million student notebooks with images from the organized by the Ministry of Health and the Home of Humor and Satire national school contest, Are You Cool or Smoking?, were printed and disseminated. The student notebooks contain messages against tobacco smoking with the purpose of prevention and creating negative attitude against dependency on tobacco.

226. Three movies created by the Ministry of Health: No Smoking, Iana’s Day and The Invisible Man were replicated and distributed via the 28 Regional Health Inspectorates.

227. In support of the people who want to quit smoking, there is a functioning National Line for Giving up Smoking: 0700 10 323; and a corresponding webpage, [www.aznepusha.bg](http://www.aznepusha.bg).

228. The amendment of the Health Act in 2012 introduced a full ban on smoking in enclosed public places with the purpose of ensuring an environment without tobacco smoke and protecting the health of non-smokers, including children.

229. In 2012, there was a project developed under the National Programme for Prevention of Chronic Non-communicable Diseases 2013–2020, the main goal of which is to reduce the level of the general non-communicable diseases and the most common risk factors: behavioural, biological, psycho-social, by reducing the popularity of smoking, alcohol abuse, improving one’s diet and increasing one’s physical activities.

## **E. HIV/AIDS**

230. The Ministry of Health is implementing a National Programme for Prevention and Control of HIV and AIDS in the Republic of Bulgaria (2008–2015) which is in compliance with general comment No. 3 of the Committee (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and the Human Rights, as well as under the Programme for Prevention and Control of HIV/AIDS, funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria. The activities and services for the groups that run the highest risk are implemented both on national and local level in cooperation with the 28 regional health inspectorates, the National Centre for Infectious and Parasitic Diseases and over 50 non-governmental organizations. One of the main target groups are young people at risk and specific activities, aimed at increasing the awareness of sexually transmitted infections and HIV/AIDS. The following activities and measures are taken for implementation of the programs.

231. As a part of Component 7 - Reducing the Vulnerability to HIV of the Young People that are at the Highest Risk (15–24) by Increasing the Range of the Services and Programmes Aimed at Young People, under the Programme for Prevention and Control of HIV/AIDS, a network of 18 non-governmental organizations has been established, which provides free services via on-site activities to young people who run the highest risk in the biggest municipalities in the country. As of 31 December 2012, activities have been

implemented in 18 municipal towns: Blagoevgrad, Burgas, Varna, Veliko Tarnovo, Vidin, Dobrich, Kyustendil, Haskovo, Pazardzhik, Pernik, Pleven, Plovdiv, Ruse, Stara Zagora, Sliven, Sofia and Shumen. All organizations distribute condoms and educational health materials in 271 areas. There is a total of 590 volunteer members in the organizations, who actively participate in the organization of ANTI-AIDS campaigns on the territory of the country. The task of the 18 non-governmental organizations is to create and support municipal clubs for teachers for peers and with this approach to reach the young people at risk, as well as the young people from the regions through awareness-raising campaigns, change in the behaviour and safe behavioural choices, including the use of condom.

232. Part of the regular job of the volunteer peer educators at the clubs of the 18 non-governmental organizations is to visit specialized institutions for children and adolescents (homes for children deprived of parental care, complexes for social services for children and families and other), in which they teach educational health classes, provide informational materials, consultations and offer places for medical tests.

233. During the 2009–2012 period, under the Programme for Prevention and Control of HIV/AIDS, the following results were achieved:

(a) 462,366 children and young people at risk are covered by specific services for HIV prevention like on-site work and campaigns for promotion of condoms, and they are reached via the “peers teaching peers” approach;

(b) 1,292,114 condoms were given away to young people at risk, including through joint activities with the regional health inspectorates;

(c) 3,648 children from institutions are reached through health education, based on skills and services for HIV/AIDS prevention;

(d) 7,407 young people are taught via the “peer-to-peer” method.

234. There are annual national and regional awareness campaigns on HIV and sexually transmitted infections (distributing informational materials and condoms) with the support of all 28 regional and health inspectorates and the participation of non-governmental organizations. The budget of the Ministry of Health provides funds for modern diagnostics equipment for testing for HIV, viruses, Hepatitis B and C, syphilis and other sexually transmitted infections. Three national campaigns for HIV prevention are conducted annually: on 1 December – World Anti-AIDS Day; 14 February – Lovers Day; and the third Sunday of May – World Day for Support of the Victims of AIDS. Every year there are summer Anti-AIDS campaigns aimed at young people. In the period 1 January to 31 December 2012, a total of 294 regional campaigns by regional health inspectorates, hospitals and non-governmental organizations were conducted.

235. There are regular trainings for young people for working through the “peer-to-peer” method. The approach is supported by the International Centre for Teaching Adults. Y-PEER PETRI – Sofia (Peer Education Training and Research Institute) at the National Centre for Public Health and Analyses (NCPHA). It was opened in 2007 as a result of the developed capacity of Bulgaria in the area of sexual and reproductive health and HIV prevention among young people, gained by NCPHA over the recent years. The activities are implemented through the financial support of the United Nations Population Fund (UNFPA) and are in compliance with the goals of the National Programme for Prevention of HIV and Sexually Transmitted Infections (2008–2015), as well as in cooperation with the Programme for Prevention of HIV/AIDS, funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

236. There are 19 functioning easily accessible cabinets for voluntary consultations and tests for HIV and sexually transmitted infections in the 15 cities with the largest populations, including young people at risk, unemployed people, people with low social



and economic status. The provision of services by the cabinets for voluntary consultations and tests is geographically enhanced through the operation of 17 mobile medical cabinets. In 2012, a total of 33,616 young people aged 16–29 had themselves tested for HIV anonymously and for free and found out their HIV status in the cabinets for anonymous and free consultations and testing for HIV. Traditionally, the share of young people aged 16–29 represents 66 per cent of the people tested in such cabinets.

## **F. Mental health**

237. The Ministry of Health has developed a National Programme for Mental Health 2013-2020, which is expected to be approved by the Minister of Health. One of its main focuses is the mental health of children (prevention and promotion) and suicide prevention at adolescent age.

238. Since 2010, the opening of departments/clinics for rehabilitation of children and adolescents in psychiatric hospitals for adolescents and children and university psychiatric clinics for adolescents and children has been regulated.

239. Ordinance No. 39/2004 for the preventive medical exams and dispensarization regulates the diseases for which the children can be subject to dispensarization. Among them is the group “general development disorders” which has been included to the diseases among children, for which the National Health Insurance Fund pays for the dispensarization measures. The creation and maintenance of a system for organized screening, which provides monitoring, control, analysis and reporting of the indicators of the screening activity, have been regulated since 1 July 2012. The system for organized screening consists of National Screening Register (NSR) and on-site coordinators. The National Screening Register is kept by the National Centre for Public Health and Analyses.

240. There is a screening for autism scheduled for 2013, provided for in the document, approved in 2012 by the Minister of Health, entitled Measures for Improving the Care for Autistic Children and their Families.

## **G. Standards of life**

241. The financial and economic crisis which started in 2008 had a significant effect on the standard of living in Bulgaria, which, unfortunately, affected the children. In this context, strategic documents have been drawn-up, like the 2020 National Strategy for Reducing Poverty and Encouraging Social Inclusion and the National Development Programme: Bulgaria 2020. The National Council on the Matters of Social Inclusion at the Council of Ministers has been established in 2009, the activity of which is related to discussing and offering suggestions for development of draft strategies, programs, action plans and other strategic documents in the area of social inclusion. As a body for coordination, cooperation and consultation during the development, conducting, monitoring and evaluation of the State policy in the area of social inclusion, the council includes representatives of all institutions and organizations involved in this area: ministries, social partners, agencies, non-governmental organizations, operating in the area of social inclusion and others. The composition of the National Council on the Matters of Social Inclusion at the Council of Ministers includes representatives of non-governmental organizations, working with children. The goal is to achieve wide public support, which is realized not only in the process of development of the policy in the area of poverty, but also at the stages of its application, observation and evaluation. An important element of the activity of the National Council on the Matters of Social Inclusion is the participation of its

members in the discussion of the national target for reducing the number of people living in poverty until 2020 by 260 thousand people, 76 thousand of which should be children.

242. All measures for social assistance are described in the cluster “Family Environment and Alternative Care”.

## **VIII. Education, leisure and cultural activities**

243. The Bulgarian legal framework guarantees equal treatment of children regarding their right to education. It is in compliance with the Constitution of the Republic of Bulgaria, the Convention on the Rights of the Child and the UNESCO and United Nations programme, “Education for All”, as well as with the Committee’s general comment No. 1 (2001) on the aims of education, general comment No. 9 (2006) on the rights of children with disabilities, general comment No. 7 (2005) on implementing child rights in early childhood and general comment No. 11 (2009) on the rights of indigenous children.

