



**Review of 2015 Universal Periodic Review of Bulgaria  
National Network for Children - Bulgaria  
July 2016**

## **Introduction**

The National Network for Children - Bulgaria is an alliance of 137 civil society organizations working with and for children and families across the whole country. Our vision is a society where every child has his own family and enjoys the best opportunities for life and development. There is a harmony between the sectoral policies for the child and the family and the child rights and welfare are guaranteed.

The fulfillment, protection and promotion of children's rights are part of the key principles which unite us. We believe that all policies and practices that affect directly or indirectly children should be developed, applied and observed, taking into account the principle of the best interest of the child and with the active participation of children and young people themselves.

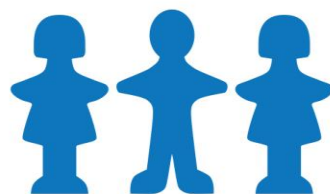
All our work is underpinned by the UN Convention on the Rights of the Child, an international human rights treaty which grants all children and young people a comprehensive set of rights, which lays down the philosophy, the values and the way of work of the Network.

More information about us and our work can be found at <http://nmd.bg/en/> and the organizations members of the National Network for Children (NNC) could be seen at <http://nmd.bg/tchlenove/>.

## **Aims and objectives of the document**

The main aim of the document is to provide feedback and the views of civil society organizations working with children and families in Bulgaria on the State's achievements, challenges and deficits related to the implementation of accepted UPR recommendations since the second review held on May 2015. The document provides a detailed input on recommendations progress from NNC-Bulgaria point of view and suggestions for emerging issues to be considered during the forthcoming UPR cycle. Out of the 182 recommendations, Bulgaria has accepted 174 and noted 8. Of these all, NNC has chosen those that are related to children and families as this is our field of working and advocacy. Some of the recommendations are grouped based on similar topics and even almost the same wording. The others are given feedback separately.

One of the concrete objectives of the document is also to assess how many of the concerns, recommendations and suggestions put forward by the National Network for Children in Bulgaria were taken as issues to be considered during the 2015 UPR by member states and then accepted as recommendations by the Bulgarian government.



NATIONAL NETWORK FOR CHILDREN

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## Comparative data

This is the second UPR of Bulgaria, as well as the second submission of the National Network for Children to it. So it is well worth it to make an attempt for a short analysis on topics and numbers of recommendations, on what has been highlighted in the present review and what has dropped from the previous one.



The 2011 UPR included over 35 recommendations related to children and families (22 of which directly related to children and women rights) out of 135 (8 of which were rejected by the State and 1 was without response), while in the 2015 review the number of recommendations related to children and families was 83 out of a total 182. 35 of these are directly related to children's rights.

The majority of recommendations related to children's rights in the first UPR report from 2011 were related to inclusion of marginalized and vulnerable children such as Roma children, children with disabilities, children from institutions, etc. There were also a few recommendations related to the process of deinstitutionalization, juvenile justice and removing the secrecy of adoption. There were two recommendations related to non-violence to children and one recommendation related to ending domestic violence. There were three recommendations on child rights and improving the child protection system capacity and one concerning child ombudsman. In the 2015 UPR, there are 12 recommendations concerning non-violence, promoting children rights and prevention of sexual violence and child marriages. The topic deserves attention as there are still many cases of cohabitation with minors and the men living with them are not persecuted.

There is a new recommendation in the 2015 UPR regarding non-violent methods of child-rearing and education, which has been one of the media campaigns carried out by the NNC in Bulgaria – to promote awareness of child rights, particularly the right to protection from violence and child participation.

In the 2015 UPR there are 15 recommendations regarding Roma population, including Roma Integration Strategy, housing conditions for Romani people, access to healthcare and education services for Roma children, strengthening of laws prohibiting discrimination, etc. In comparison, in the previous UPR there were very few recommendations on Roma population, mainly related to guaranteeing the right to education to Roma children and the implementation of the law on compulsory preschool education for all children, including Roma.

Recommendations regarding children with disabilities in the UPR 2011 and UPR 2015 are nearly the same number. Yet the texts on persons with disabilities are more visible and underlined in the 2015 UPR.

There are quite a lot recommendations regarding fight against racism, xenophobia and hate speech in the 2015 UPR, while in this of 2011 these issues are not considered. The main reason for that might be sought in the refugees' inflow to Bulgaria and the growing trends of nationalism.

