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to the United Nations Committee on the
Rights of the Child

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The **Bulgarian Helsinki Committee** was established on 14 July 1992 as an independent non-governmental organisation for the protection of human rights. The **objectives** of the committee are to promote respect for the human rights of every individual, to stimulate legislative reform to bring Bulgarian legislation in line with international human rights standards, to trigger public debate on human rights issues, to carry out advocacy for the protection of human rights, and to popularise and make widely available human rights instruments. The backbone of the committee's **activities** is systematic monitoring of the human rights situation in the country. It gives us information on the state and development of human rights in the country and supplies our legal defense program with cases of human rights violations for litigation before the domestic and international courts. In addition, the committee reports on human rights violations with a special emphasis on the rights of ethnic and religious minorities, refugees and asylum-seekers, rights of the child, protection from torture and ill-treatment, freedom of expression and association, problems of the criminal justice system. The BHC offers **free legal assistance** to the victims of human rights abuses. The committee also works in the sphere of human rights education, organizes conferences, workshops, public actions and other forms of public activities aimed at bringing the concept of human rights to the attention of the general public.

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1. The failure to adopt the National Strategy for the Child (2019-2030)

2019 marked a serious retreat of the state from the policies targeted at the rights of the child and the support of the families. For the first time, the government clearly and unequivocally stated its **refusal to develop policies for children and families** with the decision to end the discussion and the work on the adoption of a National Strategy for the Child (2019-2030). This decision contradicts the Constitution, the UN Convention on the Rights of the Child and internal regulations, and is in violation of Art. 1, para 3 of the Child Protection Act. The termination of the discussion of the draft Strategy for the Child clearly outlined the final abdication of the state from the overall planning of policies aimed at the welfare of children in Bulgaria – the result of a long process of deepening neglect, disregard and outright exclusion of the topic of children and the overall support of families from the government actions over the last 10 years.¹

The government's refusal to plan and implement policies for children in 2019 was manifested in the **abandonment of several bills** which were prepared for discussion in the Parliament - the *Bill amending the Family Code* (2016) and the *Bill on Deviation from Criminal Proceedings and Imposition of Correctional Measures for Minors* (2018) (which was a result of a commitment to reform of juvenile justice, made in 2012). In December 2019, on its last working day, the Parliament postponed the entry into force of the *Social Services Act*, although in March this bill was unanimously passed without a single vote "against" or "abstained". This postponement once again delayed the reform, which would guarantee support not only for children and the development of universal services for parents, but also for all vulnerable groups such as the elderly, people with disabilities and others.

There is a clear tendency to **deepen unresolved problems and sectoral crises** like the gradual leave from the child protection system of experienced and trained professionals (social workers, child psychologists and pedagogues) due to low remuneration, poor working conditions and administration. This has led to: lower qualification criteria for those entering the system, inconsistent funding of protection and support measures for families, lack of legislative and management initiatives to ensure the sustainability, efficiency and control of "pilot" projects and lack of comprehensive, realistic and effective support for all families.

The decision to "postpone" the National Strategy for the Child without justified reasons in practice has put both the children whose rights are most at risk and all policies aimed at supporting the families in Bulgaria in even more challenging situation. This decision also validated the messages of targeted attacks at children's rights, which are aimed precisely at the perception of children as

¹ National Network for Children, *2020 Score Card*, p. 15, available in Bulgarian at: <https://nmd.bg/wp-content/uploads/2013/11/%D0%91%D0%B5%D0%BB%D0%B5%D0%B6%D0%BD%D0%B8%D0%BA-2020.pdf>.

individuals and persons. So 2019 was also a year that was extremely auspicious for the **massive and unprecedented propaganda** and disinformation carried out for political and religious purposes distributed mostly on social media. Instead of countering this propaganda, informing the public and addressing the fears of parents and citizens, planning urgent actions to improve the institutional framework, providing more trained professionals to take measures that will have a positive impact on the situation of children and their families, the responsible state authorities were silent for a long time, and then turned the issue of children's and families' rights into populist talk, especially intensified during the pre-election period.

2019 was also a year of targeted **attack against organizations working with and for children and families**. The attack was especially systematic against organizations that have publicly stood up for children's rights policies and family support, including during the long period of silence on the part of state institutions.

In the meantime, the Bulgarian government **failed to establish mechanisms** to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources related to children's rights and has not improved its **data collection** system regarding children in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability.

2. Discrimination

2.1 Discrimination against Roma children in welfare and education

In 2016 the EU Fundamental Rights Agency discovered that around 66% of Roma children aged 4 to 7 attend kindergarten compared to 89 % for general population.² The proportion of Roma **early school-leavers (aged 18-24) is disproportionately high (67%)**, compared to the general population (13%).³ School segregation remains a problem in Bulgaria despite the legal prohibition of this practice - 60 % of the Roma children who attend school go to segregated schools.⁴ In Bulgaria, 7% of compulsory-school-age (7 to 14 years-of age) children from Roma families do not go to school while this percent grows sharply to 43 for children aged 14 to 18 and it is **97% for young people aged 19 to 24 who are not involved in any form of education**. The rate of 16 to 24-year-old Bulgarians of Romani origin, who are neither in work, nor in education or training, is 65 %, while the rate is 79 % for girls and women, and 52 % for boys and men.⁵

According to the EU SILC study "Social Inclusion and Living Conditions", almost half of the Bulgarian children – **43.7%⁶ or 527,200 children live at risk of poverty or social exclusion.**⁷

² EU Fundamental Rights Agency, *Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma*, 2016, p.25, available in English at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>.

³ Ibid, p.29.

⁴ Ibid, p.30.

⁵ Ibid, p.23.

⁶ <http://www.nsi.bg/en/content/8288/social-inclusion-and-living-conditions>.

⁷ UNICEF, *Situation Analysis of Children and Women in Bulgaria*, 2017, p.20, available in English at: https://www.unicef.org/bulgaria/sites/unicef.org.bulgaria/files/2018-12/SITAN%20Eng_December_OK.PDF.