244. In practice, there are still difficulties related to the integration of children with disabilities and Roma children, children leaving the education system and ensuring that all children are studying up to the age of 16, regardless of whether they are from urban or rural regions.

245. In order to improve the state of the education system, described in detail in the second periodic report (CRC/C/BGR/2, paras. 101–126), the country has taken a number of measures, envisaged in the following documents: National Programme for Development of School and Pre-school Education and Preparation (2006–2015); National Plan for Integration of Children with Special Educational needs and/or Chronic Diseases in the National Education System; Strategy for Educational Integration of Children and Students from Ethnic Minorities; Strategy for Educational Integration of the Roma People in the Republic of Bulgaria (2012–2020). There is a developed project for Strategy for Prevention and Reduction of the Share of Students Dropping out of or Leaving the Education System Prematurely 2013–2020, as well as a new draft law on School and Preschool Education.

246. The current legislation provides for free access to education in the State and municipal schools. Children in pre-school preparatory groups and students in grades I–VII are guaranteed free use of textbooks and school aids. The State and municipal budgets provide funds for feeding the children and students in municipal and State schools and kindergartens. The standard for supporting a child at pre-school age was increased by BGN 214 in 2010 and by another 1.8 per cent in 2012. As of 2012, the municipalities have been divided into 7 groups, which provide better opportunities for funding the school network, depending on the objective conditions affecting the amount of the child support costs.

247. As of February 2013, the conditions and procedure for students to obtain scholarships after finishing their primary education have been regulated.

### **A. Budget**

248. Each year the State Budget Law of the Republic of Bulgaria establishes the allocations for education. Despite that, during the reporting period, there was no significant increase in the funds of the State budget, measures for finding alternative sources of funding have been taken, mainly under the operational programmes and more effective use of the available resources and the system for delegated budgets introduced in 2008. The schools receive funding under national programs for development of secondary education which are adopted yearly by the Council of Ministers.

249. During the 2010–2013 period, a total of BGN 193.9 was provided for the introduction of mandatory preschool preparation, two years before starting first grade in stages. The funds for the whole-day organization of the learning process in the State and municipal mainstream schools, which are not central schools,\* for the period 2010–2013, are in the amount of BGN 120.7 million. Additionally, BGN 54.1 million have been provided for students in grades I to VIII in central schools who have to travel for whole-day organization of the school day for the period 2009–2011. As of 2012, the whole-day organization of the school day in the central schools for all covered students from grades I–VIII has been funded by the European Social Fund (ESF) and Operational Programme Human Resources Development (OPRHD). The funding provided for the period 2012–2014 amounts to BGN 172 million. As of 2009, additional funds for free transportation of children and students up to the age of 16 have been provided annually and for the period 2009–2013, the increase of the funds amounts to BGN 7.5 million.

250. In 2012, additional BGN 25 million were provided for increasing the common cost standards in the secondary education system. BGN 11 million were provided for increasing the standards of the general education schools as a result of the new grouping of the municipalities, the purpose of which is to direct more funds to the municipalities with a concentration of more small schools.

251. The National Youth Programme (2011–2015) is funding projects in support of youth activities, through which BGN 6 million will be invested by 2015 through the budget of the Ministry of Education and Science.

252. The EU funds and the World Bank are taking additional measures, aimed at the education of children with disabilities and Roma children, as well as at prevention of dropping out. The Centre for Educational Integration of Children and Young People from the Minorities (CEICSEM) is also funding such programmes. One of the main tasks of the centre is to mobilize and accumulate resources from different donors and to provide the necessary additional funding through the State budget.

253. Funds amounting to 16.56 per cent of the total budget under the OPHRD (2007–2013), or BGN 393,063,797, are aimed at providing significant support for reducing the number of students who leave school prematurely. As of March 2012, 537 contracts (99.4 per cent of all contracts) for a total of BGN 167.9 million (63.6 per cent of all contracted funds) are under schemes, aimed at the prevention and alleviating the consequences of the early dropping out of school.

254. In 2012, four more schemes have been contracted amounting to BGN 28 million for funding initiatives related to opportunities for the reintegration in the education of the students who have prematurely dropped out of school. Under OPHRD for the period 2007–2012, a total of 88,223 students have been included in measures, aimed at the prevention of dropping out of school.

## **B. Integration of Roma children and early childhood development**

255. The UNICEF collection of reports regarding the welfare of Bulgarian children in early childhood, states that as of 2009, approximately 26,000 children are missing at least one year of schooling, because their parents do not enrol them in the first group of kindergarten, another 20,000 children, are not enrolled in the second group of kindergarten and therefore they lose two years of preschool preparation, and over 16,000 children do not go to kindergarten at all before the obligatory preschool education. According to the

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\* A school, which is located in the nearest big town or village in the territory of the municipality, where students from other towns or villages, in which there are no schools, are studying.

National Representative Study, Equality – the Road to Progress,<sup>17</sup> in 2011, the share of children who go to kindergarten from age 3–6 from the ethnic groups is over 55 per cent, while it is almost twice lower for the children of Roma origin at 30.9 per cent.

256. To address this challenge, the programmes for early childhood development and preschool education have been expanded with the purpose of becoming more accessible to more children. According to Article. 20, paragraph 1, of the Public Education Act (effective 5 October 2010), “the preschool preparation of children two years before starting first grade is obligatory, but not earlier than in the year in which the child turns 5”. In addition, paragraph 5 of the same article states: “For children who do not have good command of the Bulgarian language, in addition to the preparation under paragraph 1, education is also provided in Bulgarian according to specialized methodology for learning the Bulgarian language.”

257. The programme, Caring for Each Student, provides opportunities in support of children from preparatory groups with learning difficulties and for those whose mother tongue is not Bulgarian, through additional sessions in small groups or under individual programmes. The activity, Early Evaluation and Prevention of Learning Difficulties in Children at a Preschool Age, is expected to be implemented. Based on the evaluation of the language skills of children in kindergarten, preventive measures will be realized in respect of the children at risk of learning difficulties, as well as the children identified as having learning difficulties.

258. The Ministry of Education and Science, in cooperation with the Regional Education Inspectorates and the municipalities, supervises kindergartens and schools for not allowing the forming of ethnic groups and classes.

259. The efforts for the integration of children of Roma origin in the general education system have been increased. Training for teachers on working in a multicultural educational environment is being conducted under projects realized by the Centre for Educational Integration of Children and Young People from the minorities (CEICSEM) and the Directorate General for Structural Funds and International Educational Programmes at the Ministry of Education and Science: application of adequate psychological and teaching approaches in accordance with the cultural ethnicity of the children, of appropriate forms of teaching interaction and with priority use of interactive methods and technology for working with children and parents, as well as for including parents in activities, aimed at changing the attitude for joint educational activity in kindergartens and schools.

260. In addition to the opportunity to learn one’s mother tongue, new alternative forms for raising the level of tolerance at school and for the prevention of school dropout are being introduced, including an optional subject on Roma folklore and culture and Roma language. Education for parents from Roma origin, study hall sessions, interest clubs and other activities are being organized.

261. The projects, Creating an Appropriate Multicultural Environment for Practical Application of Intercultural Education and Teaching, Integration of Children and Students from Ethnic Minorities in the Education System, Reintegration of Students Who Have Dropped out of the Education System and Educational Integration of Children and Students from Ethnic Minorities promote the integration of, the reduction in the number of students who have prematurely dropped out of school, as well as the inclusion of the children from the ethnic communities who were not reached.

262. In the period 2007–2012, the following results were achieved under the above-mentioned programmes: 11,081 children of Roma origin have been included in programs

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<sup>17</sup> National Representative Study “Equality – the Road to Progress”, Open Society Institute, Ministry of Labor and Social Policy, database, 2011.

for taking children out of schools with formed groups; 6,664 children of Roma origin have been integrated; 29,294 children of Roma origin have been included in programs for intercultural education; 22,572 children of Roma origin have completed programmes for intercultural education; 316 teachers have been trained on working in a multicultural environment; 1,409 parents have participated in activities for integration of children and students from ethnic minorities in the education system.

263. Information campaigns among children from vulnerable ethnic communities and their parents about the need and the benefits of education have been carried out under the above-mentioned projects. It is reported that the degree of satisfaction among them is extremely high: over 88 per cent of students and 64 per cent of parents. The participation of Roma organizations in the Monitoring Committee and in the implementation of projects is an important prerequisite for the success of OPHRD.

