„Europe for Children, Europe with Children” Project

REVIEW OF BULGARIAN LEGISLATION,
POLICIES AND PRACTICES REGARDING
THE RIGHTS OF THE CHILD

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CONTENTS

Executive summary ........................................................................................................................................................3

Introduction ..................................................................................................................................................................8

I. Review of the national legal, administrative and strategic frameworks for the protection of
the rights of the child ..................................................................................................................................................8

1. 1. National legal framework ............................................................................................................................... 8
1.2. Administrative framework .............................................................................................................................. 12
1.3. Strategic framework ....................................................................................................................................... 14

II. Policies and practices for UNCRC general principles implementation ................................................. 16

2.1. The principle of non-discrimination ................................................................................................................. 16
2.2. Children’s participation .................................................................................................................................. 17
2.3. Child poverty and well-being .......................................................................................................................... 18

III. Family environment and alternative care .................................................................................................... 21

3.1. Family environment ......................................................................................................................................... 21
3.2. Children in institutions and alternative care ................................................................................................. 22
3.3. Adoption .......................................................................................................................................................... 23

IV. Health ............................................................................................................................................................... 25

4.1. Health and healthcare service ......................................................................................................................... 25

V. Education .......................................................................................................................................................... 28

5.1. Quality of education ........................................................................................................................................ 28
5.2. Inclusive education ......................................................................................................................................... 30

VI. Special protection measures .......................................................................................................................... 31

6.1. Child neglect and abuse ................................................................................................................................ 31
6.2. Child and juvenile justice ............................................................................................................................... 32
6.3. Street children .................................................................................................................................................. 33

VII. UNCRC Promotion ....................................................................................................................................... 34

Annex 1 References ............................................................................................................................................... 36
Annex 2 Good Practices .......................................................................................................................................... 37
Annex 3 Summary of recommendations .................................................................................................................. 47
Annex 4 Useful contacts and a list of NGOs providing social services for children by region.. 54
Executive summary

The report aims to present Bulgarian legislation, policies and practices in place concerning the rights of the child. The following methods are used in order to achieve this – review and analysis of the legal, strategic and administrative regulations on child’s rights in effect in Bulgaria; expert assessment and analysis of policies and practices with regards to child’s rights, as well as analysis of statistical information.

On the basis of the problems identified and the consequent conclusions, there are recommendations for changes towards effective implementation of the child’s rights in the country. A summary of all recommendations could be found in annex 3.

Bulgaria ratified the UN Convention on the Rights of the Child (UNCRC) in 1991 and the Child Protection Act was approved by the Parliament in 2000. This ten years delay of the UNCRC implementation and the lack of effective child and family policies have had a serious impact on the current state of observance of the child’s rights, the level of care and the development of relevant services and access to them.

Chapter I reviews the national legal, administrative and strategic child protection frameworks. The analysis of the child protection system shows that it does not provide for efficient child protection policy and requires purposeful strategic measures for transformation mostly regarding the distribution of prerogatives between the authorities in charge of child protection and the way of organising the administration to implement the policy. The existing legislation assigns various discretions with regards to child protection to a multitude of bodies mostly within the system of the central executive authorities. There is a lack of reliable mechanisms for coordination and the distribution of discretions is not balanced – with priority given prevalingly to issues related to the social policy and control, while the positive and preventative strains are left in the background. The existence of a multitude of strategic and programming documents, each with its specific goals, priorities and tasks practically gives the impression of a lack of priorities, and both turns all these documents into formalities of no actual application, and violates the continuity of the policy and the administrative work. It is recommended to adopt a broader child protection concept including a guarantee for each and every right and the satisfaction of the child’s needs as an individual, personality and citizen as well as development of policies with a focus on prevention, early intervention and support to parents rather than sanctions and labels as ‘irresponsible’. The structure and content of the legislative framework should be improved in the light of the Legislative Instruments Act1 stating “The social relations within one sphere of life are regulated by one and not several legislative instruments of the same rank.” (Article 10, Paragraph 1). Full codification of the legislative instruments and synchronization of the mechanisms for the subsequent drafting of rules and regulations, when planning the measures for elaboration, are recommended.

Chapter II presents the policies and practices for the UNCRC general principles implementation focusing on to non-discrimination, children’s participation and child poverty and well-being. The lack of data-base about children in Bulgaria according to their age, place of residence, ethnicity and disability often leads to wrong interpretations and ineffective policies.

It is necessary to set up a database of all school-age children containing details of age, location, ethnic origin, social status and possible disabilities. In this regard, compulsory and regular training on the rights of the child and the principle of non-discrimination must be introduced for all professionals working with children.

Children’s right to participation implementation requires an enabling legislative framework and an affirming culture. For example, specific legal rules are needed to enact the right to establish democratic associations at school, to affirm the parents’ obligation to listen to their children, and to put complaint procedures in place in all spheres of public policy such as education, health, child protection, youth justice, as well as to define the right to independent advocacy and representation in the event of damage claims for violation of the rights or protection against persecution. 326,157 children in Bulgaria live at risk of poverty according to the EU-SILC 2008 data. This represents 26 % as compared with 21.4 % for the total population and is one of the highest in Europe. Viewed through the lens of children’s rights, child poverty is understood as multi-dimensional, encompassing not only income deprivation, but also other forms of deprivation and loss of dignity – lack of access to appropriate housing, education, health services, and a more general lack of opportunity in society. Given the inter-dependent nature of the problem, child poverty and well-being must be addressed across a range of policy areas. Early childhood education and care offers enormous opportunities for societies to reduce poverty, inequality and disadvantage. It is recommended that child poverty and well-being are given prominence at EU, national, regional and local level as children’s best interest and child well-being are integrated into assessment of all policy and proposed legislative initiatives at all governance levels. The development and introduction in practice of early childhood development standards as envisaged in the National Child Strategy 2008-2018 should be another key priority in children’s policies.

Chapter III reviews the policies and practices with regard to the right of family care and alternative care. Family policy in Bulgaria is viewed through the lens of the demographic policy, social protection and integration. Bulgarian families receive the lowest child benefits in Europe and that on top of a limitation based on the average income (means testing). The lack of focus on prevention through guaranteed access to universal services for all children and families and services to support parents as well as the lack of adequate educational programme for preparing young people as parents leads to a high number of abortions and increase in the number of abandoned children. According to data from the State Agency for Child Protection (SACP), the number of children in specialised institutions by the end of December 2009 is 6730. On 24 February 2010, the government adopted a national strategy entitled “Vision for the Deinstitutionalization of the Children in the Republic of Bulgaria”. The adoption of this programming document and the long term political commitment to closing the institutions are undoubtedly a huge step forward. However, despite the efforts of the government, in practice the gate to the institutional system is still widely open. The number of children placed in institutions in 2009 is 2094, 1416 of them up to 12 months old. This constitutes a violation of the UN Guidelines for the Alternative Care of Children as set out in session 11 of the UN Human Rights Council which state that “In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings”. It is necessary to develop a separate and well defined family

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2 Human Rights Council, UN, “Guidelines for the Alternative care of Children”, page 7, point 22
policy (rather than as part of the demographic, social protection and integration policy) with clear aims, measures and activities and a family-based approach in all areas regarding child well-being (social sphere, education, health, child protection, etc.). The gate for children’s admission to institutions should be closed through funding and promoting the measures for prevention of abandonment. It is also recommended to reform the child protection system and its financial and resource support to ensure the quality of child protection measures. Amendments to the legislation are needed so that young people leaving institutions are regarded as a social group in need of specific support, thereby ensuring adequate continuity and systematic approach of the relevant services for them.

Chapter IV reviews the policies in the health sector and the access to health services. Basic principle in the field of children’s rights and the child health is the understanding that children are not “miniature adults”. They have their physiological characteristics, mental characteristics, however at the same time children are also a special type of clients to the health system, since their real access to healthcare depends on their parents/legal guardians. Unfortunately the philosophy of the healthcare reform so far demonstrates lack of awareness in this area. The common indicators like maternal and infant mortality in Bulgaria continue to be disturbingly high (almost 2 times higher than the EU average). Even more alarming is the high dispersion in the values by types of settlements and ethnic and social groups. As a whole the health status of Bulgarian children is systematically deteriorating, and unfortunately there is not enough data and surveys which could allow full picture and detailed analysis of the situation. It is necessary to take into account the recommendation of the UN Committee on the Rights of the child and to develop a comprehensive programme for improving maternal and child health based on the principle “Health in all the policies”. In the context of economic crisis this programme should have priority objectives and should guarantee the provision of basic health care and services to the most vulnerable groups of children, in particular children of Roma background and those living in rural areas. It is recommended to reform the system of assessing and referring the children with disabilities as well as development and introduction in practice of children’s rights, recognising symptoms of abuse and other trainings for the medical staff. It is necessary to develop guidelines for improving the help during delivery in compliance with the World Health Organisation (WHO) guidelines and regulation of the social worker role and functions in the maternity and neonatology wards. Serious efforts should be also undertaken for development of effective programmes and modern methods of health education in order for the children and young people to build a health culture.

Chapter V presents the policies and practices in the educational sphere with a focus on quality of education and the inclusive education. Education is declared as a priority of the state policy, however it is not reflected in the allocation of budget funds (funds for education and culture this year are BGN 300 mln. less compared to 2009) and in the reform activities as well as the informing and reporting the measures implemented in the educational system. The profound demographic crisis and economic transition lead to reducing by 50% the number of students, to concentration of 1/3 of the total students’ population in 4 municipalities and entrusting the care for a socially significant number of children to elderly or remote relatives. The number of children with disabilities in the general education schools for the period 2005-2008 increased from 717 to 2 563 although it is still an insignificant part of all children. There are still different forms of educational segregation based on the existence of a disability, specific difficulties and different ethnic origin. Placing children in specialised schools and homes
continues and they live there separated from their peers, and the education offered to them, if at all given an access to such, is of low quality and is governed by rules, criteria and standards different from those in general education schools. The maintenance costs of a student in the system of special education is 3.3 times (or by 230% more) \(^3\) higher compared to the maintenance cost per student in the system of general education. In the field of education Roma children have the highest percentage of school drop-outs, and NGO surveys show that this percentage increased significantly after closing down 300 schools in 2008 and is currently reaching critical values. The sectoral policy on education affects all Bulgarian children during 3/4 of their childhood. Therefore it is urgent that this policy acquires elements of policy based on data and measuring outcomes. The Ministry of Education, Youth and Science needs to join the national statistics authorities and to announce on a regular basis the data from the educational information system in order to facilitate the exchange of non-aggregated information between the educational system and the other systems involved in child care and to implement in practice the principle of transparency and accountability. It is also recommended to develop a minimum standard of an educational service and a shared with all public institutions and stakeholders vision about its content, performance and control.

Chapter VI presents the special protection measures through a detailed review of the policies and practices with regard to child neglect and abuse, child and juvenile justice and street children. Prevention of child abuse understood as availability of mechanisms for identification, informing about and registering abuse cases, like having legal proceedings that observe the best interest of the child, like developing a network of services for support and recovery of victims of abuse, is still rather a desire than a practice. The problem with informing about and registering the cases of child abuse in our country continue to be very serious in two main fields – education and healthcare, where there are no clear rules for informing about and registering abuse cases, neither introduced policies for secure and safe environment for children. This finding can be illustrated unfortunately very vividly by the increasing number of cases of violence among children in schools. The activities performed are in the field of restrictions and repression, and not in the field of care and support. In Bulgaria there are two acts that are in force in parallel – Child Protection Act (CPA) and the Combating the Antisocial Behaviour of Minor and Under Aged Persons Act (CABMUPA) without clarity which one has a priority in the cases where there is a child in conflict with the law, however not a subject of criminal proceedings. Main problem is the lack of an institution to be entirely responsible for the case, to follow its development and the need for change, i.e. to “manage the case”, if we use the social work vocabulary. There is a serious breaching of the rights of minors involved in perpetrating a crime by adults. These children are not recognized as victims, and fall under the CABMUPA correctional measures with launching educational cases by the Local Commissions. Children under 14 are subject to the correctional measures under the CABMUPA, and not to protection measures under the CPA, which is obvious breach of their rights. The Combating the Antisocial Behaviour of Minor and Under Aged Persons Act was for a long period subject to a serious criticism and should be replaced by a new modern law, which should provide the link with the child protection system, should eliminate the punishing approach to the underage children, create guarantees for a fair trial for the underaged perpetrators, and ensure real protection to the children victims of crime and witnesses in the criminal proceedings. At the same time it is required to develop a new regulatory framework based on the international

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\(^3\) A survey “How much is the cost of excluding children from the general education system?” (2006 r. www.ciebg.eu)
standards for juvenile justice and establishing competency within the system for work with cases of children perpetrators. Change of the statutory provisions is strongly required to introduce a single hearing of the child victim or witness of abuse and/or crime, by specially trained professionals in appropriate conditions. Specialisation of professionals from the entire justice system in order to guarantee special conditions to the child, victim or witness of crime is really urgent.