Particularly vulnerable are those living in poor households, in families with more than 3 children or with a single parent, children of Roma and Turkish ethnicity, those not attending school, children with disabilities, those living in remote rural areas or in regions with limited employment, children of migrant and refugee families (and particularly those who are unaccompanied and separated from their families) as well as children in residential care. In 2017, the shares of materially deprived children by ethnicity were as follows: 16.5% – among Bulgarian ethnic group, 32.3% – among Turkish one, 71.6% – among Roma and 34.4% – among other ethnicities. No children's necessity could be satisfied for 0.6% of Bulgarians, 1.6% of Turkish and 16.3% of Roma. About 21% of materially deprived children of the Bulgarian ethnic group live at-risk-of-poverty at the same time. The shares for the other ethnic groups are: 45.5% of children of Turkish ethnic group, 85.5% of Roma and 5.0% of other.⁸

As in previous years, the period of 2016-2018 did not mark any significant advances in the implementation of the *National Roma Integration Strategy* (NRIS).⁹ **Improvements have been observed in the usage of EU funds for Roma inclusion** (especially European Social Fund (ESF) and partly European Regional Development Fund, while the engagement of the European Agricultural Fund for Rural Development (EAFRD) remains problematic) and for **education** (especially in reducing early school leaving and increasing participation in different levels of education, although segregation remains a problem). Deterioration is obvious in the fields of governance (especially regarding the legitimacy of the National Roma Contact Point (NRCP) and the consultative process with civil society) and antigypsyism (with a significant rise in antiRoma rhetoric, publications and even actions). Serious challenges, however, remained in all fields.¹⁰

The period of 2016-2017 marked the **full collapse** of the legitimacy of both the National Roma Contact Point and the *National Council for Cooperation on Ethnic and Integration Issues* (NCCEII), which have been abandoned by many Roma NGOs and could not fulfill their consultative and coordination roles. The policy dialogue between the Government and the Roma organisations occurs through other consultative formats (such as the Monitoring Committees of the EU co-funded Operational Programmes) and direct dialogue between NGOs and institutions.¹¹

A great **achievement** of the Bulgarian Government and the Roma organisations is the directing of relatively large financial resources from the EU co-funded operational programmes for Roma-targeted operations. Apart from the active advocacy of Roma organisations in the preparation of the operational programmes and in the monitoring committees, this was also due to the support of the European Commission as well as to the constructive attitude of the managing authorities. The presence of thematic objective 9ii "*Support of socio-economic integration of marginalised communities such as the Roma*" in the ESF Regulations as well as in the ESF co-funded

⁸ UNICEF, *Situation Analysis of Children and Women in Bulgaria*, 2017, p.20, available in English at: https://www.unicef.org/bulgaria/sites/unicef.org.bulgaria/files/2018-12/SITAN%20Eng_December_OK.PDF.

⁹ Amalipe Center for Interethnic Dialogue and Tolerance, World Without Borders Association, IndiRoma Foundation, Roma Academy for Culture Education and Gender Alternatives Foundation, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Bulgaria*, March 2018, p.7, available in English at: http://amalipe.com/files/publications/For%20printing_RCM_2017_Bulgaria_EC.pdf

¹⁰ Ibid.

¹¹ Ibid.

operational programs is the other key precondition: overall EUR 142 million are earmarked for this thematic objective under two Bulgarian ESF-funded operational programmes, HRDOP and SESGOP.¹²

According to prominent NGOs working in the field of Roma integration, during **the period 2016-2017** *“the field of education marks the area of the most significant advance in National Roma Integration Strategy implementation.”*¹³ The developments in mainstream education policy and the political attention on ensuring full attendance in pre-school and primary school education (which became a top-priority for the current government) are among the main reasons for the advance of educational integration. The attendance of Roma children in pre-school education has increased but **still is below average**. The existence of financial barriers (e.g., kindergarten fees), the lack of an intercultural perspective, and the lack of modern teaching methods that take into account the specifics of Roma children and parents form the most serious challenges regarding their access to quality pre-school education. A significant advance has been achieved regarding the enrolment of Roma in primary school and reducing the dropout rate. Certain challenges remain, especially in ensuring enrolment into secondary schools (grade 8-12) and developing of education in rural areas. The period 2016-2017 revealed significant remaining challenges in promoting ethnically mixed, inclusive education and desegregation. Persistent challenges also remained obvious in increasing learning results and quality of education.¹⁴

The pre-school education is compulsory from the school year in which the child turns five.¹⁵ Nevertheless, for fourth consecutive year the **net enrolment rate in pre-primary education is decreasing** to 78,4 % in 2017/18 year compared to 83,6% in 2013/14 according to the National Statistical Institute. The negative trend shows that every fifth Bulgarian child is not enrolled. One reason underlined by NGOs and experts is the kindergarten fee. Despite the campaign of NGOs and Ombudsman, political decision for removal of kindergarten fees (for the entire pre-school age or for the obligatory pre-schooling) is still not taken. The state budget forecast for 2019 did not contain financial back up for such a measure either. The lack of kindergartens or enough places continues to be an obstacle to the higher enrolment of Roma children, mainly in some urban Roma neighbourhoods. In addition, in big cities like Varna, Sofia and Bourgas are functioning online application systems for enrolment at kindergartens that require technical competences and having a computer with internet connection at home. This excludes many Roma families since the local administrations do not provide any type of technical assistance to parents. The low quality of education and care in the kindergartens attended by Roma children combined with poor interaction with Roma parents is the other big barrier.

With its Decision 373/05.07.2017 and later with Decree 100/08.06.2018 the Council of Ministers set **multi-institutional framework for full enrolment**. It contained Mechanism, Coordination Unit

¹² Ibid.

¹³ Amalipe Center for Interethnic Dialogue and Tolerance, World Without Borders Association, IndiRoma Foundation, Roma Academy for Culture Education and Gender Alternatives Foundation, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Bulgaria*, March 2018, p.10.

¹⁴ Ibid, p.10.

¹⁵ Pre-school and School Education Act, Art. 8, para 1.

and local multi-institutional teams. The Mechanism¹⁶ included the key institutions working with children and their families (educational, social care, healthcare, police, municipal authorities and others). They were obliged to cooperate on 7 cross-cutting areas for ensuring that every child will attend school.¹⁷ The engagement of parents and the local Roma community was underestimated in this mechanism. In reality, Roma NGOs and mediators took active part in many local teams and this highly improved the teams' efficiency. Nevertheless, no support was provided for their participation.

In September 2017 the Ministry of Education and Science (MES) announced that 206,378 children aged 5-18 were not enrolled (the number did not include other 100,000 who were officially abroad with their families). According to MES data 1,134 local teams were formed¹⁸ and they carried out 216,904 home visits in search of 197,659 children. **Around 23,898 children have been enrolled back to school. 2,124 out of them dropped out again.**¹⁹ According to MES data the rest of the children who have not been enrolled back to school were absent due to: going abroad (35%), no reliable information was obtained about them (35 %), unwillingness of the parents (18%), health problems (8%), early marriages (2%), etc.

During the period 1 August-31 October 2018 more than 10,000 specialists united in 1,239 local teams carried out 24,356 home visits. MES reported that in this short period 9,100 children were integrated at school.²⁰ Nevertheless, around 6,000 of them were children in 1st grade who have not been enrolled in pre-schooling before and most probably would be enrolled without the local teams.

The analysis of this data shows that: **the percentage of successfully reintegrated children is comparatively low** – around 10 %; migration abroad appears as the heaviest challenge as no institution in Bulgaria keeps reliable information on how many children went abroad and whether they are enrolled in school in the hosting country; a possible reason for the big share of children for whom no reliable information was obtained (35 %) is that Roma communities do not trust the local teams; health problems also appear as serious obstacle which leads to the possible explanation with the lack of educational forms in the rural areas and Roma neighborhoods for children with health problems.