### C. School dropout

264. According to the National Statistical Institute (NSI), each year in the period 2008–2012, 2.4 per cent of students in Bulgaria enrolled in grades 1 to 13 drop out of school due to a lack of desire for studying, family reasons or leaving the country. The share of children, who have dropped out of school in this period due to social and family reasons, is the highest, but there is a downward trend. As a result of the measures taken for prevention of dropping out school and leaving the education system early, the share of the children who have dropped out due to a lack of desire for studying has the most significant drop – from 22.6 per cent in the 2008/09 school year to 15.0 per cent in the 2011/12 school year (see Statistical Data in Annex 1).

265. The reasons for early school dropout are economic, social, educational, ethno-cultural and institutional. The PISA international survey established that, in Bulgaria, there is a significant relationship between the low education results of school children and the socio-economic status of their families: on average, 32 per cent of the low results of 15-year-olds in Bulgaria are explained by the socio-economic and family environment of the students.

266. The obligatory two-year preparation of 5-year-old children before starting first grade was introduced with the purpose of preventing dropping out.

267. In 2011, through a project for early social inclusion of children, 60 municipalities were funded via a loan from the World Bank amounting to EUR 40 million. In 2012, 10 more municipalities were included in the project. As a result of the successful implementation of the measures for equal access to education for all school children in 2011/2012, 53 per cent of the children aged 5 years and 88 per cent of those aged 6 years were covered by the preschool education and around 72 per cent of all students in grades I and II have been included in the whole-day education.

268. The National Programme for Better Inclusion of the Students at the Obligatory School Age continue to provide conditions for access to education by all students, regardless of their ethnicity, gender, religion, residence and economic situation. Providing breakfast and/or milk (tea) to students from grades I–IV, also to children from the preparatory groups and classes in schools and kindergartens, aims to keep children in schools and to support the parents regarding the feeding of their children. The free provision of textbooks and school aids to students in grades I–IV aims to ensure equal access to the educational content for the students in State, municipal and private schools and to the children in the preparatory groups in kindergartens. The measure has a positive influence in respect of the difficulties for the disadvantaged families and leads to reducing the number of students who drop out of school. The provision of transportation to students

during their primary education ensures conditions for equal access to a proportionate quality of education via free transportation to the central schools for the students who are studying outside the town or village in which they live. There are annually provided funds for the transportation of the 6-year-olds and the students at obligatory school age, and as of 2010, the 5-year-olds are also included. The funds provided for free transportation of children and students up to the age of 16 years for the 2012/13 school year is in the amount of BGN 27,440,009 and covers 3,887 routes. 62,617 children and students are taking advantage of it. In support of starting first grade, there is funding provided to the families with low income (described in detail in the cluster “Family and Alternative Care”).

269. The national programme, Caring for Each Student, provides funding for additional education for the children in grades V to VII, who have achieved low results during an external evaluation. The number of students covered in 2009 and 2010 was 1,227.

270. The national programme, School without Absences, was introduced in 2012. Its purpose is to reduce the number of absences by recording them correctly in the school documentation, taking genuine and effective measures for motivating the students, for regular attendance and active work during the school classes and for attracting the parents as partners in relation to the school life. The national programme supports the schools, which implement their own strategies for reducing the number of absences and for overcoming the early school dropout. In 2012, 399 schools were included in the programme.

271. There is a developed project for a Strategy for Prevention and Reduction of the Number of Students Who Drop out or Leave the Education System Early, which envisages policies and key measures for prevention of the premature dropping out of school, as well as the development and realization of a Coordination Mechanism for improving the mechanisms for control over all sectoral policies, related to the provision of the coverage of and keeping children and students in schools until finishing their education.

#### **D. Children from small communities and rural areas**

272. The unfavourable demographic trends in Bulgaria have led to the desertification of the rural areas and the closing the schools. With the purpose of ensuring the completion of the obligatory education of the children up to the age of 16 years from the urban and rural regions, the Public Education Act regulates the creation of central and protected schools. A “central school” means a school, which is located in the nearest big town or village in the territory of the municipality, where the students from others towns or villages, in which there are no schools, are studying. As of the 2012/13 school year, there were 793 central schools in the country, attended by 197,517 students from grades I–XII, where 44,206 students use organized transport. The travelling students in grades I–VIII who are studying in central schools are provided with whole-day organization of the school day and meals in the school cafeteria. A “protected school” is a school, which, if closed, would hinder the access to education and therefore this category of schools cannot be closed.

#### **E. Children with disabilities**

273. The Public Education Act regulates the integrated education of children with special educational needs and/or chronic diseases in schools. When all other possibilities for education in State and municipal schools have been exhausted and upon written request by the parents or guardians, children with special educational needs and/or chronic diseases can enrol in special schools and service units. According to the Law on Integration of People with Disabilities /LIPD/, the Ministry of Education and Science provides supporting environment for integrated education of children with disabilities. There is a guaranteed

opportunity for integrated education and development of a supporting environment at school considering the health condition of children with sensory, physical and multiple disabilities, mental retardation, language and speech impediments.

274. The 2009 Ordinance No. 1 for the Education of Children with Special educational needs and/or chronic diseases establishes the State requirement for the education of children and students with special educational needs and/or chronic diseases. Each child or student with special educational needs and/or chronic diseases is provided with an access to education under the curricula of the respective kindergarten or schools and when needed education under the individual educational programme and resource support is provided. The parents take part in the development of the individual curriculum for the child. The purpose is to find the most appropriate form of education for each child and to guarantee his or her best interest. This ordinance establishes the control over the enrolment in special schools for not allowing children without disabilities in them.

275. The project “Inclusive Education” aims at further development of the integrated education. It includes six special schools and one special boarding school. The project adds to the operation for Supporting Children with Special Educational Needs, by summarizing and further developing good practices. It tested models for working with children with special educational needs in view of their integration in the educational system and the development of a national educational policy for inclusive education.

276. The efforts for integration of children with disabilities in the general education system have been increased. A National Programme for Guaranteeing the Rights of the Children with Disabilities 2010–2013 has been adopted, and the 2009 Ordinance No.1 is comprised of the main instruments for the education of children and students with special educational needs and/or chronic diseases.<sup>18</sup>

277. As a result of this policy, for a period of 5 years, the number of children integrated in the general education environment and students with special educational needs have increased by 51.9 per cent. At the same time the number of students in special schools and mostly in the special schools (the schools for children with mental retardation), has decreased by 59.4 per cent.

278. The decrease in the number of students and specialists in the special schools in the last school year is in relation to the inclusion of 1,222 students with special educational needs and the appointment of 255 specialists in pilot schools under the project “Inclusive Education”, in which the assistance is not carried out through the resource centres, but through teams of specialists, appointed by the actual schools.

279. The purpose of the National Programme for Creating an Accessible Architectural Environment is to provide social inclusion and equal access to education to children and students with special educational needs, through the establishment of basic facilities – constructing ramps, adaptation of sanitary premises, renovation of connected infrastructure, elevators and installation of platform facilities. The total budget of the programme is BGN 800,000. According to data for 2011 from the Ministry of Education and Science, over 320 schools have ensured easy access to their premises.

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<sup>18</sup> According to Ordinance 1/2009 the children and students with special educational needs are the ones with different types of disabilities – sensory, physical, mental (mental retardation), multiple disabilities, language and speech impediments and learning difficulties.

## F. Quality of education and teacher training

280. The participation in training to improve the qualification of teachers is voluntary or upon recommendation on the part of the employer.

281. Qualifications of and courses for class teachers, psychologists and educators on prevention of aggression and conflicts in class have been conducted under OPHRD. Training programs have been developed and trainings for prevention of aggression and violence in schools have been carried out, as well as diagnostics of the school preparedness and standards of the Community for Protection of the Environment, Humane Treatment of Animals, Hygiene and Plant Protection. Trainings for 45,930 educational specialists have been planned by October 2014. Education on capacity building among the educational specialists and for creating a safe and secure environment at school have been carried out, as well as trainings of teachers for working in a multi-ethnic environment and integration of children with special educational needs, teacher training for introducing measures for educational influence and discipline at school. The National Contest for Good Educational Practices in Civic Education has been conducted and books entitled “Good Educational Practices in Civic Education” have been published.

282. Ordinance No. 1 of 4 January 2012 about the wages of the personnel of the units of the public education system established the order and procedure for determining the monthly wages of the educational and non-educational personnel of the units of the public education system. The National Programme for Differentiated Pay started the gradual introduction of additional remuneration of the educational specialists for results achieved through labour, simultaneously with the process for creating conditions for a new system for career development and differentiation of the basic pay in respect of the occupied position.

