



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

MONITORING OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD IN BULGARIA

SUMMARY OF REPORT 2022

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THE CONVENTION

The Convention is a legal document with clear obligations on how rights are to be respected and fulfilled, and many of its articles refer to the conditions, resources, protection and freedoms that a child needs to achieve his or her full developmental potential. The Convention does not offer children more rights than other human beings, but recognises that additional safeguards may be needed to make sure that children have access to the human rights that everyone has. It stands out among other international agreements in that it contains the full spectrum of human rights: civil, political, social, economic and cultural rights.

The Convention is based on three categories of rights – participation, protection, and provision – and is guided by four core principles: non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child. The implementation of the Convention and the Optional Protocols is monitored by the Committee on the Rights of the Child (CRC), and every five years Bulgaria reports to the monitoring body on its progress in implementing the rights of the child. The CRC then makes recommendations on how to improve the protection of children's rights and often highlights where the government has done well or failed to fully realise children's rights. These recommendations are an effective mechanism for the Ombudsman institution in conducting monitoring, as well as for advocacy and campaigning to raise public attitudes towards children's rights.

According to the UN Convention, children are real actors in the transformation of our communities, and each one of them, with their abilities and talents, their faith and capacity, is part of the change. Every child has a unique potential and it can be developed in the right conditions, in a safe and secure environment, if they are loved and supported by their parents and the adults who care for them. He or she must have secure access to quality education, health care and an adequate social sector. Children's well-being is influenced by a range of factors, including their actions and relationships, the networks and resources of those who care for them, and public policies and the national context. Children need to feel that they are listened to, that the state supports their parents, and that it allocates the necessary resources for a happier childhood. It is



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important how national strategies consider children in different social, educational, financial and natural contexts.

The National Human Rights Institution (NHRI) is mandated to promote and protect the rights of children. This has been highlighted by the UN Committee on the Rights of the Child, which notes the key role that the NHRI has to play in its establishment, organization and activities to promote respect for the views of children on all issues that affect them. The existence of an independent mechanism dedicated to the protection of children's rights sends an important message to children: that they have rights and that there are means within their means to ensure that these rights are respected.

The defined objectives of the ombudsman are focused on monitoring the situation and protection of children's rights in Bulgaria, working on complaints alleging rights violations, drafting special reports, organizing initiatives and other events related to the topic, which is carried out for the benefit of Bulgarian society. Emphasis is placed on defending the rights of the most vulnerable groups of children, as well as working with children themselves and protecting their right to participation. The work of the Ombudsman is based on the provisions of the UN Convention on the Rights of the Child (the Convention), the ratified Optional Protocols, the EU Charter of Fundamental Rights and all international and European documents governing children's rights. The Ombudsman monitors the implementation of the standards of the instruments by sending special questionnaires to the protection authorities. Monitoring the implementation and enforcement of international treaties is an obligation that derives from the UN Statute A, which the Ombudsman institution received as an independent human rights organisation that complies with the Paris Principles relating to the status of NHRIs adopted by the UN General Assembly. The minimum standards for the work of human rights institutions established by these Principles commit the Ombudsman not only to propose the ratification of international human rights instruments, but also to monitor and promote their effective implementation by the competent national authorities

UN CRC IMPLEMENTATION IN BULGARIA 2022

Pursuant to Article 19, paragraph 1, item 12 of the Ombudsman Act, the Ombudsman has the responsibility to monitor and promote the effective implementation of the conventions for the protection of human rights to which the Republic of Bulgaria is a party, by including in its Annual Report a special independent part, assessing the extent to which the legislation and practices are aligned with the CRC. In 2020, a system of indicators was developed for monitoring children's rights from the point of view of the CRC and, more specifically, for their implementation in individual sectors. Monitoring, for its part, includes the development of special questionnaires, the collection of information on the implementation of CRC activities, as well as the assessment of measures and trends to achieve improvements in the various sectors. When carrying out the



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monitoring, the guidelines issued by the Committee are reproduced. The Ombudsman prepares ideas and proposals for addressing the identified problems, which are reflected in the report, while the monitoring includes only more general, key parameters (indicators) showing existence of problems in the field of children's rights.

The questions are structured around specific topics. Each group of rights is provided with a short list of questions that clarify different aspects of the right and its realisation. These questions can also serve as indicators that allow checking the practical implementation of the law. The data collected in the monitoring can inform the planning of more adequate policy measures to protect children's rights and can serve as an assessment of the progress in important areas, showing specific vulnerabilities of children.