The number of recommendations on prevention of sexual exploitation and human trafficking is eight in the 2015 UPR, compared to three in the previous review. Recommendations related to deinstitutionalization and alternative care in the 2011 UPR are six, while in the next review the number has slowed down and the focus now is more on family policy and highlighting the importance of family as an environment for child-rearing. There are no recommendations related to foster care and adoption in the 2015 UPR, while these topics were part of the 2011 review.



In terms of education, there are eight recommendations on this topic, the majority of them related to access to education of children refugees and to inclusive education for children with disabilities in the general school system. In the 2011 UPR there were three recommendations related to effective juvenile justice system. The number of recommendations on this topic is the same in the next review but the focus is shifted to reintegration of former child offenders in the society, as well as on restorative justice principles in the juvenile justice system. Among recommendations that were part of the 2011 but dropped in the 2015 review are those related to children abandonment prevention and mental health. Yet these issue remain hot topics in Bulgaria and deserve lot of attention.

The chapter “Merging issues” in the 2011 UPR proved to be a very successful advocacy tool as there was a section “Refugees” in it, with suggested recommendation “Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure and ensure its promotion among children, parents and various professionals.” So in the UPR 2015 there is such a recommendation proposed by Slovakia and Ireland. In addition, in the “Merging issues” in 2011 UPR, there was a section Refugees. In the 2015 review, the recommendations on migrants are 10, six of them being related to unaccompanied minors, as well as some more recommendations on education, but strictly related to access to education of minor and juvenile aliens.

Another “Merging issue” in the 2011 UPR is the Child poverty, which is going rampant in Bulgaria. The number of poor children in 2013 in the country was 377,3 thousands which breaks the record for the largest number of poor children living in Bulgaria since 2006. In the 2015 review, there are two recommendations explicitly relating child poverty to Roma children and instating on addressing these issues. However, the child poverty does not strike Roma population only. The statistical data shows that there is a trend toward increasing inequality in society. Another disturbing phenomenon is that in 2013 the risk of poverty compared to 2012 grew by 10.8% for households with three or more children and by 11.3% for household consisting of one parent and dependable children. So this is a very important topic that should remain in focus both of national institutions and NGOs and of international bodies.

## I. Feedback on recommendations issued at the second Universal Periodic Review cycle in May 2015

### 1. Migrants

**Recommendation A - 123.166** Continue strengthening action aimed at protecting the human rights of the migrant population (El Salvador)

**Recommendation A - 123.168** Promote a positive image of and tolerance for asylum seekers and refugees (Rwanda)

**Recommendation A - 123.169** Amend its legislation on asylum seekers and adopt a national programme for the integration of refugees (Nigeria)

**Recommendation A - 123.170** Fully implement the national integration strategy adopted earlier in the year (Germany)



**NNC:** Not implemented. There are some laws and strategic documents on migrants such as the Law on Asylum and Refugees, the National Strategy on Migration, Refugees and Integration 2015-2020. Yet in reality the refugees do not have a full access to their human rights even if they receive a status and Bulgarian ID documents. After crossing the Bulgarian border, they fall in hands of Border Police (sometimes in paramilitary civic gangs who often force them back to Turkey) and then they go to detention centers. After being registered, the refugees are sent to refugee camps where they lack basic medical support and the kids cannot go to school, though education is recognized as a main milestone for integration.

Refugees and migrants are quite often an object of hate speech and xenophobic speaking on the national media. Bulgaria lacks any implementation of national integration strategy.

**Recommendation A - 123.175** Provide all unaccompanied children with appropriate legal guardians, as required by Bulgarian law, to ensure their basic needs are met and their best interests protected (Austria)

**Recommendation A - 123.176** Provide all unaccompanied children with appropriate legal guardians, as required by Bulgarian law and ensure their basic needs are met (Hungary)

**Recommendation A - 123.177** Take immediate action to ensure that legal guardians are appointed for unaccompanied minors and that proper accommodation and education are provided (Denmark)

**Recommendation A - 123.178** Designate legal guardians for all unaccompanied children as required by Bulgarian law, to ensure that their basic needs are met as children and that their interests are protected (Belgium)

**NNC:** Not implemented. There are no legal guardians assigned to unaccompanied minors. The Coordinating Mechanism for interaction between child protection institutions on cases of asylum seeking children fails to be adopted for over two years. Unaccompanied minors still face a number of problems such as not being settled in safe and protective environment, lack of access to education and medical care, lack of legal guardian and lack of guarantees that their rights will be observed.