283. Information technologies have been introduced into all schools and kindergartens. In 2012, under the National Programme for Information and Computer Technologies at School, a new four-year update cycle has started, with the purpose of modernizing the technological facilities in Bulgarian schools and to create an opportunity for using the newest IT achievements in the educational system – computer and terminal solutions with central control, wireless internet zones, interactive peripheral devices and others.

284. The curricula for grades I–XII have been updated with the purpose of making the educational content lighter and achieving a ratio of 60 per cent new knowledge to 40 per cent practical knowledge and exercises. This ratio allows for flexible approaches for teaching, corresponding to the individual needs of each child and student.

285. 28 community centres for career orientation in the municipal towns have been created under the project, System for Career Orientation in the School Education. Three groups were covered:

(a) The students in grades I–IV receive information about various professions and the respective necessary skills;

(b) The students in grades V–VIII are directed in choosing the best education or profession for them;

(c) The students in grades IX–XII are assisted in their professional realization, in accordance with labour market reality.

286. The National Programme for a System for National Standardized External Evaluation introduced obligatory evaluation of the knowledge and skills of the students at the end of each educational stage (grades IV, VII and XII) via national standardized exams. Its total budget amounts to BGN 4,500,000.



287. According to the NSI, as of 1 February 2011, out of the total population of 6,766,337 people, 6,653,559 are literate and 12,778 are illiterate. Out of the total population of 669,157 people up to the age of 18 years, 655,982 are literate and 13,175 are illiterate.

## **G. Civic education**

288. The Ministry of Education and Science, in cooperation with non-governmental organizations, social partners and others, is developing a State Educational Standard for Civic, Intercultural and Health Education.

289. The last two school years, 2011/12 and 2012/13, were devoted to the social and civic competences under the motto “I Participate and I Change!” The campaign is conducted with the support of the Ombudsman of the Republic of Bulgaria in partnership with the MFES, the Ministry of Agriculture and Food, non-governmental organizations and local authorities. The campaign includes training in the spirit of democratic citizenship, healthy lifestyle and constructive behaviour of the students, and it is carried out in different forms: in the class hour, through club activities, competitions, exhibitions, sports holidays, games, questionnaires, excursions, voluntary actions, trainings, group activities and other.

## **H. Access to education**

290. Measures have been taken for ensuring full access to education for all children. As a result of the consistent policy for universal and accessible education there is an increase in the group net coefficient for starting a pre-school education and in the beginning of the secondary education. The dynamics of the group net coefficients for enrolling the population into the education system in the period 2008–2012, by level of education, is observed in the statistical annex to the report.

291. The results of the numerous studies and analyses show that the level of enrolling in all levels of education by Roma people is a lot lower in comparison to other minority groups. According to census data of 2011 out of all children at obligatory school age (the obligatory school age is 6–16), the children of Roma origin who do not go to school are 23.2 per cent, the children of Turkish origin – 11.9 per cent and the ethnic Bulgarians – 5.6 per cent. Special attention has to be devoted to the children from closed schools during their relocation to host schools, as well as to the children who have no command or poor command of the Bulgarian language.

292. Taking up and attending class lessons is a key factor for improving the results of the studying and the development of the children, with a main focus on children from the voluntary socio-economic groups. According to the NSI, after the last census of the 7–19 age group, 1.15 per cent or 10,110 of the children in this group had never gone to school.

293. As a result of improving the policy for universal, accessible and quality education, in the period 2008–2012, there was an increase in the percentage of children during their pre-school education. The percentage of children, who attend pre-school education in the period 2000–2012, is presented in the statistical annex to the report.

294. Measures have been taken for encouraging school attendance. The 2010/11 school year marked the beginning of the gradual introduction of whole-day organization of the school day, covering children from grades 1, 2 and 3. Over BGN 69,000,000 were provided in 2012 for this purpose.

295. One of the modules of the national programme, The School – Territory of the Students, is the Support of the Whole-day Organization of the Education at its Initial Stage module, which started in 2010. The project, Improving the Quality of the Education in the

Central Schools through the Introduction of Whole-day Organization of the Learning Process was started. The whole-day organization of the learning process includes the full educational cycle (obligatory preparation, mandatory choice of preparation, optional preparation, self-preparation, relaxation and games, eating) for achieving a universal, basic knowledge, based on the principles of justice, tolerance and viability.

296. The National Programme for Optimization of the School Network establishes terms of access to equal quality of education for each child or student, development of an effective and optimal network of schools corresponding to the interests and abilities of the children and students, and to the socio-economic profile of the region, increasing the effectiveness of the public costs for education through optimization of the internal structure of the schools. For the period 2007–2011, funds amounting to BGN 221 million have been transferred to the municipalities, on the territory of which schools have been closed in order to ensure the access of the students to education in other schools. Funds were provided for activities for the education of students at obligatory school age in the protected schools and classes with less than the minimum number of students, for transport costs for the travelling children, for the whole-day organization of the school day and for meals in the cafeteria up to VIII grade in the central schools. A whole-day organization for the students from 1st grade from all schools has been introduced during the 2010/11 school year. The study hall sessions are free to all children from grades 1–3, and the 2013 budget envisages funds for the fourth graders too. In 2013 there have been provided additional funds in the amount of BGN 98 million for free study hall sessions, where the regular amount is BGN 520.

297. The professional schools provide initial vocational training for acquiring first and second degree of professional qualification and/or qualification for a part of the profession. The duration of the education in the professional schools is 4 years, where the education in them starts after VI grade, i.e. students at the age of 13 enrol in them. This is the earliest age, at which the vocational training can start. In these schools, in addition to the professional education, the students receive primary education and they can also finish a grade or grades from the high-school stage. The persons who have dropped out of school and have turned 16 can acquire a qualification as a part of the profession, for a profession with first and/or second degree of professional qualification in the Centres for Vocational Training.

## **I. School violence**

298. According to a study by UNICEF Bulgaria, conducted under the project, School without Violence, which covered over 1,500 children in eight schools in Sofia and Lovech, school violence was be a serious problem. Therefore, in 2012, the Ministry of Education and Science, in partnership with the Ministry of Labour and Social Policy, the Agency for Social Assistance, SACP, MoI, UNICEF Bulgaria, the Central Commission against Antisocial Behavior of Minors and Juveniles and non-governmental organizations developed a Mechanism for Combating School Violence. It has been enforced through an Ordinance of the Minister of Education and Science and it includes measures for prevention and intervention, as well as mechanisms and responsibilities for taking action in situations involving school violence.

299. In the 2011/12 school year, the Ministry of Education and Science provided funding to a National Mobile Group of Psychologists, which assist schools in their work with children and students at risk, in relation to the Coordination Mechanism for Interaction for Working with Children and Victims of Violence, and for interaction during a crisis intervention.

300. With the purpose of training teachers, school counsellors and directors for creating school curricula in the area of violence prevention, in 2009, under the joint initiative of

UNICEF, SACP and the Ministry of Education and Science, the School without Violence project was carried out in 6 pilot schools on the territory of Sofia, and during the 2008/09 school year, two more schools in Lovech were included.

301. The school psychology sector (the school counsellors and the school psychologists) has been optimized and in 2011, an information database for appointing school counsellors and school psychologists was created, including their qualification, need of trainings and other.

## **J. Leisure, recreation and cultural activities**

302. The Ministry of Education and Science is contributing to the organization of the leisure time of students through the “School for Self-affirmation and Preparation for European Horizons” project. The participation in extracurricular activities leads to increasing the motivation of the students for taking part in the educational process, according to their interests and needs.

303. Since 2009, the MRDPW’s Ordinance No.1 for the order and procedure of the structure and safety of children playgrounds guarantees the safe access of children, including those with disabilities, to children playgrounds. The order and procedure for the safety of the publicly accessible playgrounds, located outdoors or indoors, including the requirements for their safe exploitation, maintenance and control have been thus established.

304. According to a national inventory from 2011, there are a total of 8,363 children playgrounds: 540 for children up to the age of 3 years, 4,295 for children aged 3–12 years, 369 for children aged 12–18 years, and 3,160 combined children playgrounds (this number does not include the playgrounds in yards and nurseries, parks and schools). The playgrounds that are planned to be built on the territory of the country are 717, and 181 of them are in the process of construction. There are earmarked funds provided for the construction of 478 new playgrounds under the Operational Programme Regional Development (OPRD) and the Rural Development Programme. An initial inspection of the children playgrounds by the Commission for Consumer Protection under the “Safe Summer at the Playgrounds” has been carried out. By the end of 2011, a total of 4,926 (58.9 per cent) playgrounds have been inspected and it was established that 850 (17.3 per cent) playgrounds meet the requirements. There are developed schedules for bringing the rest of the playgrounds in compliance with the requirements.