For the purposes of independent monitoring, which is an important part of the Ombudsman's Annual Report, up-to-date questionnaires were prepared at the beginning of 2023 and sent to competent authorities, most of which are protection authorities, under the Child Protection Act (CPA)¹:

National mechanism for implementing the recommendations of the Committee on the Rights of the Child

In Bulgaria, no such mechanism has yet been established and is not functioning. On the basis of the information provided by the SACP to the National Council for Child Protection, an intergovernmental expert working group has been established to develop a mechanism to implement the recommendations of the UN Committee on the Rights of the Child. In the context of the submission of the 6th and 7th Consolidated Periodic Reports on the implementation of the 2022 CRC, letters were sent and constant liaison and communication with the members of the expert group were maintained. The information received from the involved institutions is aggregated, summarised and analysed before submitting the combined sixth and seventh periodic reports of the Republic of Bulgaria, which also includes an appendix with statistical information and data in response to the questionnaire.

Main recommendations of the Committee made after the final observations in connection with the consolidated third, fourth and fifth periodic reports on Bulgaria (21 November 2016), which have not been implemented yet

1 Reply from MLSP of 03.02.2023, Reply from MES of 05.03.2022, Reply from Ministry of Health of 28.02.2023, Reply from Ministry of Justice of 25.02.2023, Reply from Youth and Sports Ministry of 24.02.2023, Reply from Youth and Sports Ministry of 24.02.2023, Reply from Ministry of Interior of 13.02.2023, Reply from State Agency for Child Protection of 01.02.2023, Reply from State Agency for Refugees of 01.02.2023, Reply from Commission for Protection against Discrimination of 01.03.2023, Reply from National Network for Children of 02.03.2023.



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This question was put to the evaluation of the civil organisations, and the Ombudsman turned to the National Network for Children (NNC)² – a network that unites over 134 organisations working in the field of children's rights.

According to the NNC, in 2022 the legislation and the strategic framework relating to children's rights in Bulgaria remains too broad, containing more than 20 regulatory and strategic documents regulating various sectoral policies. Despite the recommendations of the Committee in this regard (CRC/C/BGR/3-5; para. 7-8), significant reforms regarding the legislative and administrative framework are lacking.

The lack of a National Strategy for the Child leads to ineffective monitoring, there is no up-to-date indicators to collect data regarding the rights of the child.

Significant problems exist with the collection of data related to child welfare, child protection, etc. There are many examples of discrepancies in the data regarding the number of children who are victims of the most serious crime – premeditated murder, where data of the Ministry of Interior, the NSI and the Prosecutor's Office differ up to 10 times, as well as the cases of child victims of violence, the number of unaccompanied refugee children.

There is a systemic regress of the protection system, despite efforts to support its capacity with funds provided under the Human Resources Development Operational Programme. Quite often social workers work in poor and degrading conditions. There are no induction and ongoing education programmes, no social work and average workload of child protection workers standards. On average, a social worker is responsible for 883 cases per year. The profession of the social worker is of low prestige, lacking opportunities for development and qualification, which is directly related to the huge turnover.

An example of deteriorated communication is the transfer in 2022 of the operation of the National Telephone Line for Children 116 111 to the SAA, and deterioration of this mechanism began in 2020, when the SACP took over the management of the line. Phone calls in 2021 are 35% less than in 2019. Without an analysis of the reasons for the critical condition of the children's phone line and measures to save it, in July 2022 it was given for operation to the SAA.

There is no evidence that the budgeting process related to children's policies considers the volume and effectiveness of public spending as an investment in children (CRC/C/BGR/3-5; para. 12). Key processes such as foster care and support of the capacity of professionals

² NNC – the National Network for Children is a coalition of civic organisations and like-minded people working with and for children and families across the country. NNC was established in 2003 as a loose alliance of non-governmental organisations. In 2006, it acquired the status of a non-governmental organisation for public benefit.



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working in the protection system remain funded by European programmes. The tool developed by NNC for evaluating financial investments in children is not used.

Recommendations for children's participation remain unaddressed. There is no uniform and systematic approach to understanding and implementing child participation.

According to the Committee's recommendation for Bulgaria to adopt a human rights-based approach to disabilities, as well as to develop a comprehensive strategy for inclusion and realisation of children with disabilities in society and education, it is noted that the financing of services, including therapies for children with autism, are not covered by the NHIF; there is a systemic problem with consumables and aids; there is no developed algorithm for therapeutic behaviour in Bulgaria; there is no systematic approach in the care of children with disabilities, which is not implemented due to missing units, coordination mechanisms and staff.

General measures for the implementation of the Convention – Article 4, and the issues on the subject concern: legislation, institutions, programmes and plans, ratifications, dissemination of the Convention

In Bulgaria, the policies on children are mainly determined by the provisions of the Child Protection Act, and Article 1, paragraph 3 of the Act reads that “the state policy for child protection is implemented on the basis of the National Strategy for the Child adopted by the National Assembly on the proposal of the Council of Ministers, built on the principles of this Act”. Bulgaria does not have an effective strategic document on the rights of the child after the expiration of the National Strategy for the Child 2008-2018. The latest draft covering the period 2019-2030 was withdrawn by the government.