**Recommendation A - 123.179** Not detain children with unrelated adults (Sweden)

**Recommendation A - 123.180** Not detain children with adults unrelated to them (Belgium)

**NNC:** Not implemented. Children are still detained with unrelated adults and settled in refugee camps along with adults, with no special protection and safe place for them. Children are often left unattended in these places and that is the reason for the huge number of disappeared unaccompanied children. There is no official statistics for them and no system or coordinated efforts among state institutions to trace them.

## ***2. Child rights/Non-violence/Non-discrimination/Ombudsman***

**Recommendation A - 123.12** Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia) (Ireland);

**NNC:** Not implemented. Bulgaria has not signed and ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which will allow individual children to submit complaints regarding specific violations of their rights under the Convention. Despite being embodied in various pieces of legislation, the right of children to be heard in civil, criminal and administrative proceedings is not fully implemented.



Children's ability to enjoy their rights in practice is commonly dependent on a number of conditions, including: their age, their role in the proceedings, the stage which the proceedings are at, the specific area of law to which the proceedings relate and the discretion of the judicial authorities. For example:

Even though according to legislation all children over the age of 10 have to be heard in all administrative and judicial procedures concerning their life and wellbeing, the exercise of this right remains at the discretion of the professionals involved in each case and in most of the cases are done just formally without giving importance to the child view. The right of children to act in civil and administrative proceedings is subject to the application of minimum age criteria and parental authorization as according to the requirements of Civil Procedure Code only children aged 14 and above have the right to bring cases before a court in all areas of law, with parental/guardian consent.

Minors at the age of 10 still lack the right to file a complaint about abuse by themselves. If this measure is introduced it would serve as a sensible safeguard in terms of protection against violence and other forms of ill-treatment. A new comprehensive system of provisions needs to be elaborated and adopted to fully ensure the right to be heard of the children who are witnesses and victims of crimes (as criminal proceedings) and divorces or placements in institutions (for example as civil proceedings). It should include provisions about who, when, where informs the child about his/her participation in the proceedings, who, when, where hears the child and who, when and where informs the child about the outcomes of the proceedings.

**Recommendation A - 123.13** Sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Italy);

**NNC:** Partially implemented. On April 13 the Government said in a statement it would sign Convention of the Council of Europe on preventing and combating violence against women and domestic violence. It signed the convention on April 21 2016. Joining the Istanbul Convention is among the priorities of Bulgaria during the country's current chairmanship of the Committee of Ministers of the Council of Europe (November 2015-May 2016). Bulgaria has also promoted a Gender Equality Act.

**Recommendation A - 123.15** Take steps to establish an A status national human rights institution (Australia);

**NNC:** Not implemented. National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions, commonly known as the Paris Principles, are playing a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level, a role which is increasingly recognized by the international community. In 2011 the Commission against Discrimination and the Ombudsman were given mandate B as independent human-right organisations in compliance with the Paris principles<sup>1</sup> setting up minimal standards with regard to the status, powers and functioning of the national human-right institutions. Bulgaria is one of the eight countries in the EU that is given status B for the lack of full compliance with the Paris principles.

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<sup>1</sup> Passed with Resolution 1992/54 of the Commission and confirmed with Resolution A/RES/48/134 of the UN General Assembly in December 1993.



**Recommendation A - 123.16** Continue developing its national human rights institution in accordance with the Paris Principles (Egypt);

**Recommendation A - 123.17** Continue the effort to strengthen the Commission for Protection against Discrimination and the Ombudsman as national human rights institutions in ensuring that those institutions are in line with the Paris Principles, as previously recommended (Indonesia);

**Recommendation A - 123.22** Ensure the allocation of adequate resources to national human rights protection bodies, such as the Ombudsman (Philippines);

**Recommendation A - 123.23** Establish a children's ombudsman to safeguard, protect and promote the rights of children and young people, as previously recommended (Norway);

**NNC:** Not implemented. There is still no children's rights ombudsman in Bulgaria to guarantee independent monitoring and control in observing children's rights. Bulgaria is one of the three EU member-states not having such a specialized child protection figure.

Unfortunately, in spite of the efforts of the Bulgarian Government to include vulnerable groups and accelerate their social inclusion according to the provisions in a number of strategies, there are still practices of discrimination and unequal treatment of asylum seekers, refugee and migrant children, children with disabilities, children living in institutions and in alternative care and Roma children in terms of their access to education, healthcare and adequate housing and social environment.