Chapter VII presents UNCRC promotion activities and gaps. Four good practices, identified during the report preparation, with regard to the Convention promotion and children’s participation are described in annex 2. Annex 4 presents a list of useful contacts and NGOs working with children and families by region and area of work.
Introduction

Bulgaria is among the first signatories to the UN Convention on the Rights of the Child ratifying it without reservation as early as in 1991. The two Facultative Protocols to the Convention are duly ratified upon adoption, too. This international document not only sets out the child’s rights but presents the countries with the exacting task of developing policies and putting in place the conditions to ensure that all children have equal access to these rights.

The practical implementation of the UN Convention on the Rights of the Child in the Bulgarian social environment starts almost ten years later, following the adoption of the Child Protection Act by the Parliament on 31.05.2000, as well as the official authorities’ direct engagement following the Convention’s ratification. Certainly this delay and the lack of effective child and family policies have had a serious impact on the current state of observance of the child’s rights, the level of care and the development of relevant services and access to them.

The current report aims to present Bulgarian legislation, policies and practices in place concerning the rights of the child. The following methods are used in order to achieve this – review and analysis of the legal, strategic and administrative regulations on child’s rights in effect in Bulgaria; expert assessment and analysis of policies and practices with regards to child’s rights, as well as analysis of statistical information. On the basis of the problems identified and the consequent conclusions we hereby submit synthesised proposals for changes towards effective implementation of the child’s rights in the country.

I. Review of the national legal, administrative and strategic frameworks for the protection of the rights of the child.

1. 1. National legal framework

The regulation of the social relations, concerning the child protection is based on the principles as set out by the Bulgarian Constitution ["Article 14. The family, motherhood and children are under the safeguard of the state and the society"; and Article 47, according to which “The upbringing and education of children up to communing of full age is the right and obligation of their parents and is supported by the state.” (Paragraph 1), and Paragraph 4 “Children in the position of lack of parental care are under the particular care of the state and society.”].

The main principle, as proclaimed by the Constitution and further set out in specific laws and regulations, is the commitment of the state to safeguarding and guaranteeing the basic rights of the child in all spheres of social life by provision and implementation of measures to safeguard the rights of the child in family environment, as well as through arrangements for placement in a specialised institution.

The Child Protection Act adopted in 2000⁴ places child protection in the focus of the state’s policy and regulates the rights, principles and measures for child protection; the central and local authorities and how they interact when implementing the child protection measures, as

⁴ Prom. SG No. 48 of 13/06/2000.
well as the participation of non-profit organisations and individuals in such activities. A new philosophy is at the foundation of this Act – the child regarded as a legal entity and not as a passive subject of state and society care. With the adoption of this Act a new system of child protection starts developing in Bulgaria, covering all legal fields concerned with minors. The aim of the lawmaker is the incorporation of every possible right, principle and measure for child protection. Upon the adoption of the Act and in accordance with its provisions, the Implementing Regulations and Rules of Procedure of the State Agency for Child Protection (SACP) were formally adopted.

The main objective of the Family Code (FC) is overall protection of children, their upbringing and safeguarding and the consolidation of the family (Article 2). The Family Code sets provisions for any relations based on marriage, kinship and adoption; guardianship and trusteeship. Articles 49 to 67 set the provisions regarding adoption; guardianship and trusteeship are provided for in Articles 109 through 128. According to the Family Code, the key bodies in the process of adoption are the Regional Directorates for Social Assistance (RDSA) and the Directorates for Social Assistance (DSA); the first maintaining registers of children eligible for full adoption (Article 53c, Paragraph 1), as well as registers of prospective adoptive parents, willing to undertake full adoption (Article 57b, Paragraph 1). Both Directorates are involved in the process of adoption. The court procedures for inclusion in the adoption register may be initiated by the Director of the Regional Directorate for Social Assistance (Article 53e, Paragraph 1). A representative of the Directorate is participating in the court proceedings. The officials of the Directorate for Social Assistance explain to the individuals willing to adopt a child the consequences of the adoption being approved prior to their consent. The Directorate for Social Assistance conducts a social study on the individual with regards to his/her suitability to become an adoptive parent. A report containing the relevant conclusions must be drafted (Article 57a). The Directorate for Social Assistance is bound to assist and supervise upon adoption by monitoring the child’s upbringing and ascertain that his/her rights and legal interests are observed. Annual reports are prepared for this purpose and presented to the respective RDSA (Article 63a).

Other public acts referring to child and family provide the basis for the child protection work, too. These are, in the first place, the regulations on the social assistance system in Bulgaria. In this regard, the core law is the Social Assistance Act adopted in 1998 and its Implementing Regulations, providing for the functions of one of the main administrative structures (bodies) for child protection as per the Child Protection Act – the Agency for Social Assistance (ASA) and the DSAs, as well as its Implementing Regulations and the Rules of Procedure of the Agency for Social Assistance. The Implementing Regulations of the Social Assistance Act set out the order and procedures for granting social assistance and/or community and institution based social services. Social assistance and services are granted in accordance with the Implementing Regulations of the Social Assistance Act. These Regulations sets out the registration requirements and rules for social service providers, including services for children. The

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5 Child Protection Act, Article 1, Paragraph 1.
registration comes through upon the issuance of a license for children social services’ provision by the State Child Protection Agency. The Regulations also provide for the public control over the social assistance system, as well as over the quality of all social services, in accordance with the approved criteria and standards, except for specialised institutions for children.

The Social Assistance Act (SAA) regulates the general framework of the overall social assistance policy. The Council of Ministers sets out the state’s policy on social assistance (Article 4, Paragraph 1 of the SAA). It is the discretion of the Minister of Labour and Social Policy to independently develop, coordinate and implement the state policy in the field of social assistance (Article 4, Paragraph 2 of the SAA). The state policy in the field of social assistance is implemented in co-operation with regional administrations, local governance bodies and non-profit entities creating opportunities and assisting with the implementation of programmes and projects in this sphere (Article 4, Paragraph 3 of the SAA). This co-operation is implemented through the Social Assistance Council – a public advisory body to the Minister of Labour and Social Policy.

Irrespective of the fact that the Child Protection Act provides for certain discretions of the Chairperson of the State Agency for Child Protection regarding the social services, he/she or their respective representatives are not integrated in the co-operation mechanism for implementation of the state policy in the social assistance sphere.

The municipalities, following a decision of their municipal councils, form civic councils to support and assist in the implementation of social assistance activities and exercise public control over them (Article 35 of the SAA). As per the Implementing Regulations of the Social Assistance Act the fundamental mission of the civic councils is to “exercise public control over the implementation of the social assistance activities” (Article 52, Paragraph 1 of the Implementing Regulations of the Social Assistance Act).

The Social Assistance Act and the Child Protection Act jointly regulate the licensing regime for the providers of social services for children. According to the SAA, all of the following are subject to registration with the Agency for Social Assistance and licensing as per the Child Protection Act 1) Bulgarian nationals registered by virtue of the Trade Act; and legal entities; and 2) Foreign individuals or legal entities from the EU member states or other countries signatories to the Agreement on the European Economic Area, registered to trade in accordance with the relevant national legislation (Article 18, Paragraph 1, Sections 4 and 5 of the SAA, Article 43c, Section 1 of the CPA). This leads to the state and the municipalities’ exclusion from the licensing and registration regimes accordingly. This approach is fairly disputable from a legal point of view, especially by the antinomy with the Constitution of the Republic of Bulgaria, which states “The Law provides and guarantees all citizens and companies with equal legal basis for economic activities and prevents the abuse of monopole, unfair competition and protects the consumer.” (Article 19, Paragraph 2).

Thus, the main regulation of the institutional system for child protection is based on the two Acts – The Child Protection Act and the Social Assistance Act, and the related secondary legislation.
The Child Benefits Act\(^8\) sets out the provisions for entitlement to family benefits for pregnancy, birth and upbringing of children, as well as the rules for granting thereof. The Director of DSA issues an order to the effect of granting child benefits. The earmarked benefits for school children are granted the same way with the assistance of the schools management. The implementation of this Act is at the discretion of the Council of Ministers which formally accepts rules for its implementation.

Other legal acts concerning the child protection activities are the Public Education Act\(^9\), The Act for Integration of People with Disabilities, Combating the Antisocial Behaviour of Minor and Under Aged Persons Act, as well as the consequent secondary legislation to the CPA – the Ordinance on the Criteria and Standards for Social Services for Children, the Ordinance on the Circumstances and Regime for Eligibility, Selection and Approval of Foster Families and the Placement of Children with Them, the Ordinance on the Circumstances and Regime on the Measures for Prevention of Child Abandonment and the Placement in Institutions, as well as their Reintegration, etc.

**Conclusions and recommendations**

- The national legal framework regulating the social relations concerning the child protection is formed by an excessive number of legal documents of different ranks – acts, implementing regulations, ordinances, etc. There is a variety of authorities as well, appointed with the adoption and publishing accordingly of these acts.
- Bearing in mind the dynamics due to the legislative harmonization with the EU *acquis* and the implementation of the common European legislation, this variety of regulatory acts related to the child protection facilitates a medium of inconsistency of implementation and even allows for the existence of contradictory regulations.
- The structure and content of the legislative framework need elaboration especially in the light of the Legislative Instruments Act\(^10\) stating “The social relations within one sphere of life are regulated by one and not several legislative instruments of the same rank.” (Article 10, Paragraph 1). Full codification of the legislative instruments and synchronization of the mechanisms for the subsequent drafting of rules and regulations, when planning the measures for elaboration, are recommended.
- Unification of the licensing and registering regimes accordingly with regards to the providers of social services for children, observing Article 19, Paragraph 2 of the Bulgarian Constitution concerning provision of equal rights to perform activities for the various providers of social services for children.
- The Chairperson of the State Agency for Child Protection to be included in the cooperation mechanism for implementation of the social security policy.

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1.2. Administrative framework

The administrative organisation for implementation of the child protection policy includes two main administrative structures – the State Agency for Child Protection (SACP) and the Agency for Social Assistance (ASA) – an executive agency reporting to the Minister of Labour and Social Policy.

The main functions and the implementation of the child protection measures are assigned to the Child Protection Departments (CPD), structures within the ASA Directorate for Social Assistance (DSA) in the regions. The formal division of the ASA functions is vertical from the Regional Directorates for Social Assistance through the DSAs to the CPDs.

The principal mission of the ASA is to “implement the state social assistance policy”. Social assistance for children is obviously an extremely important element of the child protection policy, especially for children at risk or in a disadvantaged position, but it is also true that the scope of the child protection policy extends beyond the range of the social assistance. In fact, the basic focus of the current child protection policy is the social assistance and work with children at risk or in a disadvantaged position. This is how, effectively, a considerable part of the children remain outside the focus of the general child protection policy.

According to the Child Protection Act, the Chairperson of the SACP manages, coordinates and supervises the child protection policy, including the licensing and control of Bulgarian and foreign legal entities providing social services. In effect, the discretion of the Chairperson of the SACP referring to the management and coordination of the child protection policy is not independent and is exercised through another executive body – the Minister of Labour and Social Policy. The personal discretion of the Chairperson of the State Agency for Child Protection is to a large extent similar to that of the “state commissions” which execute “supervisory, registration and licensing functions on the implementation of a law or a Council of Ministers decree”. Similarly the functions of the State Agency for Child Protection and the Control on the Rights of the Child General Directorate in particular rather resemble the administrative functions of a “state commission”.

The analysis of the development of the protection system shows significant fragmentation of the functions and overlapping of some elements between the Agency for Social Assistance, where the Child Protection Departments are in charge of the operative measures for protection and the State Agency for Child Protection. At the same time rules¹¹ and structures¹² are retained which are out of date and based on a philosophy controversial to both the UN Convention on the Rights of the Child and the rest of the child protection legislation.