Political instability made 2022 another year of stagnation in legislation and policies affecting children. The reform of juvenile justice remains completely unimplemented.

In the field of juvenile justice

Draft Act amending and supplementing the Code of Civil Procedure (CPC) – a draft prepared by an interdepartmental working group to transpose Council Regulation 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction.

The Draft Act was not considered due to termination of the powers of the National Assembly.

Draft Act amending and supplementing the Protection against Domestic Violence Act

The Draft Act was rejected in the plenary hall in first reading on 27.01.2023.

Draft Act amending and supplementing the Code of Criminal Procedure – for the purposes of transposing Directive (EU) 2016/800 on procedural safeguards for children who



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are suspects or accused persons in criminal proceedings, the Ministry of Justice prepared a Draft Act amending and supplementing the Code of Criminal Procedure

Although passed in the first reading in plenary hall, the bill was not finally voted before the termination of the powers of the 48th National Assembly.

In the field of education

An Act amending and supplementing the Pre-school and School Education Act was adopted. The amendments to the Act relate to a ban on political and party activities in the education system, as well as changes to 9 ordinances.

In the field of youth and sports

In 2022, amendments and supplements to the Youth Act were adopted. The changes include: a change in the deadlines for preparing youth reports; change of its content; regulation of the activity of the Public Council on Youth Issues.

A new Ordinance No. 1 of 10.06.2022 on the terms and conditions for financing projects under national youth programmes was adopted.

In 2022, the SACD did not carry out Impact Assessments of policies and new laws in relation to children's rights.

Overall policy and coordination

Policies and strategies – these are the measures that the executive takes in implementing the legislation, with the aim of practical realisation of the rights and implementation of the laws.

For the monitored period, the Ombudsman notes:

A National Programme for the Prevention of Violence and Abuse of Children 2022-2024 and an Action Plan were adopted;

An Action Plan was adopted in implementation of Recommendation (EU) 2021/1004 of the Council establishing a European Child Guarantee (2030);

A coordination mechanism was developed for interaction between institutions and organisations in cases of unaccompanied children or foreign children separated from their families, located on the territory of the Republic of Bulgaria, including children seeking and/or granted international or temporary protection, which has, however, only been approved by order of the Minister of Labour and Social Policy;

A Mechanism for work and cooperation between institutions in cases of children involved in parental conflicts was implemented;

A National Health Strategy 2030 was adopted, laying down measures to improve maternal and child health indicators; establishing a National Pediatric Hospital to provide integrated medical services for children is a priority task;



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In 2022, a draft National Strategy for Child and Adolescent Health and Pediatric Care 2030 was developed, but it was not adopted, as it was found that civil organisations were excluded from the consultation process.

Since 2018, Bulgaria has not adopted a National Child Strategy.

Resource allocation

States Parties to the Convention undertake to collect appropriate information, including statistical and scientific data, to enable them to formulate and implement policies with a view to its effective implementation.

The Committee recommends:

include the child rights approach in the state budgeting process and indicate clear allocations for children in the social sectors;

provision of disaggregated data, which is crucial for budget planning and for monitoring its implementation.

Children's healthcare costs

There is no statistical information on the share of GDP allocated to child healthcare.

0.6% of the funds paid by the NHIF are for medical diagnostic activity for children.

Education costs

Education expenses for 2022 amount to BGN 6,428.2 million or 4.5% of the gross domestic product for 2022.

BGN 15 million were invested in the construction of new and repair of existing sports grounds in state and municipal schools.

Social costs for children and families

With the budget for 2022, BGN 620,683,000 were approved to provide financial support for families with children under the Social Security Act. According to SAA data, the amount paid (under the Social Allowances for Children Act) for the period January-December 2022 is BGN 550,965,633.

BGN 44,845,000 were approved to provide financial support for raising a child in a family environment under the Implementing Regulation for the Child Protection Act, including BGN 31,080,000 intended for salaries and social insurance contributions for professional foster families.

The funds paid out for aid under the Implementing Regulation for the Child Protection Act are in the amount of BGN 6,276,049, of which BGN 641,638 were spent on one-time aid for the prevention of abandonment and reintegration of the child in a family environment, for raising the



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child by relatives or by foster families (pursuant to Article 48 of the Implementing Regulation for the Child Protection Act).

In the field of sports for children and youths

In 2022, the Ministry of Youth and Sports financially supports projects related to the renovation of sports grounds and playgrounds, sports halls and bases, stadiums and construction of sports grounds and playgrounds, irrigation systems and grandstands at stadiums and sports grounds on the territory of the Republic of Bulgaria in the amount of BGN 15,853,354.10 with VAT.

Data collection

The Committee remains concerned that the lack of a single, centralised database has led to insufficient data on children, in particular on children with disabilities, children from marginalised groups and Roma children.