**Recommendation A - 123.34** Consider developing human rights indicators as an instrument that would allow the assessment of national human rights policies (Portugal);

**NNC:** Not implemented. There are no indicators on human rights implementation. As hate speech became wide spread in media and political institutions, the very concept of human rights is under threat in Bulgaria.

**Recommendation A - 123.95** Repeal article 158 of its Criminal Code and ensure that all acts of sexual violence against women and girls are properly investigated and perpetrators are punished (Ghana);

**Recommendation A - 123.96** Improve prosecution for and prevention of domestic violence and ensure that victims of domestic violence have access to shelters and other support services (Czech Republic);

**Recommendation A - 123.97** Take concrete measures to prevent cases of violence against women, including the implementation of awareness-raising campaigns on the rights of women and girls (Canada);

**Recommendation A - 123.99** Eliminate all forms of child marriage and raise the minimum age of marriage to 18 (Sierra Leone)

**NNC:** Partially implemented. Article 158 of the Criminal Code was repealed in 2015. Yet there are many cases of sexual violence against girls and women that are not properly investigated and perpetrators are not punished. There are still many cases of cohabitation with minors and the men living with them are not persecuted with the argument that the cohabitation is taking place voluntarily and that the parents of the girl have given their consent for this. The parents are neither prosecuted although they should be, according to the law. There is a coordination mechanism for partnership among state institutions and NGOs in cases of sexual assault against children. Yet the social services for meeting the needs of these children are yet to be properly developed.





**Recommendation A - 123.100** Promote non-violent methods of child-rearing and education and ensure that the law prohibiting corporal punishment is enforced (Poland)

**NNC:** Not implemented. Corporal punishment to children is widely accepted in the society as one of the instruments for child-rearing and disciplining. Although in the education system violence against children from adults is prohibited, there are cases of violence from adults to children, as well as bullying among children. The violent methods of child-rearing are also wide-spread in the kindergartens (in the majority of cases reported in the media – it is not corporal punishment but non-verbal one and a humiliating approach to children) and in the institutions for children deprived of family care.

### **3. Minorities/People with disabilities/Poverty**

**Recommendation A - 123.26** Ensure the effective implementation of the relevant action plans, including the National Roma Integration Strategy (Hungary);

**Recommendation A - 123.32** Within the framework of the National Roma Integration Strategy developed in 2011, intensify its efforts for implementation of their integration policy, especially in the areas of health and education (Cyprus);

**Recommendation A - 123.35** Ensure effective implementation of the National Roma Integration Strategy (2012–2020), including by identifying lessons learned and best practices in the implementation of the first phase (Italy);

**NNC:** Not implemented. Bulgaria has a good political framework for Roma integration, but it lacks the necessary large-scale and long-term policies for its implementation. There are good practices for Roma integration, especially in the fields of education and health, but so far they have been carried out within projects and have not evolved into sustainable national policies. European funds provide some of the necessary financial resources but lack broad public support and sufficient political will to transform projects into policies. There are also weaknesses in areas such as housing conditions that need to be repaired.

**Recommendation A – 123.29** Strengthen the measures aimed at protecting vulnerable populations and so guarantee their full access to public services (Côte d'Ivoire);

**Recommendation A - 123.30** Continue increasing assistance for vulnerable persons (Angola);

**Recommendation A - 123.31** Continue strengthening the advanced programmes carried out for the promotion of employment, food and social assistance, combating poverty and social inequality, and in favour of national minorities — especially Roma — and other vulnerable sectors of the population (Bolivarian Republic of Venezuela);

**NNC:** Not implemented. Unfortunately, in spite of the efforts of the Bulgarian Government to include vulnerable groups and accelerate their social inclusion according to the provisions in a number of strategies, there are still practices of discrimination and unequal treatment of asylum seekers, refugee and migrant children, children with





disabilities, children living in institutions and in alternative care and Roma children in terms of their access to education, healthcare and adequate housing and social environment.