305. The Ministry of Youth and Sports contributes to the realization of the right of the child to rest and leisure, to engage in play and recreational activities. Various projects are being implemented based on the National Strategy for the Development of the Physical Education and Sports in the Republic of Bulgaria 2012–2022, the National Programme for Development of the Physical Education and Sports in the Republic of Bulgaria 2012–2016, as well as MFES programmes for providing conditions and possibilities for practicing sports.

306. In the 2008–2012 period, 1,054,115 children up to the age of 18 years participated in sports activities with provided funds of over BGN 10,000,000 under the following programs of the MYS: Sports for the Leisure Time of Children; Learn to Swim; Sports for the Children in Kindergarten; Development of the Sports for the Students; Sports for People with Disabilities and Children at Risk; Development of the Sports for Achievements at Olympic Sports.

307. During the 2008–2012 reporting period, an accessible sports infrastructure in public places for relaxation and sports was provided to a total of 79 sports sites. A total of 12 sports sites were constructed and reconstructed through the budget and the escrow account of the MFES regarding the school environment.

308. State and municipal cultural institutes, municipalities and community centres organize a lot of events in the area of art and labour which are specially intended for children. Since 2010 they are included in a special section for children under the National Cultural Calendar, which is kept and published annually on the web page of the Ministry of Culture. These activities are based on the Protection and Development of Culture Act, the Child Protection Act and the National Child Programme for the respective year, the Ordinance for the order and procedure for protecting gifted children, the Program for Measures and Protection of Gifted Children for the respective year.

309. Museums and galleries, theatres, libraries and community centres provide good opportunities for career development and training of children and young people. The educational activity of the cultural institutes covers children with disabilities and those with different ethnic culture. There are good opportunities for access to educational and cultural events in the whole country. 950 regional and community libraries have been linked within a network under the “Glob@l Libraries” project, and they offer Internet access, training and computer literacy, courses in the area of arts etc.

310. The biggest network for informal education and schooling, namely, the community centres, continues to reach children and young people by offering community centre activities in the areas of science and arts. Many fairs, festivals and holidays for expression and development of the creative potential of children in the whole country have been organized.

311. All cultural institutions cooperate for the development of children and their social realization and integration. They respect the right of the child for full participation in the cultural and creative life, by providing appropriate and equal opportunities for culture and creative activities, rest and relaxation.

## **IX. Special protection measures**

### **A. Economic exploitation, including child labour**

312. The Committee welcomes the fact that the legislation of the country forbids child labour and the State has developed a National Plan Against the most Severe Types of Child Labour. Despite that, the Committee is concerned about the still large number of socially disadvantaged children, especially the children of Roma origin, involved in harmful forms of exploitation through child labour, particularly in the areas of agriculture, industry and household work. Furthermore, the Committee is concerned about the lack of adequate and current detailed data about child labour.

313. Bulgaria has taken action in respect of the Committee’s recommendations regarding the economic exploitation and child labour described in the previous report on the country.

314. As already mentioned, child labour is forbidden. It is allowed only after obtaining permit by the General Labour Inspectorate Executive Agency, which is the authority responsible for complying with the labour legislation.

315. The results of the labour inspections in recent years show the existence of problems with the use of employment of juveniles in the small and medium-sized business sector. In most cases the employment of juveniles is related to seasonal work and low-skilled jobs. Persons up to the age of 18 years participate in the activities of small enterprises involved in trade, hotels and restaurants, as well as in the small agricultural family enterprises.

316. Performing checks for complying with the norms for protection of labour performed by persons up to the age of 18 years in enterprises offering the seasonal economic activities,

such as “Retail”, “Restaurants”, “Hotels”, is envisaged as a measure in the Plan of the Activities of General Labour Inspectorate Executive Agency. For establishing a common approach for performing checks, the schedules for checking will include, on a priority basis, employers who have requested the issuing of permits for hiring adolescents (including those who were denied such permission) and in whose enterprises there has not been a check for compliance with the normative requirements for performing labour by persons, up to the age of 18, as well as employers for whom it has been previously established to be in breach of the requirements for employment of adolescents, including hiring a youth without a permit from the labour inspectorate. The main violations through the years involve the right of workers and employees under the age of 18 of basic paid annual leave with a duration of not less than 26 working days, of juveniles without permit by the respective Labour Inspection Directorate, violation of the statutory duration of the working hours, violation of the Labour Code ban for performing some types of work by juveniles, violations related to juvenile working overtime and others. Fines and injunctions are imposed on the offenders.

317. A total of 1,733 permits for legal employment of persons up to the age of 18 have been requested by the General Labour Inspectorate Executive Agency in 2012, while the number of requests in 2011 was 1,838. 109 of them were about legal employment of persons up to the age of 16 and 1,624 about persons at the minimum age of 16. In 2011, their number was respectively 69 for legal employment of persons up to the age of 16 and 1,769 for persons, at a minimum age of 16. In 2010, the General Labour Inspectorate issued 1,834 (out of 1,908 requests) permits for hiring juveniles, and 100 of them were permits for employment of persons under the age of 16 years and 1,734 for persons aged 16–18 years. A total of 2,828 permits for hiring juveniles at a minimum age of 16 years were issued in 2009, and the requested permits were 2,920. 2,688 were the permits for hiring persons at the minimum age of 16 and 140 were permits for hiring persons up to the age of 16. The total number of requested permits for hiring juveniles in 2008 was 6,135, and the granted ones were 5,775. 5,484 were the granted permits for hiring persons, at the minimum age of 16 and 291 permits for hiring were granted for persons up to the age of 16. Taking into account the abovementioned, there is a trend for a diminishing number of requests for granting permits by the General Labour Inspectorate Executive Agency for hiring persons below the age of 18.

318. The most severe forms of child labour are found in the family economy (agriculture and household labour) and the informal economy (hotels, constructions, hotels, street labour etc.). In respect of the conditions of internal labour migration for some groups of juveniles (during holidays), when they are hired at temporary jobs in small enterprises in hotels and restaurants, for production of foodstuffs and apparel, trade, construction and other, the labour inspectors have faces some forms of discrimination when using their labour. It should be pointed out that the use of child labour in its most severe forms, in breach of the explicitly regulated bans in our national legislation about exposing adolescents to danger and harmful working conditions, was not established during the inspections.

319. The preventive measures at all levels, the effectiveness of the inspections and the control over the legal use of child labour, as well as the provision of access of children to the services and the different types of prevention in respect of their labour rights, are important factors for prevention, detection and prosecution of the violations of the labour legislation.

## **B. Children in street situations**

320. In implementation of the recommendation of the Committee regarding the children on the street, paragraph 62, the Directorates for Social Assistance gather information and implement activities for identifying begging children on the street. They perform active social work with the children and their families – they implement measures for their protection, direct them to appropriate social services, consult, support and assist for removing the risks to the child and for not allowing the child to be left without supervision again and/or involving the child in inappropriate activities.

321. According to a schedule developed in advance, the employees of the Departments for Child Protection under the Directorates for Social Assistance conduct regular monthly tours for identifying children from the respective target group on the territory of the respective Directorate for Social Assistance. The established schedules include “critical points” with high concentration of begging children and children on the street, like bus stations, railway stations, squares, large commercial chains, religious temples, parks etc. A child which has been identified to be at risk is entered into the register for children in need of special protection and then the appropriate measures are taken, depending on the specificity of the case. When there is a declared need, employees from the Directorate for Social Assistance take part in organized actions, in cooperation with representatives of the Regional Police Stations, the municipal organizations and non-governmental organizations, for identifying begging children and children on the street.

322. Since the beginning of September 2010, under the Directorate for Social Assistance – Mladost in Sofia, a unit for working with begging children and children on the street has been established, and it operates 24 hours day. The mobile team of the unit consists of six social workers, who go on a daily tour of the streets in Sofia and the so called “critical points” – with high concentration of begging children. The employees of the team meet and provide individual support to the unaccompanied children, as well as to the children, victims of trafficking, who are returning from abroad, and accompany them to the services (institutions), where they are initially placed. The team immediately reacts after receiving a report for a begging or unsupervised child and actively gathers information by identifying the begging children and takes the respective lawful measures. In cooperation with the police authorities, the Directorates for Social Assistance with a permanent address and the Directorates for Social Assistance in the region, in which the child is at that time, take protection measures in accordance with the best interest of the child.