Currently the work of many Child Protection Departments is largely unsatisfactory. This statement is based on a multitude of surveys by various Bulgarian and international

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¹² Central Commission for Combating the Antisocial Behaviour of Minor and Under aged Persons and local commissions for combating the antisocial behaviour of minor and under aged persons.
organisations. By 31 December 2008, the Child Protection Departments in the country employ 750 staff members and only 450 of them are social workers. According to the details in the 2008 ASA report\textsuperscript{13}, a social worker deals with an average of 112 cases. In view of improving the level of social work, we need to approximate the European standards conductive of good practices, where one social worker is in charge of 20 to 30 cases. Remuneration of social workers in CPD is among the lowest in the sphere of assistance and the social workers fairly often do not receive any induction or further training, neither professional supervision.

The number and distribution of social services for children in the country continue to be extremely unsatisfactory. The situation is especially difficult in smaller places in particular, where children and families have virtually no access to counselling, social support, escort and placements in case of risk or violation of rights. The level of the existing social services is on most occasions unsatisfactory and does not contribute to effective protection and integration of children at risk. 104 new services for children and individuals at risk did not receive funding for 2010.

Conclusions and recommendations

- The overall assessment of the child protection system in place is that it is inconsistent and too centralised, and it does not adequately reflect the general objectives of the policy and the most appropriate means of its operative implementation.

- The existing legislation assigns various discretions with regards to child protection to a multitude of bodies mostly within the system of the central executive authorities. There is a lack of reliable mechanisms for coordination and the distribution of discretions is not balanced – with priority given prevalingly to issues related to the social policy and control, while the positive strains are left in the background.

- The administrative organisation for implementing the child protection policy does not correspond to the overall logic of the child protection policy – the principle mission of the Agency for Social Assistance is “execution of the state social assistance policy” while the scope of the child protection policy is considerably broader. Despite the certain discretions regarding the provision of social services for children, the Chairperson of the State Agency for Child Protection is not part of the coordination mechanism for execution of the state social assistance policy.

- In effect, the Chairperson of the State Agency for Child Protection and the Agency itself dispose of discretions typical for the state commissions as per the Administration Act\textsuperscript{14}.

- The analysis of the child protection system shows that it does not provide for efficient child protection policy and requires purposeful strategic measures for transformation mostly regarding the distribution of prerogatives between the authorities in charge of child protection and the way of organising the administration to implement the policy.

\textsuperscript{13} For 2008, social workers have reviewed 35,652 signals for children at risk and more than 14,800 children and family cases: 3,102 cases for prevention of abandonment; 2,597 cases of reintegration into the birth family; 1,296 children placed in kinship care; 91 children placed in foster care; 674 adoption cases, and 7,276 children placed in institutions.

\textsuperscript{14} Article 50 (1) A state commission is a college body with the Council of Ministers or a Minister, performing supervisory, registration or licensing functions on the execution of a law or Council of Ministers’ decree., The Administration Act.
The adoption of a broader child protection concept is necessary to include a guarantee for each and every right and the satisfaction of the child’s needs as an individual, personality and citizen.

The general measures that guarantee the child’s rights have to be distinguished from those in place for children at risk or in a disadvantaged position, the social assistance inclusive.

Developing of policies focused on prevention and support to the parents and not penalties or labelling such as “irresponsible”.

Improvement of the efficiency of the child protection system through clearly outlined and effectively distributed prerogatives and responsibilities of the bodies in charge of child protection and ensuring adequate competent resource for the system to operate effectively.

Distinction between the functions in place for child protection and the social services.

Setting out a range of “universal services” upon drafting and approval of basic requirements for their quality and financial standards and guarantee access to them for every resident of the country.

1.3. Strategic framework

The state policy on child protection is implemented by virtue of the National Strategy for the Child as adopted by the Parliament upon proposal of the Council of Ministers, drafted according to the principles as set out in the Child Protection Act (Article 1, Paragraph 3 of the Act). On the basis of the above National Strategy for the Child the Council of Ministers annually formally adopts a National Programme for Child Protection (Article 1, Paragraph 3 of the CPA). Each municipality annually formally accepts a municipal child protection programme (Article 21, Paragraph 1, Section 1 of the CPA and Article 3, Paragraph 1 of the Implementing Regulations of the Act).

Thus, according to the Child Protection Act – on a national level, two fundamental documents setting out the state policy on child protection are formally accepted: the National Strategy for the Child (adopted by the Parliament upon proposal of the Council of Ministers) and the National Programme for Child Protection (accepted by the Council of Ministers upon proposal of the Minister of Labour and Social Policy and the Chairperson of the SCPA) [Article 1, Paragraph 3 of the CPA]; on a municipal level there is the annual municipal child protection programme (set out by the municipal council upon proposal by the relevant DSA).

In the last few years, there is lot of activity in the sphere of child protection – Bulgaria has become a party to a number of international legislative instruments, a multitude of various strategic national documents have been formally accepted. In 2003, the government formally accepted the first National Strategy for the Child for the period 2004-2006 or that happened 4 years alter the enactment of the Child Protection Act. National Programmes for Child Protection have been in place for the years 2004, 2005, 2006, 2007, 2008 and 2009.

15 According to the terminology as introduced by the European Commission.
3 Council of Ministers Decree № 896 of 22 December 2003.
17 Council of Ministers Decree № 891 of 22 December 2003.

Conclusions and recommendations

- The above mentioned national strategic and programming documents form an excessive documental framework for child protection activities, especially considering that almost all strategies provide for the adoption of a further action plan. This framework, however, is extremely fragmented and is not coordinated with the various elements of the child protection policy. One substantial shortcoming of all of the above strategic documents is the lack of a specific mechanism for their funding.

- At the same time, the issues of “improving the situation of children at risk” and the elaboration of mechanisms to implement effective child protection policy are insufficiently present in the strategic and programming documents on the cohesion policy for the period 2007-2013, while, where such issues are elaborated on, their level of coordination with the above strategies and programmes is barely adequate.

- The existence of a multitude of strategic and programming documents, each with its specific goals, priorities and tasks practically gives the impression of a lack of priorities, and both turns all these documents into formalities of no actual application, and violates the continuity of the policy and the administrative work.

- The strategic framework for the implementation of the child protection policy needs to be simplified and linked to the cohesion policy and to the central and local budgeting procedures.

\textsuperscript{18} Council of Ministers Decree № 17 of 13 January 2003.
\textsuperscript{19} http://www.stopecch.sacp.government.bg/file.php?id=169
\textsuperscript{20} Council of Ministers Decree № 614 of 05 September 2003.
\textsuperscript{21} Council of Ministers Decree № 602 of 2 September 2003.
II. Policies and practices for UNCRC general principles implementation

2.1. The principle of non-discrimination

The Protection against Discrimination Act was only adopted in 2004 and its practices concerning children from marginalised groups is still poor. Despite the censures received by the Ministry of Education, Youth and Science in 2008 for its discriminative policy with regards to children with disabilities, the Ministry have not implemented any integral long-term and co-coordinated policy for the inclusive education of children with disabilities.

Current mechanisms for early identification of diseases - including at prenatal stage – to assess disabilities and support families are way out of date in Bulgaria. The healthcare system rigidly refuses to accept the technological progress of medicine – innovations remain privilege to a few doctors with a personal interest, mostly in the capital city, and no law provides for such obligation.

Despite the measures for integration of children with disabilities through education, kindergartens and schools are not yet ready to take on children with disabilities or to work with them due to unsuitable architectural environment, lack of technical aids, inadequate qualifications of the teaching personnel.

An adequate database is not yet available of all school-age children to enable the accurate statistics on school dropouts, the reasons behind these, as well as the planning of possible measures to ensure high quality education for all children. There is a shortage of helping specialists, such as resource teachers and others, their training does not provide sufficient qualification and the inclusive education is not possible without them. The children of Roma background continue to be the majority in childcare institutions and special education institutions, thereby being deprived of the equal opportunity for full and decent development.

Children with mental health disabilities are usually qualified as “mentally retarded” and do not receive adequate care, thus being deprived of equal access to their rights. There is no network for care, treatment and support for these children and their families. Often, they enter the loop of the newly introduced social services which is proving unable to cope. There is a shortage of integrated health, social, and educational services for children and adolescents with mental health disabilities whose number is constantly growing.

Recommendations

- It is necessary to set up a database of all school-age children containing details of age, location, ethnic origin, social status and possible disabilities. In this regard, compulsory and regular training on the rights of the child and the principle of non-discrimination must be introduced for all professionals working with children.

- Retraining programmes for medical staff need to be developed in order for them to be better informed of the contemporary methods for diagnostic, treatment and rehabilitation of children with disabilities. New clinical pathways are needed for effective treatment and rehabilitation of children with disabilities not involving
separation from their family and community. Modern medical products and aids have to be provided to compensate for the deficiency caused by the disability.

- Decisive measures need to be undertaken for the adaptation of the educational institutions to the needs of the children with disabilities with strict control over the quality of the building work – funds are often spent on adaptations not corresponding to the technical standards for accessibility. Delivery of qualification courses and lifelong learning programmes to improve the knowledge and skills of both the pedagogical and helping staff to respond to the needs of children with disabilities in a shared environment.

- Improving the capacity of the child protection system to effectively implement the “case management” approach in the social work practice to ensure the complex assessment of the disability and the needs of each child and support to the families by means of counselling, psychosocial support, and inclusion in social mutual help networks.

2. 2. Children’s participation

Children’s participation is involving children in taking decisions at all levels. It requires sharing of information and dialogue between children and adults based on mutual respect and sharing of authority. Furthermore, the participation of children is a vital component of the child protection process - to prevent children’s voice from being heard is no better than tolerating child abuse. Participation is not just an instrument for children to influence decisions concerning them but to change their lives too.

In Bulgaria, the consideration of the child’s views is a rare and isolated occurrence. Most children are not granted the power to participate or be involved in the processes and outcome of actions concerning them. One such example is the fact that it was only in 2009 that the Sofia Directorate of the Ministry of the Interior decided to equip, with the active support of an NGO, a dedicated interview room for children. Thus, children need only be interviewed once, unless otherwise required by circumstances, in the presence of a psychologist and in friendly environment. Good practices state that both parents and child should be informed of the procedures and of their rights. For more information on good practices please refer to Annex 2 “Good Practices to Promote the UN Convention on the Rights of the Child and Child’s Participation”.

Recommendations

- The right to participation imposes the necessity for a legislative framework and an affirming culture. It is not sufficient to rely on the good will or devotion of some of the adults. For example, specific legal rules are needed to enact the right to establish democratic associations at school, to affirm the parents’ obligation to listen to their children, and to put complaint procedures in place in all spheres of public policy such as education, health, child protection, youth justice, as well as to define the right to independent advocacy and representation in the event of damage claims for violation of the rights or protection against persecution.

- Indicators need to be elaborated to enable the monitoring and evaluation of the process. In many cases, the participation of children does not occur due to the lack of
knowledge and skills in adults to fully grant children their rights or to relinquish their position of power. Work with the adults is necessary, too, in order to develop their skills.

- It is recommended to also include analysis and assessment of the nature and level of participation of children in existing initiatives and in all projects concerning children and young people (for example at what stage of the project are they included and how exactly), setting of goals to expand the scope and depth of such initiatives and recommendation of new activities, and assessment of the needs for their realisation.

### 2.3. Child poverty and well-being

326 157 children in Bulgaria live at risk of poverty according to the EU-SILC 2008 data. This represents 26 % as compared with 21.4 % for the total population and is one of the highest in Europe.

A national child-at-risk of poverty rate identifies the proportion of children living under the national poverty risk threshold in a given country. It is essential to complement this information with the national poverty risk gap-relative median at-risk-of-poverty gap\(^{22}\), which indicates “how poor the poor children are” – that is the depth of child poverty risk. The poverty risk gap for children varies from 13 % in Finland and 15 % in France to 40 % in Romania and 44 % in Bulgaria.\(^{23}\)

Child poverty and social exclusion are a denial of children’s fundamental human rights, which can affect their development today and undermine the realization of their full potential in future. Viewed through the lens of children’s rights, child poverty is understood as multi-dimensional, encompassing not only income deprivation, but also other forms of deprivation and loss of dignity – lack of access to appropriate housing, education, health services, and a more general lack of opportunity in society. The dimensions of disadvantage and deprivation are interrelated and interdependent – for example, if a child is living in overcrowded accommodation, located in a poor environment, this may contribute to poor health, low educational attainment and undermine life chances. Conversely, access to sufficient family income, supportive care, decent housing, and good quality health care, will have a positive impact on a child’s life, both now and into the future.\(^{24}\)

Reducing child poverty and setting up conditions for social inclusion of children is a key objective of the National Child Strategy 2008 – 2018. Another positive development is the inclusion of a quantified target for the reduction of child poverty in the National Action Plan/inclusion.\(^{25}\) The proposal for the quantified target to be achieved by 2020 is a reduction with 78 000 children which is 30 % of the general national target and approximately 24 % of the number of children at risk of poverty in 2008.