**Recommendation A - 123.56** Take targeted and efficient measures to address the discrimination and exclusion of minorities that include awareness-raising of the majority population of the need to show respect and understanding towards minorities in accordance with the fundamental principle that “all human beings are born free and equal in dignity and rights” (Denmark);

**Recommendation A - 123.57** Take the necessary measures to fight marginalization of Romani individuals by addressing intolerance and discrimination, and improve their opportunities for education and employment (United States of America);

**Recommendation A - 123.58** Ensure equality of access to education, housing and employment especially of the Roma people (Ghana);

**Recommendation A - 123.59** Take practical measures for adopting a non-discriminatory approach towards the Roma minority (Russian Federation);

**Recommendation A - 123.60** Continue legislative reforms to better fight discrimination against the Roma population and other minorities, racist violence, hate crimes and hate speech (Niger);

**Recommendation A - 123.63** Strengthen the implementation of laws prohibiting discrimination and incitement to hatred in order to protect the rights of minorities such as Roma (China);

**NNC:** Not implemented. People from the minority populations, such as Roma and migrants in particular, do not have equal access to education, health and housing in Bulgaria. Hate speech and hate crimes are yet to be recognized and properly prosecuted in the Criminal Code. For crimes which are obviously committed out of xenophobia and/or racism, the indictment fails to point out the proper articles of the Criminal Code applicable for them.

**Recommendation A - 123.143** Consider revising its legislation to ensure the promotion and protection of the rights of persons with disabilities, especially the law relating to legal capacity and accommodation of persons with mental disabilities in institutions (Thailand);

**Recommendation A - 123.147** Promote the strengthening of the legal framework for the protection of children and adolescents with disabilities (El Salvador);

**NNC:** Partially implemented. The rights of persons with disabilities exist on paper. All institutions for children with physical and mental disabilities have been closed by the end of 2015. Yet the children and adolescents with disabilities have been placed in smaller Family Type Care Centres, where they keep on being segregated from the society. There is a lack of community services for people with disabilities and the stigma on them is still very obvious, particularly on people with mental disabilities. Inclusive education for children with disabilities have gained momentum on papers and it has been given a significant focus in the Pre-School and School Act, but in practice many children are excluded from learning in a common classroom with their peers.

**Recommendation: A - 123.144** Implement the policy for employment of persons with disabilities and the National Roma Integration Strategy 2011–2020 (Sudan);

**Recommendation: A - 123.150** Uphold the standards on the protection of the rights of persons belonging to minorities (Romania);



**Recommendation:** A - 123.151 Continue the initiatives directed towards the promotion and protection of the rights of the national minorities (Armenia);

**Recommendation:** A - 123.156 Continue strengthening policies to integrate the Roma population and ensure they have access to basic health and social services, with particular emphasis on the rights to safe drinking water and sanitation, as well as education, housing and employment (Spain);

**Recommendation:** A - 123.157 Implement the National Roma Integration Strategy with special focus on improving Roma employment in rural areas, ensuring health insurance coverage, improving housing conditions and combating hate speech against Roma (Netherlands);

**Recommendation:** A - 123.158 Continue developing inclusive policies to enable the Roma population to enjoy the same rights and opportunities as other persons, with due regard to their participation in its design and implementation (Chile);

**Recommendation:** A - 123.159 Promote the full access of Roma children to education at all levels by introducing a concrete action plan with the budgetary means to achieve this goal. Efforts to decrease the rate of dropouts of Roma children should be intensified further (Finland);

**Recommendation:** A - 123.160 Address issues of poverty, employment, education and housing of Roma people through effective implementation of integration strategy (Pakistan);

**Recommendation:** A - 123.161 Continue and intensify efforts in combating poverty experienced by Roma and other disadvantaged members of the population (Poland);

**NNC:** Partially implemented. The rights of minority population are well stated in a number of strategies and integration policies but the situation in practice is different. The child poverty in Bulgaria hit the record high of 377 300 in 2013, which marks an increase of 28.4% in 2012 to 31.7% in 2013 of children living in poverty. Many children have been separated from their families and transferred to alternative care due to poverty in families. The safe and healthy housing is still a privilege for many children, particularly Roma ones. There is a commitment by the state to ease the access to housing of Roma and most vulnerable people but it is not implemented in practice. The lack of housing at all is a huge problem as well for migrants who have received their status and have chosen to legally stay in Bulgaria.