## **C. Sexual exploitation and violence**

323. In accordance with Article 34 of the Convention on the Rights of the Child and paragraph 26 of the observations of the Committee regarding the Optional Protocol (CRC/C/OPSC/BGR/1), as well as in view of the ratification of the Convention of the Council of Europe for Protection of Children from Sexual Exploitation and Sexual Violence (in October 2011), on 2 April 2009, the National Assembly adopted amendments to the Criminal Code. The following new compositions of crimes were introduced with them: conscious use of the services of a juvenile, who prostitutes (art. 154a), forcing, coercing and making a child who has not turned 14 to attend in any way acts of sexual violence or sexual acts, without even participating in them, the so called “sexual corruption of children” (art. 155b), the hiring or coercing of individual juveniles or groups of such persons to commit such acts like copulation, fornication, sodomy, masturbation, sexual sadism, masochism or lustful exposition of human genitalia (art. 158a) of the Criminal Code.

324. Furthermore, in accordance with the relevant articles of the Convention of the Council of Europe and particularly with the provisions of Chapter VI “Substantive Criminal Law”, amendments and additions have been made to Section VIII “Debauchery” of the Criminal Code – art. 149, para. 2 (lewdness over a person under the age 14, carried out through the use of force or threats, by taking advantage of helpless state, or by putting the child in such state, or by using a state of dependency or supervision); art. 150, para. 1 and para. 2; art. 151, para. 2 (sexual intercourse with person at the age of 14, who does not understand the property or the significance of the act).

325. With the amendments to the Criminal Code of April 2009, the term “pornographic material” has been added to the criminal acts of “harlotry action”, “copulation”, “sexual intercourse” and “prostitution”.

326. The changes to the Criminal Code of 10 April 2010 envisaged higher sanctions for some particularly rebuked acts against minors and juveniles: criminal harlotry through the use of force or taking advantage of a helpless state or situation of supervision (article 150 of the Criminal Code), criminal copulation with a juvenile through the use of a state of dependency or supervision or with a mentally irresponsible person (article 151, paragraphs 2 and 3 of the Criminal Code), making a contact with a minor or a juvenile person with the purpose of harlotry actions (article 155a of the Criminal Code, coercing a juvenile to participate or observe sex scenes (article 155b of the Criminal Code) and torture and neglect of juveniles (article 182 and article 187 of the Criminal Code). There is a suggestion for all crimes against marriage, family and adolescents to be prosecuted under the general procedure with the cancellation of article 193 of the Criminal Code, in order to guarantee the correct and timely pursuit of the followed State imposition against the perpetrators of such acts.

#### **D. Trafficking and abduction**

327. Bulgaria has ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2007 and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2011. In relation to the recommendation of the Committee, the State ratified the International Convention for the Protection of All Persons from Enforced Disappearance, which was signed by the Republic of Bulgaria on 24 September 2008.

328. In accordance with EU Directives 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, respective amendments to the national legislation have been made in 2009 and 2013.

329. According to article 16 (a) of the Criminal Code an act shall not be considered culpably committed if performed by a person who is a victim of human trafficking and was forced to perform such act in direct relation to being such victim.

330. Begging was added to the individual, constituting purpose of the trafficking. In this context, the EU Directive upgrades the standards of the Convention by requiring the explicit introduction of begging as an alternative to the goal of forced labour.

331. Other amendments have been made in order to counter the spreading phenomenon of human trafficking for the purpose of removing cells and bodily fluids. According to Art. 159a of the Criminal Code (Trafficking of people) an individual who recruits, transports, hides or admits individuals or groups of people in view of using them for sexual activities, forced labour or begging, dispossession of a body organ, tissue, cell or body fluid or holding them in forceful subjection, regardless of their consent, shall be punished by imprisonment of two to eight years and a fine from BGN three thousand to twelve thousand.

332. In 2013 Amendments were made to the Combating Trafficking in Human Beings Act (CTHBA). The definitions of “trafficking” and “exploitation” were modified as follows: “Trafficking in human beings” means the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, when carried out for the purpose of exploitation; “Exploitation” means the illegal use of human beings for debauchery, removal of a physical organ, tissue, cell or body fluid of the victim forced labour, mendicancy or forced obedience, slavery or servitude.

333. Other supplements to the CTHBA include art. 23 – Children who have become victims of trafficking in human beings and children of victims of trafficking in human beings shall be provided with education in State or municipal schools in the country, in compliance with the Public Education Act.

334. In addition to the already proposed amendments in respect of the legal framework for combating human trafficking, currently the work on another group of legislative amendments is continuing, including to the Criminal Code, in relation to introducing the requirements of Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, the deadline for the transposition of which is 18 December 2013.

335. In pursuance of the Republic of Bulgaria’s international commitments in the field of child trafficking and sexual exploitation a number of measures were taken for improving the protection of victims. In 2005 the Bulgarian institutions joined their efforts and created a Coordination Mechanism to facilitate the combined, fast and efficient tracing of every case related to child trafficking in the country and abroad. The mechanism was updated in 2010 and signed in December 2010 by the institutions responsible for its implementation – MFA, MoI, MLSP, SACP and ASA.

336. The new aspects of the Coordination Mechanism refer to the expansion of the system of bodies at central and local level, the options for receiving alerts of unaccompanied children and child victims of trafficking returning from abroad, the stages which the referral and consideration of each specific case undergo and the description of the powers of all institutions engaged. The application of the mechanism is coordinated by the Minister of Interior and the Chairperson of SACP.

337. The mechanism includes a system of bodies at central and local level which perform child identification, repatriation, receipt, removal from family environment, rehabilitation, reintegration of the child and tracing of the case.

338. The system of bodies at central level includes: the Ministry of Interior (MoI), the Ministry of Foreign Affairs (MFA), the State Agency for Child Protection (SACP), the Agency for Social Assistance (ASA), which work in coordination and close cooperation with the National Commission for Combating Trafficking in Human Beings (NCCTHB), the International Organisation for Migration (IOM), etc.

339. The system of bodies at local level whose centre is the Social Assistance Directorate (SAD), Child Protection Department (CPD), includes the establishment of a multidisciplinary team with participants from local Regional Police Departments of MoI, Regional Inspectorate of Education (RIE), Regional Health Centre (RHC), Local Commission for Combating Juvenile Delinquency (LCCJD), Local Commission for Combating Trafficking in Human Beings (LCCTHB), Regional Prosecutor’s Office, Regional Court, the managing body of the crisis centre, a professional at a provider of a community-based social service (if any and where such a professional is used) and others, at the discretion of SAD/CPD.

340. The creation of the Coordination Mechanism helped align the approach of competent Bulgarian and international institutions in their work on specific child victim



cases (mainly girls) in countries like Austria, the Czech Republic, Spain, Italy, Greece, France, Belgium, Slovakia, etc.

341. Fourteen Crisis Centres have been set up across the country in support of child trafficking victims and they operate in the following regions: Burgas, Veliko Tarnovo, Vidin, Montana, Pazardzhik, Pleven, Plovdiv – 2, Silistra – 2, Sofia city – 2, Sofia region and Shumen. Since 1 January 2007 the Crisis Centres have been regarded as a State delegated activity, i.e. they are financed from the national budget through the municipal budgets. The main services provided at the Crisis Centres involve provision of shelter and food, meeting of health needs, provision of psychological support, training on life and social skills, ensuring participation of the child in a school form of education, preparation for reintegration in the family and, should this be impossible, taking an adequate measure for protection of the child.

342. All Crisis Centres operate throughout the year, 24/7, and their accommodation capacity is up to ten children. An exception is the Crisis Centre in the city of Sofia, whose capacity is 22 children. Placement of children at the centre is ordered by the Court. Until the pronouncement of the Court decision, the Social Assistance Directorate competent for the location at the current address of the child performs administrative placement of the child. The placement is for a term of up to six months, depending on the specific case and the needs of the child. The case is monitored for a period of one year. In 2012 SACP developed a special methodology for operation of crisis centres. The sociological and psychological work with this target group of children and their support begin with their arrival in the country, at the respective border check point. The child victims of trafficking are met by a representative of SAD who attends the initial talks with the child and sees to it that his or her rights and legal interests are respected.

343. The territorial units of ASA-SAD, represented by the Child Protection Departments (CPDs), carry out a social assessment of a child in respect of whom a report or information is received that he or she is a victim of trafficking or has returned to the country unaccompanied. Data is gathered about the family environment of the child, the reasons for his/her removal from the country and involvement in trafficking. A crucial aspect of the efforts of social workers is to make an adequate assessment of the child's needs, to assess the risk and plan activities and measures for the child's protection and safety. A protection measure is taken with respect to the children in accordance with the Child Protection Act to ensure their security and prevent any trafficking consequences.