Ministry of Interior – data received in the course of monitoring³

The Ministry of Interior does not collect differentiated data on violence against children, on which the system worked.

Number and type of crimes committed by children – a total of 5,270, including by minors 1,413 and juveniles 3,857;

Number of crimes committed against children in 2022, affected children – 1,863

In 2022, 697 children were detained by the police, including:

596 minor boys;

101 girls;

2 minor foreigners;

697 of these were detained for 24 hours at Regional Police Departments;

540 children were arrested for drug possession and distribution;

1,174 children were injured in car accidents, including 29 dead and 1,145 wounded.

Data received from the Ministry of Justice

Within the framework of a project implemented by the Ministry of Justice, 12 dedicated premises were built and equipped for lenient hearing of minors in civil and criminal proceedings (“blue rooms”) in the cities of Varna, Pleven, Kozloduy, Vratsa, Haskovo, Smolyan, Dobrich, Razgrad, Lovech, Silistra, Targovishte and Kardzhali.

³ Data provided by the Ministry of Interior with letter No. 328600-8744/13.02.2023.



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After the completion of the project, in the period 2019-2022, based on information submitted by the courts, 2,840 cases involving children were examined, and 38 children were heard in the “blue rooms” built under the project.

Annual education-related data

According to NSI data, in 2022 there were 1,817 kindergartens and 2,373 schools, including 1,948 general education, 8 special and 417 professional schools. According to data of the Centre for Information on Education, there are 42 special educational support centres and 38 specialised service units.

Data from the Ministry of Labour and Social Policy

In 2022, data of the National Telephone Line for Children 116,111 shows that 28,400 calls were received and 7,700 psychological support consultations were conducted. The share of children who were consulted was 54.75% compared to adults. There is a slight increase in calls from mothers, compared to fathers, who look for advice regarding their child upbringing and dealing with certain situations.

Social services for children and families in 2022

According to SAA information, as of 31 December 2022 a total of 654 social services for children and families, which performed a state-delegated activity, were active.

According to data from the European survey “Statistics of Income and Living Conditions (EU-SILC)”, in 2021 the share of children at risk of poverty in Bulgaria was 24.2%, being a decrease of 4.1 percentage points compared to their share in 2020. Compared to 2020, the decrease is 3.2 percentage points or 40.3 thousand less children at risk of poverty or social exclusion in absolute terms.

Violence against children

The right of the child to freedom from all forms of violence

Within the Ministry of Interior system

In 2022, 430 police protections were granted, of which 30 were at the request of the child himself. Police protection is carried out in homes for temporary accommodation of minors, in Regional Offices, in Crisis Centres and in Family-type placement center for children and youth.

Within the MLSP system

According to SAA data, in 2022 the number of reports received by Child Protection departments to the Social Protection Directorate in the country about child abuse was 1,354, and 522 of these were opened on a case-by-case basis. In 2022, the number of reports on child victims or at risk of violence, on which the Violence Coordination Mechanism was implemented, was 1,249.



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State Agency for Child Protection in protection of children against violence

In 2022, the National Programme for the Prevention of Violence and Abuse of Children 2023-2026 and the Action Plan for its implementation in the period 2023-2024 were drawn up and adopted by Council of Ministers Decision No. 51/23.01.2023.

In 2022, employees of “Control of Children’s Rights” Chief Directorate carried out 249 inspections, during 70 of which the child’s right to protection from all forms of violence was examined.

Education, leisure and cultural activities

Students who dropped out of the education system

According to the Mechanism Implementation Information System, at the beginning of the 2022/2023 school year, 53,464 children and pupils of compulsory school age dropped out of the education system. For 39,653 of the dropouts, the emergency response teams received reports that the families had gone abroad. The highest risk of students dropping out is the transition between seventh and eighth grade.

The enrollment ratio of 5-year-olds is 1.96 higher than in September-November 2021.

Children with special educational needs (SEN)

According to the Centre for Information on Education, in the 2022/2023 school year, resource support was provided to 24,036 children and pupils with special educational needs in the pre-school and school education and training system, of which 18,600 in schools and 5,436 in kindergartens. A total of 694 children and pupils with hearing and visual impairments were enrolled in special schools for pupils with sensory disabilities and 2,776 children and pupils with special educational needs were enrolled in special educational support centres (SESCs).

Support for children with disabilities and children with SEN

The Ministry of Education and Science does not have data on the number of children with disabilities and children with SEN, who are outside the education system.

573 teaching assistants were appointed in kindergartens and schools, 333 of them were appointed in kindergartens and 240 in schools.

Equal access to kindergartens

From 1 April 2022, the State Budget Act for 2022 abolished fees for visiting kindergartens, and the costs of maintaining kindergartens, which were financed from municipal budgets at the expense of local revenues, were taken over by the state budget as a delegated state activity.