#### ***4. Fight against racism, xenophobia and hate speech***

**Recommendation:** A - 123.64 Allocate resources to educational programmes in order to change views and neutralize racist ideas that were spread by extremist groups (Russian Federation);

**Recommendation:** A - 123.65 Strengthen the fight against racism, xenophobia and hate speech (Angola);

**Recommendation:** A - 123.66 Take more robust measures to prevent and punish religious hatred, discrimination, racism, extremism and xenophobia and human rights violations committed against minorities (Namibia);

**Recommendation:** A - 123.67 Intensify its efforts to protect individuals from racism, xenophobia and hate crimes by encouraging reporting and ensuring proper recording of hate crimes as well as ensuring that bias movements are fully taken into account in the investigation, prosecution and sentencing of offences. All victims of hate crimes must have access to justice (Finland);



**Recommendation:** A - 123. Strengthen the measures aimed at fighting discriminatory acts and hate speech against certain minority groups by focusing on prevention and follow-up to these acts (Côte d'Ivoire);

**Recommendation:** A - 123.69 Give a strong response to hate speech, including in offline and online media, as well as systematically denounce expression of intolerance by opinion leaders in the country (the former Yugoslav Republic of Macedonia);

**Recommendation:** A - 123.70 Strengthen the measures to fight hate speech, targeting of persons on the ground of their ethnicity, religion or sexual orientation, particularly Roma, Muslim and lesbian, gay, bisexual, transgender and intersex persons, as well as asylum seekers and migrants (France);

**Recommendation:** A - 123.71 Take measures to fight all types of inflammatory speech or incitement to hatred against ethnic and religious minorities and ensure that perpetrators of such crimes are prosecuted and receive adequate convictions and penalties (Mexico);

**Recommendation:** A - 123.72 Strengthen data collection on racist and xenophobic violence in order to identify the sources of this kind of discrimination, which turn into the so-called hate crimes (Uruguay);

**Recommendation:** A - 123.73 Condemn crimes and hate speech, ensure that all racist offences are effectively detected and are subject to investigation and prosecution, and fight against racism and intolerance manifestations in the media (Canada);

**Recommendation:** A - 123.74 Prosecute the instigators of hate crime and provide remedies for victims of hate speech (Sierra Leone);

**Recommendation:** A - 123.75 Double its efforts in combating intolerance and hate speech, including through ensuring proper investigation and prosecution in all cases of attacks and incidents of intolerance against minorities (Malaysia);

**Recommendation:** A - 123.76 Take measures to address the increase in racist and xenophobic violence, including the provision of courses and training on discrimination for law enforcement personnel, judicial authorities and health professionals (Uruguay);

**NNC:** Not implemented. Hate speech is coming from everywhere – politicians, the National Assembly, media, small talks. Cases of racist and xenophobic violence are not excluded ones and no official measures have been taken to prevent it.

### ***5. Trafficking and Sexual exploitation***

**Recommendation:** A - 123.101 Continue strengthening the capacity of the National Commission for Combating Trafficking in Human Beings (Sudan);

**Recommendation:** A - 123.102 Continue its efforts in combating trafficking in persons (Armenia);



**Recommendation:** A - 123.103 Continue the actions taken to combat human trafficking, particularly for forced prostitution, begging and underpaid work (France);

**Recommendation:** A - 123.104 Continue its efforts in combating trafficking in persons including strengthening the preventive measures on sexual exploitation of women and children (Malaysia);

**Recommendation:** A - 123.105 Strengthen the normative framework for coordinated government actions against trafficking and care for the trafficked victims, including developing a procedural framework for the return and reintegration of victims of trafficking in persons (Philippines);

**Recommendation:** A - 123.106 Continue the fight against trafficking of human beings and international cooperation in this respect (Romania);

**Recommendation:** A - 123.107 Strengthen existing mechanisms as well as create new legal policies that prevent and combat human trafficking (Serbia);

**Recommendation:** A - 123.108 Expand anti-trafficking measures from the large towns to the rural neighbourhoods and highly populated Roma communities so as to protect the most vulnerable groups of society (Serbia);

**NNC:** Partially implemented. The National Commission for Combating Trafficking in Human Beings has developed an action plan for 2016. The four main pillars for the plan in 2016 are as follows: prevention; increased victims identification and protection; effective prosecution of perpetrators and boosted international coordination. In practice, the number of asylums for victims of human trafficking and sexual exploitation is very low. The people can stay there six months at the longest and then they rarely have where to go and easily fall victims of traffickers again. Besides, unaccompanied children refugees often fall victims of smugglers as they are not assigned a legal guardian and no institution keeps track on them.