The beginning of 2018 marked **two important changes in financing school education** - the reform of delegated school budgets and providing additional funds for work with students from vulnerable group. Both of them have been designed to let two types of disadvantaged schools (rural ones and schools that educate Roma children) appoint and keep motivated teachers via increasing their salaries. The funds were distributed in May – June 2018. However, the application of the Financing Regulation was faced with several serious challenges: 1. lack of expected specific results tied to granting the funds; 2. lack of guarantees that resources would be invested also in working with parents; 3. real danger that the investment will further strengthen segregated

¹⁶ Its full name is Mechanism for Cooperation among Institutions for Inclusion in the Educational System of Children and Students in Pre-school and School Age.

¹⁷ Decree 100/08.06.2018, Art. 3.

¹⁸ Information from MES provided in June 2018.

¹⁹ <http://mon.bg/bg/news/3162>.

²⁰ Information from MES provided in November 2018.

education, because the Regulation stresses the number of children as criteria for financing, the largest additional funding is provided to the biggest segregated schools; 4. lack of opportunities for engaging NGOs;²¹ 5. The upper-secondary students are not included although the number of students from vulnerable groups in upper secondary schools is increasing. Amalipe and dozens of schools initiated advocacy activities for providing funds for work with vulnerable upper-secondary students.²² The State budget for 2019 met this claim and contained funds for upper-secondary students.²³

Another new positive development in 2017-2018 is the real introduction of the position of educational mediator and the appointment of over 200 such mediators.

However, the information from 2017 reveals a quite disturbing picture of **educational segregation** in the pre-school and primary education (as data about ethnicity of the enrolled students is not officially collected, indicator of educational level of their parents is applied, while Roma parents with low education level are dominating):

- every fifth educational institution is segregated: in 748 schools and kindergartens out of 3,371 that have submitted information, parents with lower than secondary education are between 80 and 100%;
- 17,71 % (or 597 institutions) are mixed but with advancing secondary segregation;
- only one third (or 1,123) of the schools and kindergarten are mixed;
- every fourth school or kindergarten (26,79% or 903) is attended by children of highly educated parents; Roma children are quite an exception.

Segregated “Roma schools” in Bulgaria educate children according to the same curriculum and standards as other schools, but the educational quality in most of them is significantly lower, the drop-out rate is high, and the number of continuing students in secondary schools and universities is negligible. It is indicative that in the grouping of all schools into seven sets according to the level of access to education and quality of education that was used by the MES in 2016 and 2017,²⁴ almost all the segregated “Roma schools” were categorised as belonging to the most-troubled (first and second) groups.

One of the government’s initiatives to tackle the abovementioned challenges was the implementation of the EU funded ‘**Active Inclusion**’ **Project** i- the first large-scale initiative in the field of **pre-school education**. Because many kindergartens, especially smaller ones, are participating in this type of project for the first time, there is a delay in many of the activities. In 2018, for the first time, the Ministry of Education distributed nearly BGN 24 million (EUR 12 million) between schools and kindergartens to work with children and students from vulnerable groups studying in preschool and primary education.²⁵ According to the Ministry of Education in 2019 the total of 1,400 kindergartens were funded by EU funding to provide environment for active inclusion

²¹ During a meeting of Minister Valchev with organizations from Roma Integration Network on 27 September 2018 change in the Standard for financing was negotiated that will explicitly include NGOs.

²² <http://amalipe.com/index.php?nav=news&id=3359&lang=1>.

²³ <http://amalipe.com/index.php?nav=news&id=3387&lang=1>.

²⁴ The grouping for the project “Your Hour” financed by the Science and Education for Smart Growth Operational Programme was made according to 15 indicators. See: Order of Minister of Education RD 09-1072/10.08.2016, that groups the schools.

²⁵ National Network for Children, *2019 Score Card*, p.67.

in pre-school education including early prevention of learning difficulties. 11,378 children had participated in activities for active inclusion in the preschool education system, including children from marginalized communities, (including Roma), participating in measures for educational integration and reintegration.²⁶

2.2 Discrimination against children placed in residential services

Justice in the best interests of the child when related to children in residential care is virtually non-existent. When placing a child in a residential service the courts are simply a body confirming the administrative order for the placement of the child. The assessment of the real interest of the child is excluded from the scope of justice. The main driving force of these processes are the social workers, who have accepted that placement in a residential service is exactly what the child needs. The interests of the child are represented by a public defender, who often has no idea about the child's situation or about the other possibilities, except the placement in a residential service. Even if there are, there are no particularly useful moves during the trial. The parents are not a party at all, and the child's opinion does not matter. Thus, court proceedings for the placement of children in residential care become a judicial farce, far from the idea that the court administers justice. In these cases, court decisions serve to stabilize an administrative act and create the illusion of lawfulness.

In 2020, the issue of the protection and safeguarding the rights of children and young people accommodated in family-type accommodation centers also remained a controversial public topic. It was the success of the test of humanity towards children in crisis that was called into question. None of what happened in 2020 showed that children who are victims of violence in such centers would have any protection, even when the facts of the violence are publicly known.

At the beginning of 2018, it was announced that members of the staff at the Hrizantema Center in Gabrovo had used violence against users of the service. The Commission for Protection against Discrimination self-initiated a case and issued a decision recognizing that children and young people had been subjected to harassment, which constituted discrimination. According to the current legislation in Bulgaria, every citizen is guaranteed the right to a fair trial. It turned out that this was not a rule applicable to children and young people with disabilities accommodated in the FTACs. They never became part of the court proceedings. A team of lawyers explicitly requested this to happen from the responsible institutions, which have the right by law to exercise the rights of children. In 2020, refusals to do so were expressed in writing. Thus, the responsible state and administrative bodies unanimously supported the position that access to justice for children and young people with disabilities accommodated in the FTACs is, as a rule, denied. For years, a parallel legal reality has been applied to children, young people and adults in the residential care system.

²⁶ Ministry of Education and Science, *2019 Annual report*, p.21, available in Bulgarian at: <https://www.mon.bg/bg/100207>.

The social exclusion of children with disabilities and children with chronic and rare diseases continue to be severe due to the delay with years of comprehensive reform of policies and practices for children and people with disabilities, as well as the lack of adequate social services for them and their families.²⁷

3. Abuse and neglect

As of the end of 2020, there is still **no unified system** for registering cases of violence against children in Bulgaria. The various protection authorities keep separate statistics, but the results are not fully analyzed. According to the Social Assistance Agency in 2019, the signals received by the Child Protection Departments for violence against children increased by 65 compared to the previous year.²⁸ Their total number was 1,171, and for 446 of them child protection cases have been opened. According to the National Telephone Line for Children 116 11134, **the family is the place where children are most abused** – 463 signals, on the street – 85, at school - 20, the number of children who have been victims of violence in institutions is 12, in an adoptive family - none, in relatives' family - 21, in a public place - 26.