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\(^{22}\) Measures the distance between the median equivalised income of people living below the poverty risk threshold and the value of that poverty risk threshold and is expressed as a percentage of the threshold.

\(^{23}\) Hugh Frazer, Eric Marlier and Ides Nicaise, A social inclusion roadmap for Europe 2020, 2010

\(^{24}\) Eurochild, A child rights approach to child poverty: Discussion paper, 2007

\(^{25}\) Specific charter of the streamlined “National Strategy Reports on Social Protection and Social Inclusion” since 2006.
However, despite the ambitious objectives and targets and the measures outlined in the written documents, there’s still a poor track record of their implementation. There’s no specification of the resources available to implement measures and exactly which Ministries or agencies are responsible for delivering them. This issue becomes even more acute in a period when economic decline means that resources are likely to become scarcer and expenditure cut-backs.

Given the inter-dependent nature of the problem, child poverty and well-being must be addressed across a range of policy areas. Such an integrated approach requires formal arrangements to co-ordinate the efforts of all actors horizontally (across different government departments) and vertically (between different levels of governance). If no such mechanisms are put in place, policies are likely to be fragmented and less efficient and there is a danger that the impact of policies on children is ignored or under-valued.26

The newly established at the Council of Ministers National Council for Social Inclusion which consists of various government and non-governmental stakeholders is a step in the right direction to ensure integrated horizontal approach however mechanisms to ensure vertical co-ordination should be also strengthened.

Early childhood education and care offers enormous opportunities for societies to reduce poverty, inequality and disadvantage. Educational disadvantage is strongly associated with home background and becomes measurable even before formal schooling begins: three-year-old children of more educated parents, for example, often have double the vocabulary of children from poorer, less educated homes and are significantly more likely to achieve higher qualifications by the age of 15. A significant body of research supports the idea that offering good quality early education and care to all children tends to reduce disadvantages.

The National Child Strategy 2008-2018 envisages the development and introduction in practice of early childhood standards. However, this is another area where there’s no clarity when and how this would be implemented.

**Recommendations**

- Child poverty and well-being are given prominence at EU, national, regional and local level.
  
  Child poverty and well-being should be a key component of EU 2020 agenda. It should be also included as one of the reporting cornerstones for all Member States in the Social Open Method of Co-ordination.

- A child-rights and a child-centred approach must be mainstreamed into all policy areas.
  
  Tackling child poverty and social exclusion requires that children’s well-being is a visible objective within all relevant policy areas. Consideration of children’s best interest should

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26 Frazer and Marlier: A social inclusion map for Europe 2020, 2010
be integrated into assessment of all policy and proposed legislative initiatives at all governance levels.

- Strengthen links of National Action Plan/inclusion with other EU and national strategies and initiatives. In general the child poverty objectives of the National Action Plan/Inclusion is not mainstreamed into the wider growth and job strategy and linkages are rarely made with other EU initiatives, for instance in the fields of sustainable development, education and training and the European Youth Pact.

- Early childhood should be recognised as a crucial stage in children’s education, development and social integration, requiring public investment in services that are accessible to all, regardless of parent’s labour market situation. Clear quality criteria should be set for early childhood services including philosophy and values, quality standards, professional qualifications, training, staff/child ratio, etc.
III. Family environment and alternative care

3.1. Family environment

The policy on the family in Bulgaria is viewed through the prism of demographic policy, social protection and integration. Only 1.2% of the GDP is spent in support of the family, with average of 2.1% throughout Europe, and in excess of 3.5% in countries like Denmark or Luxembourg. Bulgaria ranks last in Europe on funds for family support per capita – EUR 30 per person compared to EUR 470 on average in Europe. Bulgarian families receive the lowest child benefits in Europe and that on top of a limitation based on the average income (means testing).

The positive changes in the length of the pregnancy and maternity leave to 410 days, of which 45 days prior to the term of birth and the introduction of fatherhood leave have proven insufficient measures for support. The lack of consolidated approach to family influenced the abolition of the elements of the family tax benefits. Discrimination policy applied towards large families in the calculation of benefits for the birth of a child, with the maximum amount being granted at the birth of the second child, followed by a substantial drop for any subsequent child. Such an approach demonstrates the complete misunderstanding of the fact that each birth puts the family in a crisis situation due to the change in structure, relations and distribution of funds.

The lack of focus on the prevention through guaranteed access to universal services for all children and families and services in support of the family, as well as the lack of adequate educational programme to prepare young people for parenting has resulted in a high abortion rate and an increased number of children abandoned in institutions.

Recommendations

- Development of a separate and well defined family policy (rather than as part of the demographic, social protection and integration policy) with clear aims, measures and activities and a family-based approach in all areas regarding child well-being (social sphere, education, health, child protection, etc.).

- Ensuring adequate services to families in a crisis situation (financial problems, divorce, family conflicts, new child, conflicts among generations) and adequate to the family needs financial assistance on behalf of the state.

- Introduction of family income taxation with tax concessions for families with more children and flexible working hours allowing reconciliation of family and work life.

- Changing the focus of policies towards prevention, early intervention and parents and families support rather than sanctions and labels as ‘irresponsible parents’.

- Ensuring access to universal services for all children and families rather than children at risk services.
3.2. Children in institutions and alternative care

According to data from the SACP, the number of children in specialised institutions by the end of December 2009 is 6730. The number of children in foster care is 284 as 200 children are placed in professional/salaried foster parents and 84 in voluntary. By the same date, 265 children are placed in family type placement centres. In 2009, 312 young people have turned 18 and left the homes for children deprived of parental care, 125 have left the homes for children with disabilities and 9 have left family type placement centres. 48 % of the children, who left the homes for children deprived of parental care, have returned to their birth or extended families which suggests that the main reason for the institutional placement was poverty.

On 24 February 2010, the government adopted a national strategy entitled “Vision for the Deinstitutionalization of the Children in the Republic of Bulgaria”. The adoption of this programming document and the long term political commitment to closing the institutions are undoubtedly a huge step forward.

At the same time despite the efforts of the state, in effect, the gate of the institutional care system is still widely open. The number of children placed in institutions in 2009 is 2094, 1416 of them up to 12 months old. This constitutes a violation of the UN Guidelines for the Alternative Care of Children as set out in session 11 of the UN Human Rights Council which state that “In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings”.

The number of children in foster care and other type of care is extremely low compared with the number of children in specialised institutions.

The average duration of stay in institutions remains long – approximately 14 years and the quality of care is poor. Despite the commitment to deinstitutionalisation, major renovation works on the buildings of the institutions set for closing are still going on. The individual action and care plans exist only on paper and their realisation is not bound to the planning and development of new alternative care and services.

There are many alerts about parents being encouraged by medical staff to abandon their children in an institution upon birth, especially in the case of children with disabilities. Further effort is needed to improve the understanding, capacity and to encourage proactive attitude on the part of professionals within the health and educational system, as well as local authorities toward their role in effectively implementing the rights of the child.

There is a shortage of services and an overall system in support of young people leaving the institutions, which has negative consequences such as unemployment, exploitation and lack of housing, thus impeding their socialisation in general.

**Recommendations**

- Closing the gate for children’s admission to institutions by funding and promoting the measures for prevention of abandonment.

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27 Human Rights Council, UN, “Guidelines for the Alternative care of Children”, page 7, point 22
• Reforming the child protection system and its financial and resource support to ensure the quality of measures for protection of the children in institutions and the children at risk of abandonment.

• It is necessary to continue the trend for outsourcing the entire process of delivering the foster care service, with external providers specialising in this service. Maximum facilitation for social service providers launching new services.

• A change is needed in the mechanisms for monitoring child and family care and services both in specialised institutions and in the alternative services for child and family. Central monitoring and control should seek to measure the resulting change in the child’s situation and not focus on paperwork and procedures. A monitoring and control system should be put in place based on sufficient data to substantiate all the child and family policies.

• Amendments to the legislation are needed so that young people leaving institutions are regarded as a social group in need of specific support, thereby ensuring adequate continuity and systematic approach of the relevant services for them.

3.3. Adoption

Despite the recent amendments to the Family Code in effect since 01 October 2009, the number of national adoptions remains very small. 746 children are adopted in-country for 2009 whereas the number of children enrolled in the register for full adoption is 2402. The overall adoption process is fragmented and matching is done based on the documents. The professional community has not fully developed services for adopted children and adoptive parents to provide support. Special training and qualification is needed for staff in the field of adoption both within the system of child protection and the service providers. Another negative practice is the “disadoption” whereby adoption is terminated but adoptive parents retain parental rights.

The practice of “secret of adoption”, involving withholding and/or deleting of the child’s background and kinship details from the personal file, violates the rights of adopted children and results in adverse impact on their moral, psychological or even health condition at a later stage. For years, the “secret of adoption” was imposed by the Bulgarian state in order to cover the fact that children are being abandoned and that there are couples unable to have biological children. Today, a large part of adoptive parents still believe that the “secret of adoption” is a good approach and this practice is often supported and encouraged by professionals working with adoptive parents.

The international adoption possibilities should not replace the right of the child to stay in his/her country and to know his/her origin which requires the efforts of the government to be targeted mainly to stimulating and motivating domestic adopters.

Recommendations

• Provisions for legal prohibition of the secret of adoption in order to guarantee the child’s right to know his/her background and encouraging and supporting the adoptive parents to share with the child.
• The removal from the Family Code of the option for *disadoption*, and provisions for deprivation of parental rights in the case of separation of adoptive parents and adopted child.

• Development of widely accessible educational programmes on problems in adoption, the secret of adoption and the rights of the child at adoption. Building culture of adoption – in terms of positive, approving and supportive attitude towards adoptive parents and adopted children.

• Introduction of compulsory training for the members of the Adoption Council.

• Provisions for compulsory training of prospective adoptive parents and support upon adoption.

• International adoptions where the adoptive parents have not met the child should be prohibited.
IV. Health

4.1. Health and healthcare service

Basic principle in the field of children’s rights and the child health is the understanding that children are not “miniature adults”. They have their physiological characteristics, mental characteristics, however at the same time children are also a special type of clients to the health system, since their real access to healthcare depends on their parents/legal guardians. Unfortunately the philosophy of the healthcare reform so far demonstrates lack of awareness in this area.

Currently all Bulgarian children are covered by the health insurance system and this is an achievement. However, at the same time there are serious obstacles to the real accesses to healthcare services. Currently there is no responsible authority which would analyze the data from ESGRAON (national administrative information data base for registration of all individuals) and the National Health Insurance Fund (NHIF) to find out whether all children have assigned general practitioner (GP). There is also no procedure to assign a GP to a child by the administration. This measure is important in particular for the children in the families at risk, threatened by poverty or with low parenting capacity. A significant problem is also the access to healthcare in small and remote settlements. The lack of guaranteed access to healthcare in the early childhood leads to several significant problems like the insufficient support for the development of good parenting skills for raising the child, which would guarantee early childhood development and inefficient implementation of the immunisation calendar which hinders the interruption of epidemic chains. This leads to increased incidence of tuberculosis, measles and increased number of hospitalisations due to the lack of timely primary health care. In maternity wards and neonatology wards there are no psychologists and social workers which relates directly to the rights of the child, and in particular to the support to the family in a difficult period.

A positive element in the system is the unlimited access of pregnant women and children under 6 to a specialist. The lack of user’s fee for using the healthcare services by children undoubtedly is a factor facilitating the access. At the same time there is a concern about the fact that this missed income is not compensated to the healthcare providers in any way thus making children unattractive patient group for the GPs. No mechanisms are developed for promoting the filling out of the unattractive doctors’ practices. The prevailing number of individual practices over the group practices creates serious problems for the provision of 24-hours medical care.

Another significant element is the lack of structures or units to serve the prophylactic and preventative roles which resulted due to closing down the children’s consultative units and the visiting nurses in the Bulgarian healthcare system.

The hospital treatment is not enough spearing for the mental state of the child. The practice of keeping in hospital for a longer period than necessary still exists. Hospital wards have no conditions to provide for an adult to accompany the sick child under 6. Positive fact is the opening of play rooms in some of the larger hospitals. Another positive element is the well developed statutory framework regarding the follow-up of the pregnancy and the right of
pregnant women to a free access to an obstetrician. At the same time the lack of information among some of the groups in danger, as well as the lack of accessible services in particular in the small settlements leads to a considerable number of not monitored pregnancies and such which go the hospital in a high degree of risk.