## **6. Family and Alternative Care**

**Recommendation:** A - 123.125 Provide effective protection for the family as the natural and fundamental unit of the society, in accordance with its respective obligations under international human rights law (Egypt);

**Recommendation:** A - 123.126 Develop an effective State family policy based on the prevention of separation of children from parents and early intervention measures, supported by an action plan for implementation and specifically designated funding (United Kingdom of Great Britain and Northern Ireland);

**Recommendation:** A - 123.127 Take measures to improve the situation of children who are still living in institutions (Trinidad and Tobago);

**Recommendation:** A - 123.128 Continue its efforts to further improve the situation of children in specialized institutions (Georgia);



**NNC:** Partially implemented. Support to families is declared in many strategic and other documents but in fact this is not supported with an overall family policy with clear aims, objectives and activities. Most of the existing policies affect families, but without being tied into a system of targeted actions support. Examples for that are the high number of children in formal care despite the deinstitutionalisation reform as well as the increase of child poverty for single parents and parents with more than 3 children. If families at risk receive adequate support in time, many children would not be separated from them. As a result of the amendments in the Rules on the Implementation of the Family Allowances Act in the autumn of 2013, the monthly allowances for children have been bound to the compulsory attendance of kindergarten (pre-school group) and school since the beginning of 2014 r. In the opinion of the National Network for Children this measure is ineffective since the compulsory character of the attendance itself doesn't result in the wider inclusion of the vulnerable group children. Outreaching these children demands comprehensive approaches and comprehensive family support services instead of punitive approach based on poverty. Another example of this punitive approach is the amendment in the Family Allowances Act, which stipulates that once suspended monthly allowances for families, whose children don't attend school, could not be granted again earlier than a year after the suspension date.

**Recommendation:** A - 123.149 Continue to make efforts to provide care to children with disabilities outside the institutional frameworks (Kuwait);

**NNC:** Not implemented. There is a critical gap in the system of professional qualification in relation to social work as well as disability services and a general lack of understanding of disability issues among social workers and care workers who are working with children with disabilities and their families. This issue needs to be addressed as a matter of urgency and assessment, intervention and support should be informed by the International Classification of Functioning, Disability and Health (ICF).

## 7. Education

**Recommendation:** A - 123.137 Continue increasing quality of children's education, especially in rural areas (Turkmenistan);

**NNC:** Partially implemented. The new Pre-School and School Act and the state educational standards try to put a strong focus on quality in education. The new legislation envisages an independent inspectorate on quality in education. Yet at present each school define quality in education mainly in terms of cognitive and academic achievement. Quality is a vague term when referring to schools in rural and remote areas, where children do not have choice which school to attend. It depends mainly on the human factor and teachers' motivation if the children in those schools will receive quality education, not only academic one but also with focus on social and non-cognitive skills.

**Recommendation:** A - 123.138 Strive to achieve the right to education of all boys and girls with strict respect to the principle of non-discrimination and take concrete measures to fight the high dropout rates in schools and preschools among minority and vulnerable groups (Mexico);



**Recommendation:** A - 123.139 Make steps towards more sustainable reduction of school dropouts (Norway);

**NNC:** Partially implemented. In Bulgaria, the right to education is equal to boys and girls. Yet there are some minority groups (e.g. Roma) where parents sometimes hinder the access to education of their daughters due to family reasons – the girl gets married. Sometimes the access of boys to school is also obstructed due to labour migration – the whole family migrates to another location (or another country) to work.

The Ministry of Education has drafted a Strategy for Prevention of School Dropout and revises each two years the action plans that go with it. Yet official data show that nearly 7 000 children aged 6-10 do not attend elementary schools (or 2.6% of the whole number of children that age) and the same number of children aged 10-14 do not go to school (or 3.2% of the total). There are some measures taken by the Ministry of Education to keep children in schools and to increase their motivation with extra curricula activities. Yet the effectiveness of these measures is not followed up. Moreover, there are almost no coordination mechanisms among schools and local institutions to detect early signs of school dropout risk. There are not any programmes for school reintegration.

**Recommendation:** A - 123.140 Elaborate comprehensive measures in order to guarantee the right to education for children of migrants and of national minorities (Russian Federation);

**Recommendation:** A - 123.167 Guarantee the right to education by enrolling all migrant children into mainstream Bulgarian schools and provide necessary language support classes to facilitate their integration (Sweden);

**Recommendation:** A - 123.171 Adopt the draft law on asylum and refugees, which is to ensure, inter alia, unhindered access to primary education for refugee children (Germany);

**Recommendation:** A - 123.172 Consider granting access to primary education to the children of refugees in the country (Nigeria);

**NNC:** Not implemented. The education in Bulgaria is delivered in the official language of the country – Bulgarian. There are many bilingual children, whose mother tongue is different from Bulgarian and their needs are rarely been taken into account at school. The situation with children refugees is even more complexed because they have to take equivalency exams (in Bulgarian) so as to enter Bulgarian schools. Therefore, if a child wants to exercise his or her right to education, he or she must speak Bulgarian language. The State Agency for Refugees offers courses in Bulgarian, as well as some NGOs in Bulgaria. Although there are no official data, yet the number of children refugees in Bulgarian schools is quite low.