Roma children in segregated schools



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The Ministry of Education and Science does not have data on the number of children studying in segregated schools. In 2022, a total of 1,490 kindergartens, general education schools and vocational high schools received funds to work with vulnerable groups.

Educational mediators

The number of educational mediators appointed in the Bulgarian education system, as of 16 December 2022, according to data of the Centre for Information on Education, is 1,105, with 131 in kindergartens and 979 in schools. The total number of educational mediators is higher than the total number by type of institution, because there are persons who work in more than one educational institution.

Support to mental health at school

In kindergartens and schools, the number of appointed psychologists and pedagogical advisers is also constantly increasing, with 1,313 psychologists and 687 pedagogical advisers currently employed there.

School aggression

The number of incidents for the 2021/2022 school year is 3,164, compared with 2,539 in the previous school year.

Family environment and alternative care

Adoption

In 2022, no progress was made in developing a legal and technical possibility for adoptees to have access to information on their origin.

In 2022, 196 children were recorded in the register under Article 113, paragraph 1, item 1 of the Family Code of children who can be adopted by persons habitually resident abroad under the conditions of full adoption.

From those entered in 2022 in the register under Article 113, paragraph 1, item 2 of the Family Code, there are 146 adopters with habitual residence abroad. None of the registered adopters have Bulgarian citizenship.

According to SAA data, 584 children were entered in the register of children who can be adopted under the conditions of full adoption in 2022. As of 31 December 2022, a total of 977 children were entered in the register of children who can be adopted under the conditions of full adoption, of which 431 were healthy children and 546 were children with disabilities.

In 2022, a Methodological Guidance was developed regarding the entry of a child in the register of children who can be adopted under the conditions of full adoption, within the framework of an interdepartmental working group formed by the chairman of the SACP. Representatives of all involved parties take part in it.



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Protection system

According to SAA data, as of 31 December 2022 there were 815 employees in Child Protection departments at the Social Assistance Directorate, including heads of public health services, social workers, psychologists and legal advisors. As of the end of 2022, there is still no data on the average workload of a social worker.

Foster care

As of 31 December 2022, 1,892 foster families are registered in the register of approved foster families. Of these – 9 voluntary foster families and 1,883 professional ones.

The total number of children placed in professional foster families from the beginning of 2022 to 31 December 2022 is 683.

Children in parental conflicts

In 2022, SACP employees carried out 1,978 consultations, 403 of which concerned children whose parents are in conflict. The number of these cases increased compared to previous years, and the parents' lack of desire for cooperation and communication between them leads to a high rate of inefficiency in resolving the case in the interest of the child.

According to the data from the Integrated Information System of the SAA, the number of signals in 2022, in which a risk of parental alienation was identified during the assessment by the Child Protection Department, is 357.

Health and healthcare services

According to data of the National Centre for Public Health and Analysis, the medical specialists in the country exercising acquired specialty in the field of child health are as follows:

- registered 604 practices carrying out work in pediatrics.
- 21 operating practices in the specialty “Child Psychiatry”.
- 125 children's wards opened and operating on the territory of the country.
- 308,818 hospitalisations of persons under 18 years of age were carried out.

Child mortality in 2022

In 2022, the infant mortality rate is 5.6 per 1,000 live births/according to NSI data.

In 2022, no adequate actions were taken to update the outdated legal framework regulating the work of health offices in kindergartens and schools.

Ensuring children's right of access to vital medical food

The NHIF only pays for 27 types of dietary food for special medical purposes, suitable for children in different age groups, 20 of which at 100%.



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Palliative care for children

With a view to creating conditions for sustainable improvement of maternal and child health in the country, Centres for Children with Special Needs were opened. In 2022, there were 10 Centres for Children with Special Needs functioning, and in 1 of them in the city of Burgas, the possibility of providing specialised palliative care for children in a terminal condition is ensured. In 2022, palliative care was provided to 8 terminally ill children.

According to data from the NHIF, in 2022 maternity assistance was provided to 6,959 pregnant women without health insurance.

Special protection measures

Asylum seeker and refugee children

In 2022, 3,348 unaccompanied children seeking international protection were registered in the SAR at the Council of Ministers, including 3,278 were boys and 70 were girls. The largest age group is 16-17 year olds (1,848), followed by 14-15 year olds (1,091) and 0-13 year olds (409).

The main countries of origin are Afghanistan (1,803), Syria (1,383), Iraq (35), Morocco (34), Somalia (20), Ukraine (11).

- The number of unaccompanied children granted international protection – humanitarian and refugee status for 2022 is 1193.

- In 2022, 839 decisions were made on applications for family reunification. Of these, 802 were decisions to allow family reunification and 37 were decisions on refusal of family reunification. 121 of all the decisions were made on the requests of minors.