From January to September 2019, the National Telephone Line for Children team submitted 565 cases to the Child Protection Departments. The signals for violence against children for 2019, for which a multidisciplinary team was convened under the *Coordination Mechanism for interaction at work in cases of children, victims or at risk of violence and for interaction in crisis intervention*, were 1,181. Violence in specialized institutions for children continues to be a fact and manifests itself in various ways - from physical abuse to psychological abuse.²⁹

Securing financial and human resources for measures and programs to prevent and support children victims of violence has remained a major challenge. There are still not enough and available general and specialized services for children victims of violence. In most of the district centers there are no services for accommodation of victims of violence. Several crisis centers continue to operate in the country, most of which are constantly operating at full capacity and fail to meet the needs of all cases.

Bulgaria remains without a National Strategy for the Child (2019 -2030), after the government retreated before the propaganda attacks against children's policies in Bulgaria. This calls into question the prevention, successful response and coordinated institutional and professional response to violence against children. There was also no adequate response from the state to the serious attack on the National Telephone Line for Children 116 111 - the only line where children can report, including in cases of domestic violence.³⁰

²⁷ National Network for Children, *2020 Score Card*, p.22.

²⁸ National Network for Children, *2020 Score Card*, p.28.

²⁹ National Network for Children, *2020 Score Card*, p.30-31.

³⁰ National Network for Children, *2020 Score Card*, p.12, available in Bulgarian at: <https://nmd.bg/wp-content/uploads/2013/11/%D0%91%D0%B5%D0%BB%D0%B5%D0%B6%D0%BD%D0%B8%D0%BA-2020.pdf>.

4. Family environment and alternative care

The focus of the child protection system in 2020 was on deinstitutionalization and the closure of large institutions. In 2020, all social institutions for children in Bulgaria were closed. At the end of 2020, the last institution for children without disabilities was closed. Institutions for children with disabilities were closed by the end of 2015. In 2021 there are still four medical institutions for 277 children at the age of 0 to three functioning (Institutions for medico-social care for children - IMSCC). On 1 July 2020, the new Social Services Act entered into force. For the first time in the text of a Bulgarian law, deadlines were set for the closure of the institutions in the country: by 2021 - for all institutions for children, and by 2035 - for all institutions for people with disabilities.

4.1 Children versus parents

In 2020, once again, in the last 10 years in Bulgaria, a discussion has erupted, which opposed the rights and interests of children to the rights and interests of parents. It was provoked by organizations for the protection of parents' rights, religious organizations and individuals who oppose the role of the state in the upbringing and education of children. Tensions in society were also used for political purposes. On 22 December 2020, the National Network for Children sent to the Bulgarian Parliament its opinion on the bill amending the Child Protection Act № 0054-01-111, submitted on 4 December 2020 by MPs from VMRO (right wing nationalist ruling party,) which emphasizes the rights of 'biological parents' and undermines the principle of the best interests of the child in protection proceedings. More than 140 non-governmental organizations stated that the proposed amendments are contrary to the interests of children and have no place in Bulgarian legislation as contrary to the principles of the UN Convention on the Rights of the Child and European law. It was stressed that the bill should be rejected and the Child Protection Act should retain its goal - to protect the most vulnerable part of society – the children, and not to seek to put the interest of the biological family above that of the child, nor to obey "traditions and good manners in the country".³¹

4.2 Deinstitutionalisation

Although the majority of the child care institutions have been closed down, the institutionalization of children continued in 2020. In the period January - October 2020, 100 children were accommodated in the existing institutions for children deprived of parental care (run by the

³¹ National Network for Children, *The bill amending the Child Protection Act must be rejected entirely*, 22 December 2020, available in Bulgarian at: https://nmd.bg/zakonoproektat-za-izmenenie-i-dopalnenie-na-zakona-za-zakrila-na-deteto-sledva-da-bade-othvarlen-v-tsyalost/?utm_source=newsletter_202052bg&utm_medium=email&utm_campaign=NewsletterBG.

municipalities) and institutions for medico-social care for children (IMSCC) (subordinated to the Ministry of Healthcare). As of 31 December 2020, there were four IMSCCs and they provided care to 277 children from 0 to 7 years of age. According to the data of the Social Assistance Agency as of 30 November 2020 the total of 2,552 children had not been placed in institutions and their abandonment was successfully prevented.

The official data of the Social Assistance Agency³² shows that the relative share of the children in institutional care has decreased with 96 %. During the reform period (2010 – 2020) 91 % of the children care institutions had been closed down.³³ The number of children in large residential institutions continued to decrease in 2020 - **from 7,587 in 2010 to 633 in 2018, to 343 in November 2020, and to 277 as of 31 December 2020**. In this process of reduction, along with the efforts of the state, demographic factors such as the declining birth rate in Bulgaria should be taken into account. On 30 December 2020, the last three institutions for children deprived of parental care in Stara Zagora were closed.

At the end of 2020, there were **634 community-based social services for children** (funded by the state), **and the predominant share of them continued to be residential services**, rather than services to support children and their families. **The main share (slightly over 40%) of the alternatives to children institutions are small group homes** - 267 Family-type accommodation centers (FTACs). In 2020, 6 new services for children were opened - only one service is of residential type and the remaining 5 are consultative. But the shortage of ancillary services persists in 2020. **Nearly 3,700 children grow up in residential service**, not in a family environment. **As of 31 November 2020, 1,416 of them were disabled**. In comparison, the number of children with disabilities placed in foster family is less than 180. According to the data of the Social Assistance Agency, 387 children left FTACs in the period 01 January 2020 – 30 September 2020. Of them: 129 have reached the age of majority and have started independent living and 170 have been placed in a family environment (reintegrated/adopted, placed in families of relatives and in foster families). One in five children who left FTACs was reassigned to a residential service - 13 children were placed in specialized institutions and 75 were reassigned to another residential service.

4.2.1 FTACs – a bridge or a barrier to the community living

The debate about whether the FTACs are a step forward independent living in the community or are a social service repeating the segregation model of the institutions is still at stake. Below the surface of the FTACs are the signs of the closed institution: segregation; impossibility residents to be included in social life; established strict diet, sleeping regime, daily activities and walking;

³² All statistical data, quoted in this chapter are provided to the Bulgarian Helsinki Committee under the Access to Public Information Act by the Social Assistance Agency (SAA), in a written reply number N 91 0019/11.01.2021 signed by the executive director of the SAA – Mrs. Romyana Petkova and by the Ministry of Health with a written reply N 93-00-202/15.01.2021 signed by the secretary general Hristina Getova.

³³ From 137 specialised institutions in 2010 to 12 as of 31 December 2020. The total of 125 children institutions had been closed down. During the first phase of the reform by 2015 all institutions for children with physical and intellectual disabilities as well as those for children aged 4 to 7 had been closed down.

imposed restriction of movement and contact with the outside world. The FTACs were formally and physically built in the settlements, as a counterbalance to the large institutions built outside the settlements. But although the community now notices that children and adults people with disabilities exist, there is still no real interaction between the two worlds. The accommodation centers are closed: they have fences and doors that lock, there is a strict access regime. This mode is determined by the staff - i.e. even if they are in populated areas, the accommodation centers are not yet “community” services as there is still the same isolation.