344. Normally, the first measure used in respect of children, who are victims of trafficking, is to place them at a Crises Centre, where children may stay for a period of up to 3 months. The stay of children at CC may be extended up to 6 months, if important circumstances require it. When a protection measure is undertaken in a family environment, the work is focused on family counselling of the child's parents and friends on the issues of responsible parenthood. In some cases the involvement and exploitation of children takes place with the knowledge, consent, action/inaction of the family and friends, due to which the return of the child to the family or his/her placement with friends and relatives is not in the child's interest. In such a case the child is mandatorily placed outside of the family and other alternative forms of social services are sought: foster families, social services of a residential type, etc. Parents, who are reported to have involved the child in activities affecting adversely his /her development or who, due to their action or inaction, have put the child at risk, are brought to court. The court and the prosecutor's office are notified to take actions in accordance with their competence. After leaving the Crisis Centre, and if necessary, the children may be guided to use other community-based services.

345. An efficient measure for protecting children involved in labour exploitation or human trafficking was the amendment to the Bulgarian Identity Documents Act introduced in 2005. Its aim was to ensure a more efficient protection of unaccompanied children

residing abroad and victims of trafficking. According to the latest modifications, they are not allowed to leave the country, no passports or equivalent documents may be issued thereto, and the ID documents issued to minors and juveniles in respect whereof there is information from a Bulgarian or foreign competent body that they are involved in or used for activities under Art. 11 of the Child Protection Act (begging, prostitution, sexual abuse, dissemination of pornographic material, receipt of unlawful pecuniary income) are seized.

### **E. Sale of children, child prostitution and pornography**

346. The Committee reminds the State party of the need to effectively implement its relevant concluding observations and recommendations on the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography (CRC/C/OPSC/BGR/CO/1) adopted on 5 October 2007.

347. In connection with article 35 of the Convention, amendments to the Criminal Code, adopted by the National Assembly on 2 April 2009, in Chapter II “Crimes against the Person”, and in Section IX “Trafficking in Human Beings” were made. The penalties for various trafficking offences were increased, also in cases of minor or juvenile victims, in regard to the severity of the punishment “imprisonment” and the fines. An offence with new elements of crime was created which incriminated the intentional use of a person, who is a victim of trafficking in human beings, for debauchery, forceful labour, dispossession of bodily organs or holding him in forceful subjection, regardless of their consent. The quoted new elements of crime transposed Article 19 of the Council of Europe Convention on Action against Trafficking in Human Beings in the Bulgarian legislation.

348. The Administrative Violations and Sanctions Act was used as a vehicle for introducing liability for legal entities that take advantage of trafficking in human beings. The liability of the legal entities provided for in the said Act is of an administrative and criminal nature and the explicitly specified violations, for which legal entities will be sanctioned, include also sexual exploitation of children, child abuse, trafficking in human beings, as well as abduction and illegal deprivation of liberty and coercion.

349. In 2012 there were no registered cases of hosting child pornography in Bulgaria. There was a registered decrease in the number of reports for distribution of racist or xenophobic content – from 50 in 2011 to 7 in 2012.

### **F. Children outside their country of origin seeking refugee protection (art. 22), unaccompanied asylum-seeking children, migrant children and children affected by migration**

350. In response to the Committee recommendation CRC/C/OPSC/BGR/CO/1 regarding the condition of refugees and in view of the situation in Syria and the consequences of the Arab Awakening, Bulgaria has taken a number of actions.

351. They are fully consistent with the Council of Europe Strategy for the Rights of the Child (2012–2015) /the Strategy/, the Action Plan on Unaccompanied Minors (2010–2014) of the European Commission – the European Resolution 1810 (2011) and Recommendation 1703 (2005) on protection and assistance for separated children and international criteria for good practice.

352. Bulgaria faced some challenges with the reception of increased number of refugees but undertook a set of measures to safeguard their human rights. By way of priority, the efforts of the State are focused on respecting the rights of this vulnerable group – child refugees, for protection against physical and mental abuse, the right of life, survival and

development, prevention of discrimination. The specific measures that are being taken in respect of child refugees concern their involvement in educational and health care programmes, social services, psychological and social assistance for their reintegration, protection against vulnerability, legal protection.

353. The State Agency for Refugees (SAR) keeps and maintains, in an automated information system (AIS), permanent information about the requests received from the applicants for refugee status and their registration.

354. The following measures are being taken in view of the social protection and integration of child refugees.

355. In the course of a procedure for granting a refugee status the parents of minor child refugees receive for them monthly allowances for food in the same amount as those intended for adult refugees:

- (a) A one-off supplementary social assistance cash benefit and benefits in-kind are provided;
- (b) Social counselling;
- (c) Psychological assistance and support provided by SAR, Bulgarian Red Cross, Centre "Nadia", and the Assistance Centre for Torture Survivors ACET;
- (d) Where necessary, social mediators provide guidance and accompany them for medical care;
- (e) Enrolment in Bulgarian language courses and a possibility for inclusion in the educational system of the Bulgarian State and municipal schools;
- (f) Attendance of kindergartens by the children and payment of their day care fees if included in the integration programme;
- (g) Provision of teaching aids and accessories necessary for their education if included in the integration programme.

356. The following are regarded as primary tools for integration of the refugee families and of their children in particular: pedagogical consultations on the rights of child refugees, including unaccompanied juveniles and minors; acquainting parent refugees with Bulgarian culture and education, work on their social inclusion in the Bulgarian environment; organising of intercultural activities with the participation of child refugees and their parents jointly with Bulgarian children; making refugees and their children aware of their fundamental rights and obligations.

357. Particular attention is attached to the education of child refugees in Bulgarian schools based on research and development of curricula and projects. Children in judicial proceedings or those who have been granted protection are organised in groups to study Bulgarian language at the Integration Centre of SAR. Special attention is paid to children refugees attending school in the preparation of their home assignments in different subjects. After completing the course child refugees sit for a test at the Regional Inspectorate of Education under the Ministry of Education and Science to have the level of their knowledge determined and get enrolled in Bulgarian schools. Afternoon study sessions with assisting teachers are organised for the children attending Bulgarian schools for preparing their lessons. Regular meetings are held with the parents of the children who are regular students at Bulgarian schools to explain to them the rights and obligations of schoolchildren. Regular practice are the working meetings with the staff teaching child refugees aimed at their full adaptation to the education system and prevention of early drop-out from Bulgarian schools.

358. As part of a project of Caritas Foundation — Sofia the SVE — Bulgaria volunteer organisation arranged for a study and play room at the Integration Centre for child refugees aged 2 to 5, whose parents are included in the Programme, as well as for additional training in Bulgarian language and other basic subjects for children attending Bulgarian schools.

359. Alien asylum-seekers in Bulgaria and their children are entitled to health insurance, affordable medical care and free medical services from the date of their registration as such and after the initiation of proceedings for status granting.

360. The Registration and Reception Centres for Refugees and the Transit Centre for Refugees perform mandatory primary medical examinations, such as AIDS, Wassermann, parasitoses and malaria tests.

361. Alien asylum-seekers and their children are included as a health insurance group in the Health Insurance Act (HIA). SAR pays monthly health insurance contributions to the State Social Security Fund starting from the month of registration of the applicant for refugee status. Persons involved in judicial proceedings for acquiring refugee status or right to asylum in the Republic of Bulgaria are insured from the National Budget.

362. Unaccompanied juvenile and minor foreigners are informed about their rights. In the course of the asylum-seeking procedure and after acquiring an asylum status, children express their legally valid will through their legal representatives – parents, guardians or custodians. Unaccompanied juveniles and minors who seek or have acquired asylum and who still have no appointed guardian or custodian are represented in the proceedings by a social worker from the Child Protection Department (CPD), who is appointed by the Social Assistance Directorate (SAD), whose jurisdiction covers their current address. The social worker attends the asylum-granting proceedings, i.e. in case of an interview the social worker monitors the compliance with the procedure and the respect for the child's rights; the social worker also attends the serving of decisions based on asylum requests. Representatives have only advisory functions and cannot be regarded as guardians or custodians and their statements on behalf of the children are not legally valid. An expert from the Integration Centre of SAR works with the children during the proceedings and after they receive a decision on their status and the written opinion of the social worker appointed as representative is requested for every action.