- In 2022, 29 unaccompanied children were placed in social services. The SAR implemented a set of measures for initial social adaptation and cultural orientation of asylum seekers.

- During the year, 3,476 unaccompanied minors were accommodated in SAR centres.

- In 2022, 11 unaccompanied children from Ukraine seeking international protection were registered in the SAR at the Council of Ministers.

- In 2022, temporary protection in the Republic of Bulgaria was granted to a total of 52,863 minors from Ukraine, of which 589 were unaccompanied minors.

- The SAR does not have data on the number of unaccompanied refugee children who have been detained and sentenced in Bulgaria.

At the end of August 2022, the first meeting of the Standing Expert Working Group was held to monitor the implementation of the Coordination Mechanism for interaction between institutions and organisations in cases of unaccompanied children or foreign children separated from their families and being on the territory of Bulgaria, including children seeking or granted



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international protection (IP), the purpose of which was to enable all bodies and institutions involved in the implementation of IP to share problems and difficulties encountered.

Juvenile justice

In 2019, a working group in the Ministry of Justice drafted a Disciplinary Measures against Juvenile Criminal Offenders and Administrative Violators Act. By the end of 2022, no consensus was reached on the scope of the draft Act, from the scope of which minor children are currently excluded, and in this regard on the possible need to further develop appropriate counselling and support services in relation to them, as well as on the proposed disciplinary measure “special supervision by a foster family” proposed in the draft act.

In 2022, no changes occurred in the juvenile justice system.

Children’s access to specialised legal aid

legal aid under the CPA was provided to 829 children;

legal aid under Council Regulation (EC) No. 4/2009 and under Article 143 of the Family Code for allowance received 56 children;

legal aid pursuant to Article 25 of the Asylum and Refugees Act was granted to 3,380 refugee minors.

Judgments of the European Court of Human Rights against Bulgaria, affecting the rights of children

Two judgments issued in 2022 generally affected the rights of vulnerable children. These are the judgments in *A. and others v. Bulgaria* and *Nencheva and others v. Bulgaria* cases.

A. and others v. Bulgaria (complaint No 51776/08)

Nencheva and others v. Bulgaria (complaint No 48906/06)

Prohibition of marriages of children under 18 years of age: the Family Code allows exceptions if important reasons require this, and a child who has reached the age of 16 can enter into a marriage with the permission of the district judge of the person’s permanent address. A total of 26,620 were concluded in Bulgaria, of which 19,175 in cities, 7,445 in villages. Under the age of 18, 22 boys and 423 girls got married.

Civil rights and freedoms

Discrimination – actions of the Commission for Protection against Discrimination

In 2022, a total of 52 files related to violated children’s rights in the field of anti-discrimination legislation were opened. Of the indicated total number of files, 35 were based on “damage”, related to inaccessible architectural environment of nurseries, kindergartens and schools on the territory of the country, initiated on reports for approaching the CPD based on



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statements of ascertainment from inspections carried out by Commission's regional representatives.

In 2022, 11 proceedings were initiated in connection with complaints/allegations of violated rights of Roma, in three of the cases children were concerned. The majority of them have not ended with a final act. In 9 of the cases, a violation of the Protection against Discrimination Act was found, 7 fines and pecuniary sanctions were imposed, 4 mandatory prescriptions and 2 recommendations were given.

Civil organisations and structures working in the field of children

In 2022, civil organisations were very active. More than 60 opinions, positions and recommendations were prepared and sent by the NNC to the Ombudsman in relation to children's rights, as well as to various institutions, which clearly show the problems in the implementation of children's rights set out in the CRC.

For the non-governmental sector, 2022 was an extremely difficult year due to the piling of crisis circumstances: the consequences of the subsiding COVID crisis overlapped with the energy crisis at the beginning of the year and the refugee crisis immediately after that. The first response to the refugee crisis fell entirely on the non-governmental sector due to inability of the State to manage and coordinate adequately the available resources in the first weeks and months, as well as due to limited human resources. In 2022, the two main external factors that hindered the effective work of NGOs were the lack of stable independent funding both at national and European levels due to limitations for NGOs in the application conditions under operational programmes, aggravation and complication of administration and reporting in practically all national and European programmes and the shrinking human resources due to the economic crisis. At the same time, the sector continues to be under constant organised attack in the form of disinformation, propaganda and fake news, receiving a widespread support from some parliamentary parties as well – a huge problem related to national security and independence, which remains unrecognized and unaddressed by any public institution or administration.