A 2019 a fieldwork research of the **Disability Rights International** (international NGO) in Bulgaria was focused on 24 group homes, five day-care centers, four larger residential institutions for children and adults and two schools. Its main finding³⁴ is that Bulgaria has **replaced a system of large, old orphanages with newer, smaller buildings that are still operating as institutions**. The DRI's report emphasises that new residential centres separate children with disabilities from society and contribute to their continued social isolation – leading to a lifetime of segregation for a new generation of people with disabilities. *„Placement in Bulgaria's group homes exposes children to emotional neglect, inappropriate and potentially damaging models of behavior, and, in some cases, violence, bullying, and other forms of abuse that are common in institutions.’*³⁵ The DRI also reveals that *‘while extensive resources have been invested in moving from large to small buildings, little effort has been made to promote true inclusion in families or society at large.’* And that Bulgaria has failed to create a system of community supports, inclusive education, or transition to independent living, which will help children with disabilities remain with their families. As a result, many families have no choice but to give up their children with disabilities and this is why there are more than 600 admissions every year to Bulgaria's childcare systems, made up mainly of group homes and larger institutions.³⁶ The living conditions observed by the DRI team leave children exposed to many of the same dangers they experience in larger institutions.³⁷ Many children living in the group homes exhibit behavioral problems. Staff at group homes use commonly restraints or high levels of medication – mainly as sedatives.³⁸

Placement in group homes is dehumanizing, socially isolating and does not contribute to habilitation and the development of skills that contribute to further inclusion in society.³⁹ The visits in 2019 of the DRI were filmed by Kate Blewett⁴⁰ who produced also the first documentary about institutions for children with disabilities back in 2007. More broadly, DRI recommends a fundamental shift in policy and programming – moving away from group homes as a placement for any child and moving toward family placement for all children with and without disabilities.

³⁴ Disability Rights International, *A Dead End for Children- Bulgaria's group homes*, November 2019, available in English at: <https://www.driadvocacy.org/wp-content/uploads/Bulgaria-final-web.pdf>.

³⁵ Ibid, p.6

³⁶ Ibid, p. 6-7.

³⁷ Ibid, p.8.

³⁸ Ibid, p.9.

³⁹ Ibid, p.62.

⁴⁰ Kate Blewett, *Hidden Children in Bulgaria*, November 2019, available at: <https://www.youtube.com/watch?v=LdzchTxU21I>.

DRI **recommends**⁴¹ that the Government of Bulgaria: 1. Immediately stop plans to build new group homes; 2. A broad commitment to enforcing the right to family life for all children – to be supported by the EU and international donors – to ensure that every child has the opportunity to grow up in a family and not in residential care or group home; 3. Expansion of supported family, kinship, and foster care; 4. Support for prevention of family break-up and new placement;⁴² 5. Support for choice, self-determination, and self-advocacy; 6. Stop torture and abuse in group homes and community programs.⁴³

In 2020 there was no reaction on the part of the Bulgarian government and the problems deepened. The crisis caused by COVID-19 showed that family-type accommodation centers did not open up to the community. On the contrary, the lack of basic equipment for online-based communication, the total lag of social services from the reality of the modern high-tech world, the use of the pandemic as an excuse, closed even more the small group homes.

4.2.2 Last stage of deinstitutionalization for the babies and infants

In 2020, 249 children left Institutions for medico-social care for children (IMSCC). About 80 % started living in families: 53 were reintegrated in biological families, 5 were placed in relatives' families, 77 were in foster families and 63 were adopted. The predominant share of the children removed from the IMSCC are children under the age of three (161 or 65%). Despite the wider opening of the IMSCC exit, the number of infants and young children entering institutions remains alarmingly high. **In 2020, a total of 171 children were accommodated in institutions for children from 0 to three years of age.** Out of them 53 were newborns, from the maternity wards, 37 were from other wards of medical institutions, 30 - from their biological families, 9 - from foster families, 2 - from other services, 41 - from other IMSCCs. In 2020, 30 children died in the IMSCC and in 2019 their number was 39. **The lack of coordinated early intervention and prevention leaves the entrance to the IMSCC open. It is also worrying that there are healthy children in the medico-social care homes, which are medical institutions.** Although the relative share of institutionalized healthy children in the IMSCC has halved⁴⁴, as of 31 November 2020, 10% of the children in the IMSCC are non-disabled. In 2018, by orders of the Executive Director of the Social Assistance Agency, the placement of babies and children up to three years of age without

⁴¹ Disability Rights International, *A Dead End for Children- Bulgaria's group homes*, November 2019, p.64, available in English at: <https://www.driadvocacy.org/wp-content/uploads/Bulgaria-final-web.pdf>.

⁴² Effective support for families must include:

- Early intervention from birth to support mothers and families of children at risk;
- Ending all segregated programs – providing professional support in the home or school and never requiring a parent to separate from or send away a child to receive services;
- Inclusive education – specialized schools or day centers for children with disabilities are just one more form of segregation that constitute a dangerous form of discrimination;
- Support for and empowerment of family advocacy;
- Peer support networks by young people and families with disabilities;
- Full inclusion of children and adults with disabilities throughout the lifecycle.

⁴³ Ibid, p.67.

⁴⁴ According to data provided by the Ministry of Health the relative share of children with disabilities in 2020 was 90 % while in 2019 it was 79.5% - i.e. the share of non-disabled children has decreased from 21,5% to 10%.

disabilities was stopped in the IMSCC, but both non-disabled children and newborn babies continue to be accommodated in the medical establishments under the Ministry of Health.⁴⁵

According to the *Concept for deinstitutionalization of children from IMSCC from 2011*,⁴⁶ the Ministry of Health envisages the closure of all IMSCCs and the development of new integrated health and social services. In 2020, the end of the IMSCC reform was postponed by one year. In 10 years, the number of children in the IMSCC has been reduced by 90%, but **the real change in the system of the IMSCC is proceeding at a slow and uneven pace**. After the closure of IMSCC-Silistra on 3 December 2018 and its transformation into a pilot center for support of children with disabilities and chronic diseases and their families, followed the opening of two new centers - in Burgas and Vidin. Thus for 10 years only 3 new services had been set up. The deinstitutionalization of the IMSCC continues to be a serious challenge and one of the main reasons is that the IMSCCs are run by the Ministry of Health - an institution that has least identified with the social model during the reform years.

Two weeks before the end of 2020, an "urgent" procedure to close 8 of the 12 existing IMSCCs raised concerns. The "Childhood 2025" Coalition and the National Network for Children (NGOs)⁴⁷ sent letters to the Minister of Health and to the Minister of Social Affairs⁴⁸ regarding the "urgency" of removing children from the IMSCC and their placement in four large IMSCCs in the country. The urgent transfer of the children from the IMSCC provoked fears of replacing the declared process of deinstitutionalization.