## **G. Administration of juvenile justice system**

363. With respect to article 37 (b), article 39 and article 40 of the Convention and in implementation of the recommendations of the Committee in the part “Administration of Juvenile Justice”, on 3 August 2011 the Government of the Republic of Bulgaria adopted a State Policy Concept for Juvenile Justice and on 1 March 2013 a Road Map on the implementation of the Policy Concept for Juvenile Justice was approved. The two documents are consistent with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System, the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, and the recommendations of the Committee's general comment No. 10 (CRC/C/GC/10) on children's rights in juvenile justice.

364. With the elaboration and adoption of the Concept and the Road Map Bulgaria is implementing the recommendation of the Committee on the Rights of the Child (CRC/C/BGR/CO/2, para. 69), which recommends that “the State party take prompt measures to bring the system of juvenile justice in line with the United Nations standards

and implement the Committee's recommendations regarding juvenile justice (CRC/C/15/Add.66).

365. The Road Map has been developed after consultations with UNICEF and representatives of non-governmental organisations with long-term experience and commitment to the topic of protecting and defending child rights and with expertise on the issue of children with problematic behaviour, crime prevention and participation in judicial proceedings. With the involvement of UNICEF and NGOs Bulgaria implements the recommendation of the Committee on the Rights of the Child on the country's second periodic report, item 70, requiring it to "seek technical assistance from the United Nations Interagency Panel on juvenile justice which includes UNODC, UNICEF, OHCHR and NGOs".

366. The Road map seeks to achieve the following objectives:

(a) A comprehensive juvenile justice policy with a special focus on prevention, introduction of measures alternative to the penal ones for legal offences, where possible, and provision of support to children at risk and children victims of abuse or witnesses of crimes;

(b) In accordance with international and European standards, the new regulatory framework should ensure full respect for the rights of the child. Legislative amendments are envisaged in this respect (CC, CPC, the MoI Act, the Legal Aid Act, etc.), including the drafting of new legislation with respect to children in conflict with the law;

(c) The administrative reform of the system dealing with children in conflict with the law should ensure a holistic and multidisciplinary approach and improvement of the efficiency and effectiveness of the policies;

(d) Establishing of an operational system of quality and affordable services in family environment and community-based services aimed at prevention, early intervention and support to the child and the family. The objective is to improve the effectiveness of non-punitive enforcement measures;

(e) Specialization is to be provided in the institutional system to deal with juveniles and minors and the capacity of all professionals involved is to be increased.

367. An integral part of the Road Map is a Table of Projects that should be implemented with funds under EU programmes and that will support the envisaged activities. Funding from various sources has been ensured for the implementation of the activities, including UNICEF, the Bulgarian-Swiss Cooperation Programme, as well as financing from several EU programmes (Human Resources Development Operational Programme, Operational Programme "Administrative Capacity" and Operational Programme "Regional Development").

368. On 17 October 2012 the Ministry of Justice signed an Agreement with the Swiss Government under the programme "Strengthening the legal and institutional capacity of the judicial system in the field of juvenile justice". The project will be implemented over a period of 30 months and it envisages:

(a) Development of a new legal and regulatory framework in the area of juvenile justice in compliance with the State Policy Concept for Juvenile Justice;

(b) Performance of a financial assessment and justification of the forthcoming changes in the structure, organisation and operation of the juvenile justice system;

(c) Development of training modules (programmes) to enhance the legal and institutional capacity of judicial officers, judges, prosecutors, probation officers and other

experts (social workers, psychologists, etc.). It is envisaged that 130 Bulgarian magistrates will be trained and so will be police officers, social workers and psychologists;

(d) Planning of the establishment of specialised panels of judges to handle judicial proceedings involving children who have committed crimes. Five pilot courts will be selected (singled out on the basis of the number of cases with the participation of juveniles and minors), where the project will be implemented, and overall programme envisages not only training of magistrates, but also changes in the infrastructure of the administration of justice – arrangement of specialised court rooms for hearing cases involving juveniles and minors, as well as relevant legislative amendments.

## **H. Roma children**

369. While noting that efforts are undertaken to ensure equal enjoyment of rights for Roma children as through the National Action Plan on the Decade of Roma Inclusion, the Committee remains deeply concerned at the negative attitudes and prejudices of the general public as well as about the overall situation of children of minorities and in particular Roma children, especially with regard to discrimination and disparities, poverty and their equal access to health, education, housing, employment and decent standard of living.

370. Regarding the integration of the Roma community and the creation of dedicated policies for it, a National Roma Integration Strategy of the Republic of Bulgaria 2012–2020 was elaborated in 2011. It is noteworthy that ethnic origin in Bulgaria is determined on the principle of voluntary self-identification. “Roma”, as used in the Strategy, is an umbrella term referring both to Bulgarian nationals in a vulnerable socio-economic situation, who identify themselves as Roma, and to the citizens in a similar situation, defined by the surrounding population as such, regardless of their self-identification.

371. In 2009 the MES approved the optional school subject “Ethnic folklore – Roma folklore”.

372. In 2004 the Minister of Education and Science approved a Strategy for Educational Integration of Minority Children and Students, followed by the adoption of a National Action Plan for Implementation of the Strategy – 2004/5 – 2008/9, and in 2010 the Strategy was updated.

373. Since February 2011 the Amalipe Centre, in partnership with Romanian and Greek organisations, has been implementing a project financed by the European Commission Directorate-General for Justice in the framework of the Daphne Programme.

374. The major objectives of the project are to enable young people and women from marginalised groups and the Roma community to fight harmful practices, to establish a safe environment for children, youths and women at risk and to develop the affected groups. These objectives should be achieved by enhancing field work at grass-root level in the marginalised groups and traditional Roma community by introducing the position “Community Moderator”, by developing informal mechanisms for community support, by building cooperation with the existing institutions for prevention, protection and implementation of programmes for prevention, protection and community development.

375. More specifically the strands of the project are the following:

(a) Establishment of an intra-community perspective for prevention and protection of people at risk in Roma communities as a continuation of the existing perspective: through establishing, testing and introducing the position of Roma Community Moderator and developing informal community support mechanisms. For the attainment of this objective 6 centres for development in the Roma community will be set up in Bulgaria, with 12 moderators. Their performance will be monitored and guided so that conclusions

could be conclusions about the need for the moderator position in the community and its institutionalisation. In addition to advocacy, other activities are also envisaged for promoting and institutionalising this position;

(b) Raising the capacity of the mainstream preventive and protection institutions to work in marginalised and traditional Roma communities: for the achievement of this objective it is envisaged to train field workers from these institutions as well as to implement joint programmes in the Roma community together with Roma NGO activists and community moderators. Parallel with that, advocacy activities targeting the governing bodies of these institutions will be undertaken for continuing the work at grass-root level;

(c) Establishing a model for systematic cooperation between mainstream institutions and the Roma community in developing field work at grass-root level for prevention of violence, protection of victims and fostering development of marginalized and traditional Roma communities: for achieving these objectives a set of joint activities is envisaged. This will be also one of the main objectives in all trainings and events organized under the project.

## **I. Children in armed conflict**

376. Military conscription was abolished in Bulgaria on 1 January 2008. Pursuant to the Defence and Armed Forces Act military service in Bulgaria is public service and the minimum enrolment age is 18. The legal acts regulating the operation of the Ministry of Defence and its subordinated units, as well as their practical actions are in accordance with the requirements of article 38 of the Convention on the Rights of the Child, regarding child protection in armed conflict. Children under the age of 18 are not permitted to serve in the Bulgarian armed forces.

377. The activities performed by the Ministry of Defence in implementation of the Convention on the Rights of the Child involve the following:

(a) Training of servicemen, who undergo preparation for participation in operations and missions abroad, on major aspects of international humanitarian law and in particular on the rights of children in the regions of armed conflict;

(b) Strict adherence to these rights during operations and missions abroad;

(c) Provision of protection of and care for children in the regions of armed conflicts, where Bulgarian servicemen operate, including provision of medical aid, distribution of food, water, school and sports equipment, etc.

378. In the national legislation of the Republic of Bulgaria the issue of imposing bans or restrictions on the sale or procurement of arms to specific countries is laid down in Council of Ministers Decree No. 272 of 30 October 2012, which amended and supplemented Council of Ministers Decree No. 91 of 2001 approving the list of countries and organisations for which Bulgaria imposes a ban or restriction on the sale and procurement of arms. These two acts are in compliance with the United Nations Security Council resolutions and with the decisions of the EU and OSCE on this issue. The Decree of 2012 also includes States, where serious violations of human rights, including those of children, have been found. Bulgaria supports the recommendation of the United Nations Committee on the Rights of the Child for introducing a specific ban on the sale of end-use arms to States which are known to involve children in military action, upon adoption of the respective United Nations Security Council resolutions.