Worrying is the unnaturally high percentage of surgical deliveries. The practice of early bottle feeding of the newborns with adapted milk formulas continues – from the very first day which considerable reduces the chances for natural feeding. Hospitals rarely provide services encouraging breastfeeding and improving the parenting capacity. Still a great number of babies are separated from their mothers without any meaningful medical indicators for that. The mothers are not involved in the care for the newborns so when leaving the hospitals they could be convinced in their capability to provide good care of them. Much more energetic measures are needed for coordination with the Child Protection Departments (CPD) in the cases of children at risk of abandonment, as well as creating of a network of services to support families of children with disabilities.

The healthy dental status of children is considerably deteriorated compared to previous generations. No targeted programmes for children at higher level of risk are being implemented.

The access to drinking water and sewerage is still a problem for a significant part of Bulgarian children. The water quality is a particularly big problem in the settlements where during the summer period there is a regime of water supply and where there are no water treatment plants with sufficient capacity. Providing quality dirking water is a key factor for the health of the children especially in socially disadvantaged families and should be addressed as a priority.

There is a serious contradiction between on one hand the high sanitary standards which is some cases are even inadequate and the lowered criteria for their application. In this context a very serious problem is the state of the toilet units in the schools. There is a widespread lack of hot water and soap. In practice there are no gyms and sports facilities with working baths and changing rooms. The newly adopted ordinance concerning the healthy food in schools is a positive measure, however its efficient implementation is linked to the control over the hygiene requirements for the school canteens.

In general the common indicators like maternal and infant mortality in Bulgaria continue to be disturbingly high (almost 2 times higher than the EU average). Even more alarming is the high dispersion in the values by types of settlements and ethnic and social groups. As a whole the health status of Bulgarian children is systematically deteriorating, and unfortunately there is not enough data and surveys which could allow full picture and detailed analysis of the situation.

**Recommendations**

- It is necessary to take into account the recommendation of the UN Committee on the Rights of the child and to develop a comprehensive programme for improving maternal and child health based on the principle “Health in all the policies”. In the context of economic crisis this programme should have priority objectives and should guarantee the provision of basic health care and services to the most vulnerable groups of children, in particular children of Roma background and those living in rural areas.
- Creating an efficient integrated information system for monitoring the child health indicators and assessment of the efficiency of the policies, programmes and measures.

- Reforming the system of assessing and referring the children with disabilities.

- Change in the requirements for accreditation of hospitals - for provision of conditions to prevent the separation of mothers from their new born babies in hospitals, and provision of an accompanying person for sick children under 6.

- Statutory regulation of the social worker role and functions in the maternity and neonatology wards.

- Development and practical introduction of training for the medical staff on the rights of the child and training on recognizing victims of abuse, on breastfeeding, etc.

- Development of guidelines for improving the help during delivery in compliance with the WHO guidelines.
V. Education

5.1. Quality of education

Education is declared as a priority of the state policy, however it is not reflected in the allocation of budget funds (funds for education and culture this year are BGN 300 mln. less compared to 2009) and in the reform activities, announcing to the public and reporting the measures implemented in the educational system.

The profound demographic crisis and economic transition lead to reducing by 50% the number of students, to concentration of 1/3 of the total students’ population in 4 municipalities and entrusting the care for a socially significant number of children to elderly or remote relatives.

The modernization of the content of education (1997-2000) is one of the few completed reforms, including new syllabus, curricula and textbooks, which presuppose high degree of autonomy of the teachers in choosing the teaching content according to the interests of the children, modern methods for training and evaluation of students and improving the practical application of the training. A big part of the opportunities provided by the reform are not used at all due to structural deficiencies in the system - in terms of qualification and management, inefficient system of validating the teaching content and poor communication of the whole process both to the education professionals and to the clients of the educational services – children and parents.

A positive step is also the development and adoption of a mid-term regulated fixed 10-year programme framework of the educational policy, with the aim of avoiding the damage due to the lack of continuity between the different governments. Unfortunately despite the expectations this statutory framework of the educational policy does not serve its purpose for transparency and predictability of policies, and therefore does not guarantee the best interest of the child.

In the current system the evaluation of students does not carry out its function of a feedback, i.e. to be positive and constructive.

There is still no targeted pragmatic policy for establishing the link between the education and the labour market. The results of the numerous consultations of the national and local authorities with business representatives should be assessed. They should start developing a system for guidance of students, based on their achievements in the different levels of education and their preferences. Waiting for a stable structure of the national economy in order to then develop a guidance system for children prior to the university level hinders children and parents to choose the most appropriate school education corresponding to the capacity and talents of each child.

The statutory environment of education needs urgent modernization, eliminating the inconsistencies and be simplified. Most urgent is to do that for the legislation governing school education and pre-school education which is already in a dramatic mismatch with the real situation of the schools network and the learning environment of Bulgarian children aged 3-18.
The draft law for amendments in the Public Education Act envisages the preparation of children for school to be made compulsory as of the year when the child turns the age of 5. The amendments envisage provision of free transport to children living in isolated and remote areas and expanding the opportunities for using the available infrastructure/material resources for educational, healthcare, social and humanitarian activities. It is expected that these measures will lead to improving the coverage of children by the educational system from early age, and will assist to preventing dropping out of school.

These measures need to be welcomed as an intention; however it is extremely important to support them with the development of appropriate interactive methodology and training of all teaching staff, in order to guarantee the overall effect of the preparation and adaptation for small children.

The proposed by the Ministry of Education, Youth and Science (MEYS) draft for a new School Education Act contains valuable ideas, however at the same time it does not provide clarity on the key objectives, the philosophy and the principles for reforming the school education in Bulgaria. The functions and the responsibilities are mixed up which leads to lack of clarity about the roles and responsibilities of the stakeholders for providing measurable and comparable at national and European level quality of education.

Recommendations

- The sectoral policy on education affects all Bulgarian children during 3/4 of their childhood. Therefore it is urgent that this policy acquires elements of policy based on data and measuring outcomes. The MEYS needs to join the national statistics authorities and to announce on a regular basis the data from the educational information system in order to facilitate the exchange of non-aggregated information between the educational system and the other systems involved in child care and to implement in practice the principle of transparency and accountability.

- Developing a minimum standard of an educational service and developing a shared with all public institutions and stakeholders vision about its content, performance and control.

- Reconsidering the concept about the place of centres for work with children as a part of the educational system, the role and the way of functioning of the weekly kindergartens and closing down the social-pedagogical boarding schools and the correctional schools as part of the overall reform in the child and juvenile justice.

- Developing an appropriate interactive methodology and training of all teaching staff to work with it, in order to direct the education towards the eight key competences of the European Reference Framework and guarantee the development of practical skills in children.
5.2. Inclusive education

In the recent years the state implemented measures which could be qualified as introducing practices of inclusive education, however it is still not among the visible priorities of educational policy.

The number of children with disabilities in the general education schools for the period 2005-2008 increased from 717 to 2 563 although it is still an insignificant part of all children. There are still different forms of educational segregation based on the existence of a disability, specific difficulties and different ethnic origin.

Placing children in specialised schools and homes continues and they live there separated from their peers, and the education offered to them, if at all given an access to such, is of low quality and is governed by rules, criteria and standards different from those in general education schools. The maintenance costs of a student in the system of special education is 3,3 times (or by 230% more) higher compared to the maintenance cost per student in the system of general education.

In the field of education Roma children have the highest percentage of school drop-outs, and NGO surveys show that this percentage increased significantly after closing down 300 schools in 2008 and is currently reaching critical values. Other problems related to Roma children and young people are the low percentage of attending the forms of pre-school education, discrimination in the class room, segregating Roma children in separate schools and classes, low level of education in the rural schools with prevailing share of Roma students and lack of intercultural education.

Recommendations

- Improving the preparation and motivation of general education schools and kindergartens to admit and work with children with special educational needs.

- It is necessary to make targeted efforts to stop discrimination in the class room through training of teachers, introducing intercultural knowledge and skills, encouraging the training in mixed ethnicities environment, etc. Special emphasis should be placed also to the inclusion of Roma children in pre-school education and training.

- Continuing the efforts for improving the physical access to school and to educational materials.

- Assessing the efficiency and sustainability of good practices in the field of desegregation of Roma schools and improving the quality of education.

- Improving the quality of education in the schools where Roma children study (mainly in the villages) requires targeted investments, without leading to creating specific standards for the Roma children. In order to achieve these objectives it is necessary to improve the operations of the Centre for Educational Integration at the MEYS, to considerably increase its funding and to use much more efficiently the funds of the Human Resources Development Operational Programme (HRDOP).

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28 A survey “How much is the cost of excluding children from the general education system?” (2006 р. www.ciebg.eu)
VI. Special protection measures

6.1. Child neglect and abuse

Prevention of child abuse understood as availability of mechanisms for identification, informing about and registering abuse cases, like having legal proceedings that observe the best interest of the child, like developing a network of services for support and recovery of victims of abuse, is still rather a desire than a practice. The problem with informing about and registering the cases of child abuse in our country continue to be very serious in two main fields – education and healthcare, where there are no clear rules for informing about and registering abuse cases, neither introduced policies for secure and safe environment for children. This finding can be illustrated unfortunately very vividly by the increasing number of cases of violence among children in schools. The activities performed are in the field of restrictions and repression, and not in the field of care and support.

The practice of hearing of children victims or witnesses of crime in Bulgaria also continue to be far from the UN standards and from the leading practices in other countries. Children continue to be interviewed repeatedly (over 6-7 times) by people who are not specially trained for that. None of the specialists who perform the pre-trial and trial proceedings is prepared to work with children in general and in particular to work with children victims or witnesses of crimes. The consequences are considerable and negative both for the justice system and for meeting the best interest of the child.

There are considerable difficulties in achieving real clarity with the problems of child abuse. There is no data about the number of cases which involve children. The existing statistical data does not allow understanding how many and what type are the perpetrators of crimes against children, what is the share of sex crimes, what is the age of children victims or witnesses. There is no official data about the people convicted for crimes against children.

The analysis of strategic and programme documents related to counteracting the traffic and exploitation of children shows lack of clear indicators for monitoring the results, funding for the envisaged activities is not guaranteed, funding by external donors is very much relied upon, there is no responsibility to publish an official report on the implementation of these plans and programmes, what are the periods for analysing what has been achieved and announcing it. This makes them to a great extend just an intent without the necessary functionality, efficiency and reporting.

Data from the surveys of child trafficking in the country show that the main reasons for involving children in trafficking and different forms of exploitation are poverty of their families, as well as specific cultural practices in part of the minority communities. Still there are no community-based services to support the social integration of children victims of trafficking. At this stage there are mainly crisis centres of closed type which are intended for only temporary placement up to 6 months or as an exception up to one year. In the long-term victims go back to their community and there are no opportunities created to support their social integration.

Recommendations

- It is necessary for the state to regulate and provide systematic training on the rights of the children and topics like recognizing children victims of abuse for all professionals,
who work with children, as well as clear mechanisms for informing about and registering
the cases of child abuse in the healthcare and educational system.

- Continuing the efforts for developing services for children who have suffered abuse or
  are victims of trafficking and for preparation of local experts to work in this field.

- Change in the existing statutory regulation towards more sparing hearing of children,
  witnesses or victims of abuse in police departments, prosecution and court.

6.2. Child and juvenile justice

In Bulgaria there are two acts that are in force in parallel – Child Protection Act (CPA) and the
Combating the Antisocial Behaviour of Minor and Under Aged Persons Act (CABMUPA) without
clarity which one has a priority in the cases where there is a child in conflict with the law,
however not a subject of criminal proceedings. Main problem is the lack of an institution to be
totally responsible for the case, to follow its development and the need for change, i.e. to
“manage the case”, if we use the social work vocabulary.

There is a serious breaching of the rights of minors involved in perpetrating a crime by adults.
These children are not recognized as victims, and fall under the CABMUPA correctional
measures with launching educational cases by the Local Commissions. Children under 14 are
subject to the correctional measures under the CABMUPA, and not to protection measures
under the CPA, which is obvious breach of their rights.

The system is formed of different institutions under different ministries, including different
state and municipal structures, without guaranteed clear procedures for the interaction
between them. Each institution operates under its own statutory framework without taking
into consideration the other statutory acts, which leads to lack of guarantees for the best
interest of the children in conflict with the law.