At the beginning of 2021 the Minister of Health responded with a letter to the letter of the Coalition "Childhood 2025".⁴⁹ In it he states that the possibility of removing all children from the IMSCC in 2020 was severely hampered by the COVID-19 epidemic situation and the state of emergency, which has delayed the implementation of activities to build the 20 planned centers for specialized health and social care for children. In this situation, according to the minister, the only appropriate option for children, especially for children with disabilities in need of permanent medical care, remains the placement in IMSCC. This is why, it was necessary to amend the Social Services Act to allow an exception for four IMSCC – in the towns of Varna, Kardzhali, Pleven and Stara Zagora - to continue to operate until 31 December 2021.

As of 31 December 2020, 204 children from 8 IMSCCs (in Blagoevgrad, Burgas, Buzovgrad, Dobrich, Debeleets, IMSCC "St. Ivan Rilski" in Sofia, Sliven and Haskovo) were moved out and the institutions had been closed. According to a letter from the Minister of Health, 80 % of these children were provided with care in a family and close to family environment. Of these 204 children, 163 have been reintegrated in biological families, adopted, placed in foster families or in

⁴⁵ Social Assistance Agency (SAA), Orders No PД01-0369/09.03.2018 and No PД01-0918/09.05.2018 of the executive director of the SAA.

⁴⁶ Ministry of Health, *Concept for Deinstitutionalisation of children in Institutions for Medico-Social Care for Children*, 12 July 2011, available in Bulgarian at: <https://www.mh.government.bg/bg/politiki/strategii-i-kontseptsii/koncepcii/koncepciya-deinstitucionalizaciya-na-decata-ot-domovete/>.

⁴⁷ Coalition "Childhood 2025" is a formation of 16 NGOs and networks working with children and families in the whole country, member of various European networks dealing with policies regarding children and families in EU.

⁴⁹ Ministry of Health, *Letter about the closure of the Institutions for medico-social care for Children from the minister of health prof. dr. Kostadin Angelov*, N 44-00-103/25.01.2021.

residential services, and only 41 children in need of permanent medical care have been provided with care in the remaining 4 IMSCCs. These are the children who are planned to be taken out in the new residential health and social services to children. The remaining 277 children from the four IMSCCs will be taken out in 2021.

5. Education

5.1. Education of children with disabilities

The early school leaving rate of the young disabled people (18-29) in Bulgaria is 34.9% while the rate of non-disabled school leavers is 19.5%. Only 7.6% of the disabled people at the age 30-34 have completed tertiary education (the share of non-disabled people is 33.4 %).⁵⁰

Quality and inclusiveness of education remain major challenges, despite the ongoing reforms.⁵¹ The total of 2,400 children with intellectual, psycho-social and/or multiple disabilities in 2020 study in 34 centres for special educational support (former special schools for children with intellectual disabilities), 290 children with sight disabilities study in two special schools, and 385 children with hearing disabilities - in three special schools.⁵² The children with disabilities who benefited from **inclusive education** in mainstream schools in 2020 were **8,674** (which is a significant decrease compared to school year 2017/2018 when they were 14,000, the reasons for which are not discussed in any report documents).⁵³ According to the scarce government and NGO reports there are achievements in the provision of material conditions for inclusive education of children with disabilities while human and financial resources are still insufficient.

Data on the number of children and young people with disabilities not currently enrolled in any form of education, disaggregated by age, sex, type of impairment and place of residence is not available. No information has been identified about raising awareness campaigns of the advantages of quality inclusive education for society, in particular for teachers and other education staff, and also for parents of children without disabilities, as recommended by the UN Committee on the Convention on the Rights of Persons with Disabilities. No signs of intensification of the efforts to ensure quality inclusive education and the provision of reasonable accommodation for students with disabilities in mainstream schools, including by allocating sufficient human, technical and financial resources for it have been identified either.

⁵⁰ EU-SILC 2018 Release 2020 version 1 (and preceding UDBs).

⁵¹ European Commission, *Country Report Bulgaria 2020*, p.38, available in English at: https://ec.europa.eu/info/publications/2020-european-semester-country-reports_en.

⁵² Ministry of Education and Science, *Information about the distribution of state budget funding between schools, centres for special pedagogical support and other units according to the 2020 standards*, <https://www.mon.bg/bg/100276>.

⁵³ Ibid.

5.2 Education of children in Bulgaria during the COVID-19 crisis

In Bulgaria educational activities were suspended on 6 March 2020 by an order of the Minister of Health.⁵⁴ The order introduced **mandatory suspension of educational activities in all schools (including the special schools)**, recommended suspension in universities, and increased hygienic and sanitary measures in kindergartens (mandatory medical examination at the entrance and regular cleaning and disinfection of premises).

At the end of March 2020 the *Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act* introduced **on-line education for all students in day, evening, part-time, individual, combined and dual form of education**. Teachers were obliged to deliver the classes from their homes or another appropriate place outside the school using the necessary technological equipment and school directors were obliged to manage and supervise the process also using information and communication technologies.⁵⁵ The Minister of Education and Science obliged all schools to replace in person classes with electronic distance learning to ensure continuity of education.⁵⁶ Each school was allowed to choose how to organise the distance learning considering the age of its students, the internet connectivity, the available resources and the digital skills of teachers and students. At the beginning of April 2020, the Minister of Education and Science reported that 89 % of all students were effectively included in the e-learning process, while **for the remaining 11 % as well as for students with learning difficulties the authorities were discussing the option of holding additional in-person educational activities in June and July**.⁵⁷

At the end of April 2020 helplines for providing **psychological support** to teachers, students and parents were opened at some of the Regional Centres for Supporting the Process of Inclusive Education (RCSPIE).⁵⁸ In April 2020 **private donors donated devices to children** in disadvantaged situation to facilitate their inclusion in e-learning. The Social Assistance Agency (SAA) reported the receipt of a donation of 104 tablets, which were distributed among children

54 Ministry for Health (2020), Order No ПД-01-114/05.03.2020, 5 March 2020.

55 Parliament, *Measures and Activities during the State of Emergency Declared by Decision of the National Assembly of 13 March 2020 Act*, 24 March 2020, Article 13, available at: <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=147150>.

56 Ministry of Education and Science, *Order No ПД09-704 for distance learning in electronic environment*, 31 March 2020.

57 Ministry of Education and Science (2020), *'The Ministry of Education and Science with a proposal for new dates for the state graduation exams and the national external evaluation in the case of extended e-learning'*, press release, 2 April 2020, available in Bulgarian at: <https://www.mon.bg/bg/news/3889>.