Recommendations:

To develop a special mechanism for monitoring the implementation of the Convention and to develop indicators for its implementation;

To introduce a procedure for assessing the impact of legislation and policies on the child's rights;

To amend and supplement the Family Code by removing all exceptions that allow marriages under the age of 18;



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Targeted investments and effective actions to prevent child abandonment, to support families of children with disabilities and children from vulnerable communities;

To provide opportunities for children with disabilities to engage with sports, outdoor games and free time;

To expand access to integrated health and social services for children with disabilities;

To improve the data collection process for children with disabilities;

To develop a comprehensive strategy for inclusion and realisation of children with disabilities in society and education, based on a systemic approach to disability;

Investments in human resources in the protection system and in social services, ongoing training and increasing their remuneration;

Measures to promote child participation, such as providing guidelines on the meaning and application of children's participation; practical guidelines on different approaches to children's participation; preparing good practice examples of how children can be engaged;

Adoption of the National Strategic Framework for the Child;

Update of the preliminary assessment, already carried out in 2017, on the impact of Bulgaria's accession to the Third Optional Protocol;

To update the outdated regulatory framework for health offices in kindergartens and schools and/or to adopt a new one;

To make maximum efforts to ensure accessible physical infrastructure of the public environment for children with disabilities;

To make efforts to improve the availability and accessibility of early childhood education and care, as well as pre-school education;

Addressing the problems related to uneven distribution of kindergartens and nurseries in large cities and facilitating access to kindergartens in remote areas;

Active measures to support children whose parents are abroad;

Target investments in inclusive education, aimed at professional development of teachers and increasing the sensitivity of the parent community to children;

Planning measures for students who left early before completing their secondary education, with special care for small and rural areas of the country;

Focusing the efforts of the Bulgarian education system on the results of the students;

Introduction of integrated measures for interaction among educational, social and health sectors;



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Measures to overcome intergenerational transfer of educational level and poverty;

To increase efforts for higher applicability of vocational education and training on the labour market and of dual vocational education;

Conducting research on antigypsyism and social distance;

To adopt a Child Psychiatry Standard;

To take urgent measures to introduce and update the developed IT system for births, which contains real-time data on the scope of pregnant women and children with preventive checkups and with data on premature children;

To introduce an effective prevention system in the field of children's health, making health prevention a top priority;

Building a National Children's Hospital;

Active actions on juvenile justice reform;

Creating a stable and reliable system for monitoring and evaluating the implementation of child-related policies;

Optimising the process of data collection in Bulgaria related to children in individual thematic areas.

THE OMBUDSMAN IN DEFENCE OF CHILD RIGHTS IN BULGARIA

With her active actions in 2022, the Ombudsman has steadily upheld her statutory mandate to protect children's rights. In this activity, the Ombudsman actively partners with civil organisations whose main activity is the protection of children's rights.

The Ombudsman purposefully pursues her mission to alert the public and institutions to the problems that children, families, professional communities and society face every day – violence, abuse, inefficient and uncoordinated social systems, limited access to quality healthcare, inaccessible architectural environment, slow justice.

The National Human Rights Authority introduced a new impact assessment methodology, carrying out an assessment of acts, decisions and policies regarding their impact on children's rights, developed by the European Network of Ombudsmen for Children (ENOC) and UNICEF.

An overview of the past year shows that it was once again difficult for children's rights and children's policies, a year in which thousands of Ukrainian children and their mothers sought protection on the territory of Bulgaria. The flood in the municipalities of Karlovo and Maritsa left



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many children homeless and revealed serious difficulties in coordination and support at the national level. The year will be remembered for the babies tied to their beds in a health facility in Sliven and for merciless hospital practices; dozens of complaints from parents of children with special educational needs and their ineffective integration in the educational environment; unaccompanied refugee children staying for a long time in detention. But 2022 has also been a year of intensive action by human rights bodies and NGOs united in common causes – for mental health in schools, to build a national children's hospital, to support children and refugees from Ukraine, for the rights of children whose parents live and work abroad.

Political instability, the lack of institutional continuity in children's policies are some of the factors that influence the situation with children's rights. Bulgaria is among the few countries in which no national strategic document has been adopted to define the national priorities and vision in the field of children's rights, to set the framework for policies and action.

The national Ombudsman launched a broad campaign to ban the sale and use of nitrous oxide (laughing gas) to children, which won the support of MPs and they passed urgent legislative changes. These actions show that measures can only be effective if they combine the efforts of civic and institutional resources.

The year 2022 is the first year since the severe pandemic that caused most serious damage to children and their rights, and the impact on them will undoubtedly have a long-term effect. In each of her recommendations, the Ombudsman strongly emphasised that sustainable solutions should be sought for the post-pandemic period. Therefore, already at the beginning of 2022, she emphasised the topic of mental health of children and students at school by holding a public discussion "Mental health at school – possible and necessary measures", which included school psychologists, parents and parental organisations, university teachers, civil organisations, institutions.

The year was marked by serious challenges for Bulgarian parents, who expressed their concerns about whether they would be able to provide for their children and give their child the best opportunities for a healthy and happy childhood. The complaints highlight a number of cases of vulnerability of children, which the Ombudsman believes are caused by constraints of the environment which prevent the child from developing his/her full potential.