The current system for combating the antisocial behaviour is inefficient and is characterised by
the lack of specialised training of almost all professionals involved in it. It very existence hinders
the building of a modern, professional, child-centred system of prevention and intervention in
the child criminal behaviour and limits the opportunities for interaction between the criminal
proceedings and the child protection system.

Recommendations

- The Combating the Antisocial Behaviour of Minor and Under Aged Persons Act was for a
  long period subject to a serious criticism and should be replaced by a new modern law,
  which should provide the link with the child protection system, should eliminate the
  punishing approach to the underage children, create guarantees for a fair trial for the
  underaged perpetrators, and ensure real protection to the children victims of crime and
  witnesses in the criminal proceedings. At the same time it is required to develop a new
  regulatory framework based on the international standards for juvenile justice and
  establishing competency within the system for work with cases of children perpetrators.

- Change of the statutory provisions is strongly required to introduce a single hearing of
  the child victim or witness of abuse and/or crime, by specially trained professionals in
  appropriate conditions.

- Specialisation of professionals from the entire justice system in order to guarantee
  special conditions to the child, victim or witness of crime is really urgent.
• Development of a system of services, measures and institutions corresponding to the up-to-date trends in juvenile justice with participation of NGOs - professional foster families, specialised to work with children with behavioural problems, centres for intensive community-based treatment; residential type centres with intensive treatment programmes with various durations, intensive programmes with simulated isolation.

• Developing an information system with interventions outcome and efficiency oriented indicators, clear mechanisms and sources of information.

6.3. Street children

The development of a child protection system in the country allowed to a great part of these children to be provided efficient protection. Unfortunately in many cases this meant placing in specialised institutions or residential type establishments. There is no data that these children were retained in family environment or have been proposed placing in alternative family care. Data for 2008 shows that there are five operational around the clock shelters in the country, with 137 children using their services (reduced by 45 children compared to 2007). The eight Street Children Centres provided services to 145 children in total (361 in 2007).

In the recent years the number of children living on the street with no contact with their families is reducing. They can be seen only in Sofia and another 2-3 big cities in the country. The bigger part of the street children are children working on the street, who beg, collect various scrap materials, are involved in some petty theft and other means to make their living. Most of these children do not go to school, continue to be in high risk of abuse, trafficking, sexual and other forms of exploitation.

Recommendations

• Main recommendations for improving the work with this risk group are related to the development of services for active tracing of the children, support to the families and eliminating the forms of abuse and exploitation.

• Taking into account that many of these children have dropped out of the educational system, it is extremely important to introduce amendments in it, which may allow for some flexible forms of education and training of children and young people who are over the age for the respective educational level. The vocational education and training system should develop a specific approach for covering groups with no elementary or primary education.
VII. UNCRC Promotion

Civic education (incl. the rights of the child) is an inter-subject area, and its content is delivered in the process of teaching other school subjects – lake history and civilization, geography and economics, the philosophy cycle subjects, Bulgarian language and literature, foreign languages – within the secondary education curricula. The civic education standards which cover the tree levels (elementary, primary and secondary) correspond to the concept for developing the social and civic competences from the European Reference Framework.

Introducing the civic education as an integrated approach in the humanitarian subjects is no doubt a step in the right direction, however Bulgarian children are still lagging behind their peers from the other European countries with regard to their awareness of their rights. Irrespective of the existence of state educational requirements (SER) there is no teaching content in civic education developed, including on the rights of the children, for the different grades and the respective progression of the teaching content related to the need for acquiring knowledge, skills and attitudes in the different grades. The topics related to civic education and the rights of the child are covered in the class lessons, as well as in the lessons in different school subjects, however without enough prior synchronization in the school curricula, which makes the activities of the teachers incidental, does not allow the students to transfer information and at the end of the day makes the requirements, and hence the outcomes from the civic education in schools, non comparable. The concept of “social and civil competency” is still not put in operation. An analysis made by Bulgarian experts of the degree in which the development of life skills is covered in the SER for the content of “Bulgarian language and literature” and “Social studies, civic education and religion” indicates that “this degree is not satisfactory … life skills are either missing, or their availability could be identified only by deduction (“we may assume…”, “we may think…””)29. It should be noted that the only national information campaign on the rights of the child in Bulgaria was implemented by UNICEF in the period November 2006 - March 2007.

There are a number of good practices in the country for promoting the rights of the child and the participation of children and Annex 2 contains four good practices identified during the survey and drafting this report:

- Children’s Voices Project, 2006;
- My Information Booklet Project, 2008;
- Hear the Child Project, March 2007 – September 2009 and

Recommendations

- Introduction of compulsory practical training on the rights of the child for all professionals working with children – healthcare, social, educational, etc.

Skills for tackling life situations, deciding on perspectives and adopting goals, and critical thinking – all these should be incorporated in all school curricula.

It is required to develop methodological manuals/guidelines and detailed specialised programs for the class lesson, with detailed objectives, tasks and indicators for assessing how well the knowledge on children’s rights and life skills is acquired at school.

Raising the awareness of the whole society on recognising, respecting and observing the rights of the children and understanding the responsibilities of every citizen.
Annex 1

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10. Proposals for improving the capacity of the child protection system, Strategma, March 2008
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Annex 2

Good Practices

“Children’s Voices” (2006)

The Organisation

“Children’s Voices” was a small 6-month project dedicated to the children’s participation, implemented by the Bulgarian programme of Save the Children – UK within the framework of another bigger project related to the rights of the children, financed by the OAK Foundation in 2006.

The project was based in the already created network of about 20 children’s rights protection clubs in schools in different regions in Bulgaria, where children take their own initiative for solving their problems by summoning sessions and organising their own activities. Facilitators in most of the clubs are teachers and pedagogical councilors. The number and age of club members in the different locations varies a lot. The youngest members are aged 9, and the eldest – 18. While some clubs do really exist as organisations managed by children, others are facing problems and are gradually turning into something like extracurricular activities.

Deciding on a small project which should focus on child inclusion, the team of the Bulgarian programme of Save the Children – UK toured all clubs in the country and based on the children’s motivation they selected four clubs in four schools in three different settlements. The organisation of “Children’s Voices” is a result of the joint efforts of one coordinator from the Bulgarian programme of Save the Children – UK, the facilitators and children from Christo Botev Primary School (PS) in Bahovitsa village, Dimitar Blagoev PS and Traiko Simeonov Secondary School in the town of Shumen as well as Panayot Volov PS in Madara village.

“Children’s Voices” is carried out in five stages:

1. Training on “Peers interview and train peers”
2. Survey among peers locally
3. Analysis of the information received
4. Developing the booklet “Children’s Voices”
5. Presenting the survey results to directors, teachers and parents

Most difficult was to organise the first training. Children were supposed to travel from home to the town of Veliko Tarnovo, where for three full days they had to acquire knowledge on “Peers interview and train peers” and identify on their own the topic of their future survey. Parents of some of the Roma children refused to let them go (due to fear from the local community practice to steal girls) or did not oppose, however strongly disagreed to sign a declaration of consent. Although due to these difficulties some of the children were not able to attend, thanks to the field work of local facilitators still twenty two children from different ethnic origin aged 9-16 participated.

The survey done after the training among peers locally was monitored and supported by the club facilitators and the project coordinator. In order to find out what might make their peers start feeling comfortable at school, children combined two methods for gathering information - qualitative and quantitative. The interviewers did two hundred and twenty individual interviews with children aged 7-16 and four focus-groups with about 40 children from grades
between fourth and eighth from the same schools. Focus groups were held with children who were not interviewed and who did not have an idea that there was a survey in their school.

The information was analysed by a sociologist, who monitored the project progress from the very beginning.

Putting the information into a booklet was the most difficult task. The project coordinator kept constantly in touch with the children, who did the survey. They were sending by e-mail their opinions, impressions and comments on the content.

**Location**

The initial training on “Peers interview and train peers” was delivered in Veliko Tarnovo in three full days. The survey was performed in April and May 2006. It covered over 250 children in four schools - Christo Botev Primary School (PS) in Bahovitsa village, Dimitar Blagoev PS and Traiko Simeonov Secondary School in the town of Shumen as well as Panayot Volov PS in Madara village. The booklet was presented by the children in the four settlements before parents, teachers, directors, municipality representatives and the Regional Educational Inspectorate.

**Duration**

“Children’s Voices” Project took 6 months in total and involved training on “Peers interview and train peers” for 22 children aged 9-16; 2-month survey among the peers through interviews, conducted by the children themselves; analysis of the information received and organising it in a booklet with pictures intended for children, teachers, directors and parents, as well as presenting the results locally.

**Goals**

The goal of “Children’s Voices” was to attract the attention of directors, teachers, parents and the community to the problems of children, as seen and experienced by themselves, so that the school and the community could develop inclusive environment for the different and those not accepted, so that the school could become a better place, where everybody would feel wanted and respected.

The children who did the survey among their peers on the topic “What should be changed in school, so that we could feel more comfortable there?” were convinced that:

- Children have the right to take part in the decisions, that concern them;
- They want to be allowed to speak on their own behalf;
- Their opinion should be taken seriously;
- They should be asked about their opinion on problems, which concern them.

**Results achieved**

- Children who took part in the project as interviewers acquired new social skills, confidence in their own potential and more self-esteem.
- Directors, teachers and parents in the four schools made joint meetings and took specific activities to solve the problems identified by the survey – repair of the gym, club sessions on tolerance between the ethnic groups, trust mail boxes, open class lessons on the issue of violence at school.
Following the survey many children who prior to that have never heard about children’s clubs in schools shared their willingness to join the clubs in order to express their opinion on school matters and to learn more about their own rights.

Lessons learnt

- Projects of the type “children's voices” should be at least one year long in order to allow for measuring whether there was a real change following the survey and announcing the results.

- Children should be involved in all stages of the project, so that they could participate really and fully. Participation of children just for the sake of participating does not contribute at all for achieving the project goals.

- Children would like to change their directors and their class teachers, however most of all they would like to change teachers in general (“to be more kind”, “to be friendly”, “to thrust us and allow us more freedom”, “once a week to give us a chance to teach and examine”). Children believe that people who teach them should treat them seriously and thrust them more, and not to just “recite” the topic and leave the class. The conclusion is that directors and teachers should consider whether to allow their students to really participate in the lessons or regard as participation just raising the hand.

- When it comes to conflicts, the colour of the skin and the ethnic origin come first. In other words if you a Roma this does not place you in the outsiders group; however if you behave like a bully the rest would easily explain that fact with the fact that you are a Roma.

“If I could now go back to the training, when we drafted the questionnaires I would have added more questions because when I did the interviews I understood better what is not right at school. The relationships. They should be improved to make school a better place. There should be no separation between better and worse, excellent and poor students or between Bulgarian and Roma. We are all equal.”

Radoslav („Let’s play and study together” Club, Dimitar Blagoev PS, Shumen)

“When you interview your classmates you can get answers you would never expect. And be much surprised. You might even disagree, however you should not impose your opinion. This way you learn a lot about the people around you and start appreciating them for the fact that they are different.”

Borislav („Let’s play and study together” Club, Dimitar Blagoev PS, Shumen)
"Hear the Child" (March 2007- September 2009)

The organisation

The Association Social Activities and Practices Institute – SAPI is a non-governmental organisation registered under the Bulgarian law in 2001. The main goals of the organisation are:

✓ Development and improving the social strategies and practices;
✓ Improving the quality of vocational training, qualification, further training and retraining of people from the helping professions;
✓ Study of the policies, strategies and practices of social activities;
✓ Optimising and introducing innovative practices in the field of social work in Bulgaria;
✓ Encouraging interaction and coordination between institutions and organizations in the field of social work training and practices.

Location

Pilot project municipalities – Sofia, Shumen, Pazardzhik

Project duration

March 2007 – September 2009

Objectives

The main project goal is to change the practice of court hearing of children victims of violence and children witnesses of crimes in Bulgaria so as to guarantee the best interest and protection of the child and enforcing efficient justice.

The immediate objectives which contribute to meeting the main goal are:

✓ To facilitate the process of understanding of the problem "Interviewing and hearing of children victims of violence and children witnesses of crimes" among the interested/target institutions in Bulgaria.
✓ To facilitate the process of understanding among the interested/target institutions about the conditions and the proper approach to interviewing/hearing a child witness, so that further traumatizing of the child can be avoided to a maximum degree and the child’s best interest and rights can be guaranteed.
✓ To impose certain behavioural norms and limitations among the participating institutions in the pilot cities during child hearing/interviewing that would guarantee the rights and the best interest of the child. These norms are to be applied in the everyday practice.
✓ To develop an effective practice of hearing/interviewing children in the pilot cities that, on the one hand, would guarantee the best interest and the rights of the child and on the other, the provision of full and exact information on the part of the child so that the right legal measures can be imposed.