58 Ministry of Education and Science (2020), *'Psychologists will provide psychological support to students, teachers and parents'*, press release, 28 April 2020, available in Bulgarian at: <https://www.mon.bg/bg/news/3896>.

accommodated in family-type residential services across the country.⁵⁹⁶⁰ For children not in social services, the Ministry of Education and Science (MES) had received and distributed a donation of 500 tablets made by one of the national mobile service providers.⁵²

At the end of April 2020, the media published a detailed analysis of the electronic distance learning one and a half months after its introduction. It pointed out that the Ministry of Education and Science (MES) had provided 461 schools in the country with a total of 1,986 laptops, 500 of which were equipped with My-Fi devices for internet access with prepaid three-month unlimited access. According to the analysis, **the major problem, which remained unsolved, was the provision of devices and internet connection to students.** The Ministry of Education and Science (MES) reported that it had reached an agreement with mobile operators for providing internet connection to students at preferential prices and had changed the rules for school financing allowing schools to cover the expenses for internet of students whose families did not have the resources to pay for internet at their homes.⁶¹

In May, the Amendment to the Health Act introduced a number of changes to rules on education laid down in the special law governing the measures during the state of emergency.⁶² **The online education of students** enrolled in full-time, part-time, individual and combined form of education and in a dual system of education, as well as support for personal development **was extended until the end of the second school term of the academic year 2019-2020.** Education included distance learning, self-training, ongoing feedback on learning outcomes and assessment. After the end of the state of emergency, the presence of children and students in preschool institutions and schools was allowed only for carrying out urgent activities related to the completion of the current school year or the preparation of the next one, provided that it was impossible to carry out these activities remotely in an electronic environment and/or presence in school was required. In all other cases, group presence of children and students on the territory of pre-school institutions and schools was permitted only upon notification of the Minister of Education and Science. In all cases, in which the presence of children and students in school was allowed, school directors were obliged to organise the activities in compliance with the measures prescribed by the Minister of Health, prevent the accumulation of children, students or parents, and ensure that children were present with the consent of their parents.

59 Social Assistance Agency (2020), *'104 children from accommodation centres will be able to study remotely with donated tablets'*, press release, 16 April 2020, available in Bulgarian at: <https://coronavirus.bg/bg/news/93>.

60 24 Chasa (24 часа) (2020), *'Vivacom donates 500 tablets to MES for distance learning'*, 18 March 2020, available in Bulgarian at <https://www.24chasa.bg/novini/article/8316539>.

61 Georgieva, S. (Георгиева, С.) (2020), *'For thousands of children, e-learning is on paper'*, Sega, 1 May 2020, available in Bulgarian at: <https://segabg.com/node/130750>.

62 Amendment to the Health Act, 13 May 2020, § 12 and Ministry of Health, *Order No ПД-01-277 on introduction of temporary anti-epidemic measures*, 26 May 2020.

UNICEF-Bulgaria had commissioned a research about **the impact of COVID-19 on inclusive education of children with disabilities during the state of emergency**.⁶³ Below are the findings from the research.

According to the research 63% of the professionals working with children with special educational needs (SEN) had performed distance learning, 16% worked remotely, but not regularly while **21% have stopped working** during this period. **Only 38.8% of the professionals working in the field of inclusive education have continued their work with all children with whom they have worked before** and 42.1% worked with more than half of the children while 19.1% - with less than half. 66.7% of the surveyed professionals conducted telephone consultations with the parents, and 63% worked through online platforms in real time. In the villages, home visits were more frequent, and in the capital - communication was kept by e-mail with the parents. Some of the professionals do not have the necessary resources - equipment, internet and a suitable place to work in their home.

The professionals who most often had difficulties in adapting their work to distance learning are **speech therapists and psychologists** working with children with special educational needs (SEN). The main reason why the professionals did not continue to work remotely with the children they assist is that this form of education is not suitable for children with SEN. The other reason given is that parents of children with SEN cannot take the time to provide additional support to children in conducting online lessons. According to the experts, children with SEN often do not have the necessary digital skills to implement online activities and easily lose concentration in online work. 39.5% of the professionals find the main shortcomings in the fact that **their working methods are inapplicable in conditions of distance work**. 27.8% of the respondents believe that the main difficulty is that they find it **hard to monitor the progress of the children** they work with. They are of the opinion that the distance form of work has a negative impact on the **social skills and the emotional development** of children with SEN. **Resource teachers are the most skeptical** of the whole process of the distance learning. The statistical distribution also shows that those working with younger children are more likely than others to think that there is nothing they like about this approach to work. Experts are of the opinion that after the end of the state of emergency it is most likely that there will be a need for changes in the curriculum in order to make up for the lost knowledge (45.3%).

Half of the **parents of children with SEN** do not know how to be useful to their children in the learning process and fail to pay enough attention and support their children in learning. Only 20% of the parents of children in kindergartens feel fully prepared to support their children during distance learning and 25% of parents distrust the quality of the distance learning process. 32.3% of the respondents indicated that according to them, the **mental state of the children** is somewhat worse than before, 35.5% state that there is no such change for them, and a little over 20% think that it is somewhat better than before.

⁶³ Global Matrix research, ordered by UNICEF (May-June 2020): *Focus on Inclusive Education*, available in Bulgarian at: <https://www.unicef.org/bulgaria/media/9251/file>. The survey was conducted among groups of teachers, students, parents, representatives of local authorities, experts in Regional Educational Departments, educational mediators and specialists in inclusive education.

In October the Bulgarian Ombudsman sent an official letter to the Ministry of Education and Science calling for **special measures to ensure the equal participation in the e-learning process of children with special educational needs**.⁶⁴ She underlined that distance learning creates difficulties for all children with SEN and that children, resource teachers and professionals should be provided with the necessary resources to conduct the most effective interaction in an electronic environment, which will lead to an increase in the capacity of schools to provide inclusive education of students with SEN.

6. Sexual exploitation and trafficking

The **UN Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material**, visited Bulgaria from 1 to 8 April 2019.⁶⁵ She visited several residential and crisis centres for child victims of trafficking, sexual exploitation and domestic violence, a Roma neighbourhood; a registration and reception centre for refugee and migrant children and a correctional school for girls. Below are presented the findings of her visit:⁶⁶

6.1 Sale of babies

The sale of babies abroad has become commonplace among some Roma communities.

The phenomenon is highly underreported, however, owing to the difficulty in gathering evidence and victim testimony for subsequent prosecution and ensuing lenient or suspended sentences. According to the data from the National Commission for Combating Trafficking in Human Beings, the number of trafficked pregnant women, often young adults aged between 18 and 19 years, who are lured into giving birth and selling their babies abroad has decreased from 97 cases in 2017 to 64 in 2018. Over the past five years, 16 people have been sentenced for trafficking in babies in Burgas Province. Varna, Aytos, Karnobat, Sliven and Kazanlak have also reported cases of sale of newborns. Cases of trafficking to Greece, which frequently end up as illegal adoption, are reportedly difficult to investigate because of a lack of systematic cooperation between the two countries.⁶⁷

⁶⁴ Ombudsman, *The Ombudsman Diana Kovacheva asked the Ministry of Education and Science to introduce measures for the online education of children with special educational needs*, 14 October 2020, available at: <https://www.ombudsman.bg/news/5399?page=4#middleWrapper>.

⁶⁵ *Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 14 February 2020, p.4, available in English at: <https://undocs.org/en/A/HRC/43/40/Add.1>.

⁶⁶ Ibid, p.4

⁶⁷ *Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material*, 14 February 2020, p.4, available in English at: <https://undocs.org/en/A/HRC/43/40/Add.1>.