**Recommendation:** A - 123.148 Continue its efforts to promote an inclusive education for children with disabilities in the general school system (Israel);

**NNC:** There is no accurate and precise data on the number, age and profile of children with disabilities. There is also no precise data on how many attend kindergarten/school or are taken care at home. In addition, there is lack of



sufficient support services to address the needs of children with disabilities and their families, including support for the process of inclusive education. A number of services have been established as part of the process of deinstitutionalization but they are unequally distributed over the country. Support in schools is also limited and early intervention is not well developed. Furthermore, the International Classification of Functioning, Disability and Health is not adopted and implemented in Bulgaria.

The focus of inclusion has been on provision of specialists at school. However, it is a concept comprising all the factors making the child an equal participant in the educational process, allowing them to reach their full potential and demonstrate their strengths. The components of supportive environment are the well-trained professionals, physical access, adapted classrooms, individual curricula, appropriate school aids, teaching technologies, facilities, appliances, etc.

### **8. Juvenile Justice**

**Recommendation:** A - 123.118 Consider the implementation of the reform of the juvenile justice system as a matter of priority (Austria);

**Recommendation:** A - 123.119 Take necessary measures for establishing a specialized juvenile justice system and continue efforts for the reintegration of former child offenders in the society, in compliance with the Convention on the Rights of the Child (Republic of Moldova);

**Recommendation:** A - 123.120 Continue the effort in the field of juvenile justice, including by considering incorporating restorative justice principles in the juvenile justice system (Indonesia);

**NNC:** Not implemented. There is no Juvenile Justice Act so far, although the Ministry of Justice has formed a working group to develop the new law. Yet the members of the group cannot reach a common and shared concept on it. There are still no changes in the primary and secondary legislation concerning the specialized educational institution (Social-Pedagogical Boarding Schools and Correctional Boarding Schools) where children are placed under the current and very obsolete laws in Bulgaria, regarding juvenile justice. The principle of deprivation of liberty as a last resort and for the minimum period of time is not explicitly provided for in legislation. Urgent measures should be taken so as to introduce new effective legislation for children with "anti-social behaviour". This legislation also should be effectively implemented.

## **II. Merging issues**

### **1. Mental health**

In 2011, a research team from Bulgaria was involved in the European SCMHE (School Children Mental Health) survey, which aims to collect data related to major risk factors for children's mental health. Information on children's mental health is collected from 32 schools in Sofia city (the capital) and Sofia region. It covers 1385 children, 1081 parents and 1267 teachers. The results showed mental health problems and service needs. The children who need psychiatric care accounted for 5% of the sample. 53% of children exhibit mental health problems that need to be addressed, and only





41.4% of children do not have mental health problems. The data strongly suggest a significant need for mental health professionals in primary schools.

On the other hand, according to official data of the Ministry of Health, the number of child psychiatrists in Bulgaria is 15, which is highly insufficient to address the needs of children and families. Community based services for children mental health are available in big cities only and are quite low in number. In addition, the stigma on children and families with mental problems is still very explicit and it is very difficult for them to get included in the community.

**Suggested recommendation:** To carry out a national survey on the needs of children mental health services and support and to create a network of integrated mental health services all over the country.

## 2. Early childhood development

Early childhood development objectives have been established in all relevant sectors. However, there is a lack of unified vision for early childhood development among different ministries and agencies and a lack of integrated common plan of action. In its General comment No. 7 Implementing child rights in early childhood (2005), the UN CRC states that *“For the exercise of their rights, young children have particular requirements for physical nurture, emotional care and sensitive guidance, as well as for time and space for social play, exploration and learning. These requirements can best be planned for within a framework of laws, policies and programmes for early childhood, including a plan for implementation and independent monitoring.”*

**Suggested recommendation:** Develop a national strategy for early childhood development supported by a detailed action plan for implementation and clear leadership and co-ordination mechanisms.

*National Network for Children*

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