The main changes in the practices the project aims to achieve are:

✓ To guarantee that there is no possibility for a contact between the child and the accused person;
To guarantee that with these children work specially recruited and well prepared specialists who were provided with appropriate training;
These children to be interviewed only once for the whole pre-trial and trial proceedings, a deviation from this rule should be allowed only in exceptional cases; to make a video recording of the interview, which together with the interview report to be used further in the trial instead of the personal testimony of the child;
To guarantee as short as possible period for completing these proceedings;
To provide appropriate environment and technical means for the investigation proceedings with these children;
To guarantee that the identity of the child and any personal information about the child will not be revealed to the media or in any other way;
To provide better coordination between the authorities working with children victims of violence and abuse, respectively – police, social services, providers of social services, prosecutor’s office and the court.
To provide every affected child access to suitable programmes for overcoming the trauma and recovery.

The project target groups are all authorities and institutions concerned with hearing the children – Court, Prosecutor’s Office, Investigation Service, Lawyers Association, Police, Child Pedagogical Room, municipal authorities, Local Commission for Combating the Antisocial Behaviour of Minor and Under aged Persons, Complexes for Social Services to Children and Families, Child Protection Departments.

Main outcomes with regard to raising the awareness:
A study visit to Poland was organised for representatives of all project partners – 30 participants in total from the court, prosecutor’s office, investigation service, police, social services. During the work exchange were organised meetings with professionals where the Polish experience was presented and were visited specialised rooms for hearing children.

In November 2008 in cooperation with the National Institute of Justice (NIJ) and the Union of Judges in Bulgaria was organised an international conference Child Protection in the Criminal Proceedings – a Multidisciplinary Approach. There were over 70 participants in the Conference – professionals from the judiciary and the child protection system.

A documentary Hear the Child was produced, which illustrates and raises the problem of the currently existing practice which places the child in a situation to be interviewed repeatedly by different specialists not trained to conduct such types of interviews with children.

Main outcomes with regard to improving the professional capacity:
Work groups were formed in the pilot towns with the aim to make analysis of the current situation, analysis of specific cases and as a result to develop a proposal for amendments in the Criminal Procedure Code (CPC). Within the work groups was developed a proposal for legal amendments and it was submitted to the Ministry of Justice. The draft proposal for the amendments to the CPA was submitted to the Legal Issues Committee at the National Assembly (Bulgarian Parliament).

Under the project were organised seminars in the 28 regional centre towns in Bulgaria with the participation of judges, prosecutors, police investigators, social workers – 800 participants in
total. Experts in hearing the child from SAPI and legal experts on international standards and their application in the judiciary, took part in these seminars. The seminars were important for launching the process of changing the attitudes and the routine practices in pre-trial and trial proceedings. The meetings developed motivation for change and raised the interest in the problem of re-traumatizing the children participants in criminal procedures.

**Main outcomes with regard to creating conditions:**

Under *Hear the Child* project 3 rooms for hearing children were equipped – in Shumen and in Pazardzhik in the premises of the Complexes for Social Services to Children and Families (CSSCF), and the third room in Sofia – in the premises of the Metropolitan Directorate of the Ministry of the Interior (MoI).

During the project implementation period in Pazardzhik 6 hearings were organised and performed and three times a child was prepared for court hearing.

In Shumen 6 hearings were organised and 5 were performed. 7 preparations for hearing were performed.

It turned out that in Sofia it is much more difficult to organise a hearing of a child in the room. One of the reasons was that it was not possible for the judges to move to the Metropolitan Directorate.

**Challenges:**

- Adopting regulatory amendments is of key significance for using the rooms as a practice which guarantees to the maximum level the protection of the rights of the child and at the same time – serving the goals of judiciary;
- Continue the improvement of the professional skills of the specialised team – with trainings and supervision;
- Developing a proposal for adoption of national professional standards for participation of children in legal procedures (where, who, when and how to work with the child);
- Introducing the topic of the particular characteristics of child participation in the judiciary process in the curricula for the magistrates and investigating police officers (NIJ and the National Police Academy);
- Continue the practice in the rooms for sparing hearing in order to confirm the good practice;
- Lobbying and attracting partners for approving the appropriate legislative amendments.
“My Information Booklet” (2008)

The organisation

Children’s Legal Centre – Bulgaria Foundation

When and how the good practice developed

“My Information Booklet” is a children’s information package developed in the framework of the “Best Interest of the Child” Project – mobile seminars for judges, social workers and other professionals working in the field of child protection, financed by the Ministry of the Interior and the Ministry of Finance with the 2007 state budget.

The project was implemented within the framework of the initiative Mobile Seminars launched in 2005 and supports the efforts of the magistrates and the professionals from the child protection system for proper enforcement of legislation in the field of child protection and in particular in administrative and court proceedings which affect the rights and the interests of children. The project aims at improving the interaction between the child protection system and the judiciary in view of reviewing and deciding in the best interest of the child in all proceedings which affect their rights and legal interests via:

1. Establishing relationships of cooperation and exchange of information;
2. Improving the knowledge of magistrates and social workers on the operation of the judiciary and the child protection system respectively;
3. Implementing mechanisms for identifying the best interest of the child;
4. Provision of suitable information to the children who take part in proceedings in which their rights and interests are affected, so that they could form their own views and share their opinion;
5. Drafting, publishing and dissemination of information materials.

Describing the good practice

“My Information Booklet” is intended for children over 10 who participate in administrative (before the Child Protection Department) and legal (before the regional and district courts) procedures for placing them out of the birth family, i.e. in kinship care, in foster care or in specialised institution pursuant to art. 26 etc. of the Child Protection Act. This booklet allows the children to get in an appropriate manner information regarding the proceedings in which they participate, the institutions involved (CPDs and courts) and the people they will meet (social workers, judges, parents and others).

“My Information Booklet” is divided in four parts. The first part Child Protection Department informs the children what happens when they and their families need help and how they meet the social worker and what happens in the CPD. The second part Court gives information about the people who participate in the court proceedings – judges, prosecutors, lawyers, what happens in court and how the decision is made for the child which protects best their interests. At the ends of both first and second part are given impressions of children who have already participated in proceedings and have already met social workers and judges. The third part My Rights explains the two basic rights of the child when participating in procedures – the right to
express their own opinion free on all issues concerning them including before the social worker and before the judge, which the law calls Right to Hearing, as well as the Right of the child to a fair court proceeding in order to decide in his/her best interest. Since the information booklet contains words and phrases that the children haven’t heard before and are not aware of their meaning the last part is a Glossary of the words and expressions explained in such a way so that children can understand them.

“My Information Booklet” can be read by the child on his/her own or with the help of other people – a friend, relative, social worker or other person whom the child trusts.

The process of developing the good practice

In the development of the book took part children over 10 from the Complex for Social Services to Children and Families in Turgovishte and children from the Home for Children Deprived of Parental care in Popovo. Their participation is expressed in discussing ideas about the structure, the contents and the layout of the booklet. Children shared their experience from taking part in the procedures before the CPD and before the court – feelings, understanding, desires and recommendations, how the social workers treated them, how they involved the children in the decision-making, what was their participation, whether they were heard, how they were provided with information, etc. Children shared their experience – what happened in the CPD and what happened in court, i.e. everything which impressed them a lot and what they liked – the judge invited them in his/her room to talk, the judge invited them to sit on his/her chair, the judge heard them outside the court etc., including also about the social workers.

The children shared what they did not like and what they would like most to be changed based on their experience with the social workers and the judges. They shared also their ideas about the layout of the booklet drafting some texts, drawing some pictures, photos, etc.

What makes “My Information Booklet” a good practice – achievements, influence, effects

Such an information material intended for children who take part in administrative and court procedures affecting their rights and interests is published for the first time in Bulgaria. The design of the booklet is suitable for children since it was developed with the direct participation of children. It presents their experience and artistic ideas translated into illustrations. It provides in a way appropriate for children comprehensive information about everything that happens in the CPD and in the court, and also about the way the decision is made whether they would stay in their family or be moved out and placed in kinship care, in foster care or in a specialised institution. It has messages. It is distributed to all CPDs in Bulgaria since the social workers are the first to meet the children and families at risk.
“Quality for Children” project (2004 - 2008)

Organisation
SOS Children’s Villages, IFCO, FICE

When and how the good practice developed

“Quality4Children”: a pan-European project on the subject of “out-of-home care of children and youths” was developed by three international organizations – FICE, SOS Children’s Villages (SOS-Kinderdorf International) and the International Foster Care Organisation (IFCO). The project started in 2004 and was implemented in 32 European countries. Based on the UN Convention on the Rights of the Child, the objective of the project was to assure and improve the chances of development of children and youth in out-of-home care. The project is implemented on the basis of two main stages:

First stage
- Collection, analysis and summary of good practices
- Development of qualitative standards

Second stage
- Implementation of quality standards
- Setting up a European network of people working in the field, youth, representatives of the scientific research community, representatives of local child protection authorities and children and families’ service providers.

15 representatives of state authorities and non-governmental organisations took part in the national team which was set up and implemented the project in Bulgaria.

Description of the good practice

Based on the data analysis of all stories, the national teams developed quality standards on four phases of the out-of-home child care: decision-making, admission, care-taking and out-of-care/leaving care.

The final document includes 18 Standards which embrace the different periods of the out-of-home care process: The decision-making and the admission process (6 standards), care-taking process (14 standards) and the leaving-care process (4 standards). Each standard is enhanced by quotations that represent the voice of people involved in the out-of-home child care; these quotations were taken out from personal stories the involved told to the Quality4Children project team.

More information on the project and the standard can be found at [www.sosbg.org](http://www.sosbg.org) and [http://www.quality4children.info](http://www.quality4children.info)
**Process of development of the good practice**

The research objective of Quality for Children was to collect stories of good practice in the 32 participating countries, analyse them and subsequently develop the information into quality standards. The data collection method chosen was storytelling which ensures the direct participation of the interviewees in creating the basis for the quality for children standards. The research items were stories of good practice from parties who have experienced out-of-home childcare. In the framework of the project, a total of 332 stories from 26 of the 32 European countries were collected and analysed.

**What makes „Quality for children” good practice – achievements, impact, effects**

- 18 quality standards were developed which embrace the different periods of the out-of-home care process:
  - Decision-making and admission
  - Care-taking
  - Out-of-care/Leaving care

- Each standard contains:
  - Brief description /headline/ and a detailed description of the standard
  - Quotation from the collected stories, illustrating the importance of the standard
  - Responsibilities
  - Guidelines for applying the standard
  - Warning signals which indicate that the process is not running in the correct direction.

- Launch in the European Parliament on 13 June 2007 and follow-up presentations of the national teams to the relevant government bodies.

The standards are published in Bulgarian and submitted to the responsible authorities – Ministry of Labour and Social Policy, the Agency for Social Assistance, the State Agency for Child Protection.

In a number of European countries the national governments had undertaken concrete activities for adapting and implementing the standards, or used them as a basis for a thorough review and revision of the existing local standards.
Annex 3  Summary of recommendations

I. Review of the national legal, administrative and strategic frameworks for the protection of the rights of the child

- **The structure and content of the legislative framework should be improved** especially in the light of the Legislative Instruments Act[^30] stating “The social relations within one sphere of life are regulated by one and not several legislative instruments of the same rank.” (Article 10, Paragraph 1). It is recommended to fully codify the legislative instruments and synchronization of the mechanisms for the subsequent drafting of rules and regulations, when planning the measures for elaboration.

- **The strategic framework for the implementation of the child protection policy needs to be simplified** and linked to the cohesion policy and to the central and local budgeting procedures.

- **Unification of the licensing and registering regimes** accordingly with regards to the providers of social services for children, observing Article 19, Paragraph 2 of the Bulgarian Constitution concerning provision of equal rights to perform activities for the various providers of social services for children.

- **The Chairperson of the State Agency for Child Protection should be included in the cooperation mechanism for implementation of the social security policy.**

- **Adopting a broader child protection concept** which includes a guarantee for each and every right and the satisfaction of the child’s needs as an individual, personality and citizen.

- **The general measures that guarantee the child’s rights have to be distinguished from those in place for children at risk or in a disadvantaged position** including social assistance.

- **Development of policies focused on prevention, early intervention and support to parents** rather than penalties or labelling them as “irresponsible”.