According to the Special Rapporteur although Bulgaria ratified the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption (1993) in 2002 and has made significant efforts to counter illegal adoption, **illegal practices persist, especially in intercountry adoption**. Anecdotal evidence suggests that babies born mainly to young single mothers are sometimes offered to families willing to adopt.

6.2 Child marriages

The practice of bride sales and child marriage of girls as young as 12 or 13 years old is widespread among some Roma communities despite being illegal. In most instances, parents marry their children early to protect their honour and prevent early pregnancy and bride kidnapping. In some instances, child marriages are reportedly a cover-up to acquire the child for various forms of exploitation, including sexual exploitation by the inner circle of trust, forced labour, pickpocketing and begging. **According to the National Statistical Institute, there were 618 marriages of girls under the age of 18 years in 2017 and 481 in 2015**, with the highest numbers registered in Plovdiv and Burgas.

The Special Rapporteur was told that **complaints of child marriages or forced marriages, when lodged, rarely led to criminal proceedings**. As of July 2016, 68 sentences had been issued for cohabitation with a person under the age of 14 years, of which 63 had been suspended. According to the National Statistical Institute, there had been only 14 sentences for crimes “against marriage and family” in 2017, a figure that also included crimes such as the sale of babies and bigamy. **The Special Rapporteur was told that out of 125 cases investigated, no convictions had been handed down in 2018.**

Although the information received is fragmented and anecdotal and data diverging, the evidence gathered from child protection stakeholders demonstrates that child sexual exploitation, including sexual abuse within the inner circle of trust and at a residential institution,⁶⁸ is real and extensive in Bulgaria, and believed to be most prevalent among children belonging to marginalized communities. The extent of child prostitution is unknown, given the lack of comprehensive, systematically collected, reliable and disaggregated data on the number of investigations and prosecutions undertaken. Further, there is no formal mechanism to identify child victims of prostitution.

There has been a significant increase in the number of Bulgarian and Roma victims who are exploited into domestic servitude, forced labour, begging and pickpocketing. **Bulgarians of Turkish ethnicity and Roma girls, some as young as 13 years old, account for most sex**

68 See European Court of Human Rights, *Case of A. and Others v. Bulgaria*, Application No. 51776/08, Judgment, 29 November 2011; and European Court of Human Rights, *Case of D.L. v. Bulgaria*, Application No. 7472/14, 19 May 2016.

trafficking victims identified, particularly in the capital, resort areas and border towns.⁶⁹

Internal trafficking and sexual exploitation in the context of tourism, whereby children are moved around for the purposes of sexual exploitation between popular Bulgarian resorts, also remains a serious problem.

Poverty, discrimination, segregation and social exclusion create unequal access to social services and education for children in the most marginalized communities. Roma children, children living in poor and non-regulated settings at risk of eviction, children living or working in the streets, children of migrant or refugee families, unaccompanied or separated children, children in residential care or State run institutions and lesbian, gay, bisexual, transgender and intersex teenagers are particularly exposed to the worst forms of sexual abuse and commercial sexual exploitation, including by caregivers.⁷⁰ The overwhelming majority of children whom the Special Rapporteur met in crisis centres and institutions were of Roma origin.

According to the Special Rapporteur “*challenges that remain include the fragmented development of child protection and administration of child-sensitive justice focusing on prevention, care, rehabilitation and reintegration; insufficient understanding of what constitutes violence against children; a lack of capacity to identify cases of violence; and insufficient cooperation and informationsharing and inadequate follow-up. Other issues are the lack of comprehensive data collection and lack of understanding of the phenomenon and its root causes, compounded by persistent discrimination against marginalized groups, lack of an adequate procedure for identification and referral, poor and prolonged investigations and prosecutions, insufficient cooperation and allocation of necessary budgetary resources, insufficiently trained and remunerated social workers, and poor understanding of the best interests of the child as a primary consideration.*”⁷¹

7. Refugee and migrant children

7.1 Representation of unaccompanied children

Amendments to the law⁷² introduced a significant change in the regulation of the representation of unaccompanied children seeking or receiving protection. The obligation for their representation not only during the proceedings, but also after the granting of status and protection and before all possible bodies and institutions as far as the protection of their rights and privileges is concerned,

⁶⁹ Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, 14 February 2020, p.6, available in English at: <https://undocs.org/en/A/HRC/43/40/Add.1>.

⁷⁰ See also UNICEF, *Breaking the Cycle of Exclusion: Roma Children in South East Europe* (Belgrade, 2013).

⁷¹ Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, 14 February 2020, p.7, available in English at: <https://undocs.org/en/A/HRC/43/40/Add.1>.

⁷² Amendment Act to the Asylum and Refugees Act, (adopted on 16 October 2020).

was transferred from the municipal administrations to the National Legal Aid Bureau.⁷³ The law also introduced qualification requirements including knowledge about the rights of the child for the public defenders and for the provision of representation in view of the standard for protection of the best interests of the child. The selection and training of lawyers who will perform this special type of representation is expected to begin in early 2021.

7.2. Safe areas for unaccompanied children

The first safe zone for unaccompanied children was opened in mid-2019⁷⁴ in the boarding house "Military Ramp" at the registration and reception center of the State Agency for Refugees in Sofia. In the safe area the children were provided with 24-hour observation, care and support tailored to their specific and individual needs. The Military Ramp safe zone accommodates children from Afghanistan, Pakistan and Iran. The second safe zone for unaccompanied children was opened in January 2020 in the registration and reception center-Sofia, the boarding house in the Ovcha Kupel district to accommodate children from Arab countries of origin. The two safe areas are managed by the International Organization for Migration (IOM) - Bulgaria with EU funds.

8. Juvenile justice

In 2021 in Bulgaria the 60-year-old Juvenily Delinquency Act is still in force, which imposes in theory "educational" and in practice - punitive measures against child perpetrators of anti-social acts. More than 10,000 children are affected by this law each year. The Ministry of Justice is committed to reform in this area. The draft law on the reform of justice for children in conflict with the law, drafted in late 2016, provides for the repeal of the law and in practice solves the long-standing problem of imprisonment of children under the minimum age for criminal liability, but to this day the bill remains locked within the Ministry of Justice. This once again postponed the closure of the correctional institutions for children – Social boarding schools and Correctional boarding schools. The total number of children in the four boarding schools under the Juvenily Delinquency Act is 119 or 1.3% of all registered children in children's pedagogical rooms (within the Ministry of Interior system) in Bulgaria. Children placed in correctional facilities live in inappropriate conditions that do not provide access to adequate health care and quality education, and some of them are subjected to violence.

⁷³ Asylum and Refugees Act (adopted on 31 May 2002), Art.25.

⁷⁴ International Organization for Migration (IOM) – Bulgaria, *Official opening of the first safe zone for unaccompanied children seeking international protection in Bulgaria*, 29 May 2019, www.iom.bg, available at: www.iom.bg/bg/content/откриване-на-сигурна-зона-за-непридружени-лица.