- **Improvement of the child protection system efficiency** through clearly outlined and effectively distributed prerogatives and responsibilities of the bodies in charge of child protection and ensuring adequate competent resources for the system to operate effectively.

- **Distinction between the functions in place for child protection and the social services.**

- **Defining a range of “universal services”[^31]** with basic requirements for their quality and financial standards and guarantee access to them for every resident of the country.


[^31]: According to the terminology as introduced by the European Commission.
II. Policies and practices for UNCRC general principles implementation

1. Non-discrimination

- **Setting up a database of all school-age children** containing details of age, location, ethnic origin, social status and possible disabilities. In this regard, compulsory and regular training on the rights of the child and the principle of non-discrimination must be introduced for all professionals working with children.

- **Retraining programmes for medical staff need to be developed** in order for them to be better informed of the contemporary methods for diagnostic, treatment and rehabilitation of children with disabilities. New clinical pathways are needed for effective treatment and rehabilitation of children with disabilities not involving separation from their family and community. Modern medical products and aids have to be provided to compensate for the deficiency caused by the disability.

- **Decisive measures need to be undertaken for the adaptation of the educational institutions to the needs of the children with disabilities** with strict control over the quality of the building work – funds are often spent on adaptations not corresponding to the technical standards for accessibility. Delivery of qualification courses and lifelong learning programmes to improve the knowledge and skills of both the pedagogical and helping staff to respond to the needs of children with disabilities in a shared environment.

- **Improving the capacity of the child protection system** to effectively implement the “case management” approach in the social work practice to ensure the complex assessment of the disability and the needs of each child and support to the families by means of counselling, psychosocial support, and inclusion in social mutual help networks.

1. Children’s participation

- **Building a legislative framework and an affirming culture for effective and meaningful child participation.** For example, specific legal rules are needed to enact the right to establish democratic associations at school, to affirm the parents’ obligation to listen to their children, and to put complaint procedures in place in all spheres of public policy such as education, health, child protection, youth justice, as well as to define the right to independent advocacy and representation in the event of damage claims for violation of the rights or protection against persecution.

- **Development of indicators which enable monitoring and evaluation of the process.** In many cases, the participation of children does not occur due to the lack of knowledge and skills in adults to fully grant children their rights or to relinquish their position of power. Work with the adults is necessary, too, in order to develop their skills.

- **Include analysis and assessment of the nature and level of participation of children in existing initiatives and in all projects concerning children and young people** (for example at what stage of the project are they included and how exactly), setting of goals to expand the scope and depth of such initiatives and recommendation of new activities, and assessment of the needs for their realisation.
2. Child poverty and well-being

- Child poverty and well-being are given prominence at EU, national, regional and local level.
  Child poverty and well-being should be a key component of EU 2020 agenda. It should be also included as one of the reporting cornerstones for all Member States in the Social Open Method of Co-ordination.

- A child-rights and a child-centred approach must be mainstreamed into all policy areas. Tackling child poverty and social exclusion requires that children’s well-being is a visible objective within all relevant policy areas. Consideration of children’s best interest should be integrated into assessment of all policy and proposed legislative initiatives at all governance levels.

- Strengthen links of National Action Plan/inclusion with other EU and national strategies and initiatives. In general the child poverty objectives of the National Action Plan/Inclusion is not mainstreamed into the wider growth and job strategy and linkages are rarely made with other EU initiatives, for instance in the fields of sustainable development, education and training and the European Youth Pact.

- Early childhood should be recognised as a crucial stage in children’s education, development and social integration, requiring public investment in services that are accessible to all, regardless of parent’s labour market situation. Clear quality criteria should be set for early childhood services including philosophy and values, quality standards, professional qualifications, training, staff/child ratio, etc.

III. Family environment and alternative care

1. Family environment

- Development of a separate and well defined family policy (rather than as part of the demographic, social protection and integration policy) with clear aims, measures and activities and a family-based approach in all areas regarding child well-being (social sphere, education, health, child protection, etc.).

- Ensuring adequate services to families in a crisis situation (financial problems, divorce, family conflicts, new child, conflicts among generations) and adequate to the family needs financial assistance on behalf of the state.

- Introduction of family income taxation with tax concessions for families with more children and flexible working hours allowing reconciliation of family and work life.

- Changing the focus of policies towards prevention, early intervention and parents and families support rather than sanctions and labels as ‘irresponsible parents’.
Ensuring access to universal services for all children and families rather than children at risk services.

2. Children in institutions and alternative care

- Closing the gate for children’s entry to institutions by funding and promoting measures for prevention of abandonment.
- Reforming the child protection system and its financial and resource support to ensure the quality of measures for protection of the children in institutions and the children at risk of abandonment.
- Continue the trend for outsourcing the entire process of foster care service delivery, with external providers specialising in this service. Maximum facilitation for social service providers launching new services.
- Amend mechanisms for monitoring child and family care and services both in specialised institutions and in the alternative services for child and family. Central monitoring and control should seek to measure the resulting change in the child’s situation and outcomes and not focus on paperwork and procedures. A monitoring and control system should be put in place based on sufficient data to substantiate all the child and family policies.
- Regulate young people leaving institutions as a social group in need of specific support, thereby ensuring adequate continuity and a systematic approach of the relevant services for them.

3. Adoption

- Regulate legal prohibition of the “secret of adoption” in order to guarantee the child’s right to know his/her background and encourage and support the adoptive parents to share this information with the child.
- Remove the option for disadoption from the Family Code through regulations of provisions for deprivation of parental rights in the case of separation of adoptive parents and adopted child.
- Development of widely accessible educational programmes on problems in adoption, the secret of adoption and the rights of the adopted child. Building culture of adoption – in terms of positive, approving and supportive attitude towards adoptive parents and adopted children.
- Introduce legal provisions for compulsory training of Adoption Council members, prospective adoptive parents and support upon adoption.
- International adoptions where the adoptive parents have not met the child should be prohibited.

IV. Health

- Development of a comprehensive programme for improving child and maternal health based on the principle “Health in all the policies” and in line with the UN Committee on the Rights of the child recommendation. In the context of economic crisis this
programme should have priority objectives and should guarantee the provision of basic health care and services to the most vulnerable groups of children, in particular children of Roma background and those living in rural areas.

- Creating an efficient integrated information system for monitoring the child health indicators and assessment of the efficiency of the policies, programmes and measures.

- Reforming the system of assessing and referring the children with disabilities.

- Amending the existing medical standards to ensure conditions which prevent separation of mothers with their new-born children in hospitals and provide ground for an accompanying adult for sick children up to the age of 6 years old.

- Regulating and detailing the prophylactic and promotional activities envisaged for children’s health services carried out by the GP, pediatrician, ophthalmologist, neurologist and the endocrinologist in line with good European practices.

- Development and introduction of a working legislative framework regarding the effective funding of the school medical consulting rooms through enabling fundraising from different than state and municipal budgets sources which are subject of tax concessions and are defined with an ordinance of the minister of finance and the minister of health.

- Statutory regulation of the social worker role and functions in the maternity and neonatology wards.

- Development and practical introduction of training for the medical staff on the rights of the child and training on recognizing victims of abuse, on breastfeeding, etc.

- Development of guidelines for improving the help during delivery in compliance with the WHO guidelines.

V. Education

1. Quality of education

- Announce on a regular basis data from the educational information system in order to facilitate the exchange of non-aggregated information between the educational system and the other systems involved in child care and to implement in practice the principle of transparency and accountability. The sector policy on education affects all Bulgarian children during 3/4 of their childhood. Therefore it is urgent that this policy acquires elements of policy based on data and measuring outcomes.

- Developing a minimum standard of an educational service and a shared with all public institutions and stakeholders vision about its content, performance and control.
Reconsidering the concept about the place of centres for work with children as a part of the educational system, the role and the way of functioning of the weekly kindergartens and closing down the social-pedagogical boarding schools and the correctional schools as part of the overall reform in the child and juvenile justice.

Developing an appropriate interactive methodology and training of all teaching staff to work with it, in order to direct the education towards the eight key competences of the European Reference Framework and guarantee the development of practical skills in children.

2. **Inclusive education**

- Improving the preparation and motivation of general education schools and kindergartens to enrol and work with children with special educational needs.

- **Undertake targeted efforts to stop discrimination in the classroom** through training of teachers, introducing intercultural knowledge and skills, encouraging the training in mixed ethnicities environment, etc. Special emphasis should be placed also to the inclusion of Roma children in pre-school education and training.

- Continuing the efforts for improving the physical access to school and to educational materials.

- Assessing the efficiency and sustainability of good practices in the field of desegregation of Roma schools and improving the quality of education. Improving the quality of education in the schools where Roma children study (mainly in the villages) requires targeted investments, without leading to creating specific standards for the Roma children. In order to achieve these objectives it is necessary to improve the operations of the Centre for Educational Integration at the MEYS, to considerably increase its funding and to use much more efficiently the funds of the Human Resources Development Operational Programme (HRDOP).

### VI. Special protection measures

1. **Child neglect and abuse**

- Regulate and provide systematic training on the rights of the children and topics like recognizing children victims of abuse for all professionals, who work with children, as well as clear mechanisms for informing about and registering the cases of child abuse in the healthcare and educational system.

- **Continuing the efforts for developing services for children victims of abuse or trafficking** and for preparation of local experts to work in this field.

- Change in the existing statutory regulation towards more sparing hearing of children, witnesses or victims of abuse in police departments, prosecution and court.
2. **Juvenile justice**

- Replace the Combating Antisocial Behaviour of Minor and Under Aged Persons Act with a new modern law, which should provide the link with the child protection system, eliminate the punishing approach to the underage children, create guarantees for a fair trial for the underaged perpetrators, and ensure real protection to the children victims of crime and witnesses in the criminal proceedings.

- Introduce a single hearing of the child victim or witness of abuse and/or crime, by specially trained professionals in appropriate conditions.

- Ensure specialisation of professionals from the entire justice system in order to guarantee special conditions to the child, victim or witness of crime is really urgent.

- Development of a system of services, measures and institutions in line with good European practises in juvenile justice with participation of NGOs - professional foster families, specialised to work with children with behavioural problems, centres for intensive community-based treatment; residential type centres with intensive treatment programmes with various durations, intensive programmes with simulated isolation.

- Developing an information system with interventions outcome and efficiency oriented indicators, clear mechanisms and sources of information.

3. **Street children**

- Development of services for active tracing of the children, support to the families and eliminating the forms of abuse and exploitation.

- Introduce amendments in the educational system which allow for some flexible forms of education and training of children and young people who are over the age for the respective educational level. The vocational education and training system should develop a specific approach for covering groups with no elementary or primary education.

### VII. UNCRC Promotion

- Introduction of compulsory practical training on the rights of the child for all professionals working with children – healthcare, social, educational, etc.

- Life skills, critical thinking and skills to formulate goals and take decisions should be incorporated in all school curricula.

- Develop methodological manuals/guidelines and detailed specialised programmes on children’s rights and life skills introduction at school with detailed objectives, tasks and indicators for monitoring and evaluation.

- Raising the awareness of the whole society on recognising, respecting and observing the rights of the children and understanding the responsibilities of every citizen.
Annex 4  Useful contacts and a list of NGOs providing social services for children by region

European emergency number  112

National Hot Line for Children  116 111

State Agency for Child Protection (SACP)
Sofia 1051, 2 “Triaditsa” Street
Tel.: + 359 (02) 933 90 50/ 933 90 30
e-mail: sacp@sacp.government.bg
www.sacp.government.bg

Units of “Children’s Rights Control” Directorate

Sofia and Sofia region
Tel.: (02)9339035; (02) 9339039; Tel./Fax: (02) 9339044

Plovdiv
Tel./Fax: (032) 649798

Ruse
Tel./Fax: (082) 826972

Vratsa
Tel./Fax: (092) 666525

Varna
Tel./Fax: (052) 642425

Burgas
Tel./Fax: (056) 827153

The contacts of the Child Protection Departments, part of the Agency for Social Assistance structure, could be found at: http://stopech.sacp.government.bg/?sid=professional_bg&pid=31-0000000040

The following pages represent a list of organizations, licensed by the SACP, providing social services for children as of June 2010. The non-governmental organizations (NGOs) information portal is another useful and up-dated source of information from and about NGOs. The portal consists of up-dated data-base of Bulgarian NGOs and allows searching by name, type of activity or region (place of registration). Extended search by other criteria including a member of the Governing Body or annual turnover is also envisaged. The portal could be accessed at http://www.ngobg.info/bg/index.html.