In 2022, a new website of the national Ombudsman was created and introduced, and for the first time it has a children's section "Child Complaint" <https://www.ombudsman.bg/prava-na-deteto/bg/p/poday-signal>. Consultations with children are held with the support from UNICEF BULGARIA for its optimisation.

1. Types of violations in the field of children's rights

In 2022, the main trend of the last three years, which marked an increase in complaints in the children's rights sector, persisted. There was an increase in the number of complaints concerning child welfare, complaints against actions of protection authorities, complaints relating



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to healthcare, protection from violence, as well as from inclusive education and the rights of children with special educational needs (SEN). Traditionally, there remains a high number of complaints affecting the child's family environment, and here priority is given to complaints from arguing parents that have severe parental conflicts in which the child is involved.

Most of the complainants are parents who state that their children have fallen into an unfair situation and their rights have been violated by someone's action or inaction, mostly institutional. The Ombudsman was also addressed by professionals working in social services for children, non-governmental organisations, experts, citizens.

The Ombudsman participated actively in the work of the standing committees in the National Assembly on children's issues, a number of opinions and positions were submitted. The position of the national monitoring body was very clearly presented on the issues of violence against children, Internet crimes against children, children and climate change, changes to the Family Allowances for Children Act, etc.

In 80% of the complaints submitted to the Ombudsman, a breach was found that led to violation or infringement of children's rights. 92 opinions were provided, 37 suggestions were made, in 59 cases advice was given, more than 45 of the recommendations made were implemented in full, 50 of the recommendations were partially implemented, at the discretion of the Ombudsman.

- **Citizens' complaints concerned mainly the following unresolved problems:**

During the year, a number of problems occurred in the field of healthcare, creating tension and dissatisfaction among parents. These questions had a strong public resonance. Chaos with **off-label** drugs that deprived hundreds of children with rare and oncological diseases of life-saving drugs. Limited access of needy children to vital enteral nutrition and refusal of the Ministry of Health to update the list of diagnoses. Impaired access to children's REMC and a slow cycle of decision-making. In the Sheynovo hospital, swapped babies who were raised outside their birth families for more than four months.

Dozens of complaints from **parents of children and students with SEN**, in which they clearly expressed their dissatisfaction with the ineffective inclusion of their children in an educational environment, limited access to pre-school education, the lack of enough hours for general and special preparation, insufficiently resourced teachers, lack of assistant teachers.

Poverty, poor living conditions, lack of financial resources are among the reasons why children are still taken out of their family environment and placed in public care as a measure of protection, which became the basis for complaints and alerts.

In the area of justice for children, the main complaints related to slow justice, the lack of decisive action to pass a new law on diversion from criminal proceedings and the imposition of educational measures on minor children, refusals of the protection system to work with children in conflict with the law. An important step should be noted in the new attempt for a more complete



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transposition in the Criminal Procedure Code of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings, unfortunately again with a lot of compromises.

Over 17 lawsuits were filed against unaccompanied refugee children detained at our border with Romania and subsequently convicted. Most of the children were remanded in custody for more than 40 days. On 25 February 2022, three tenth graders were detained for writing “Save Ukraine” on the plinth of the Monument to the Soviet Army. Pre-trial proceedings were initiated in the case. The Ombudsman notes that “when it comes to children, the deprivation of their fundamental rights during police custody is absolutely unacceptable and the detained minor must be provided with legal protection”.

Dozens of non-governmental organisations, which are providers of social services for children, turned to the Ombudsman because they were unable to cover their costs for electricity, natural gas and other activities. Thus, in practice, the normal functioning of this type of service was at risk and there was a real risk of deteriorating support for thousands of children who are in public care. The Ombudsman prepared a special proposal for revising the Measures and Actions during the State of Emergency Act, to provide for deferred payment of electricity and heating bills for non-governmental organisations providing social services.

Safe public environment is increasingly becoming the subject of citizens’ complaints: the poor condition of playgrounds and facilities, the sale of snus to children, which they call “cheerful candies”, but definitely a dangerous nicotine product for the young organism, non-compliance with the prohibitions on use and sale of nitrous oxide (laughing gas) to children.

For the Ombudsman, the participation of children and young people in discussing policies and measures related to them is of utmost importance. Experts of the Ombudsman institution supported students in developing legislative proposals to ban the sale of energy drinks to persons under the age of 18, which were submitted to MPs at the Healthcare Committee in the National Assembly.

Children engaged with sports. Parents referred to the Ombudsman for serious problems faced by amateur children when changing sports clubs and systematic violations of their children’s rights. The Ministry of Youth and Sports found in its inspection that the Rules of the Bulgarian Volleyball Federation contradicted the Physical Education and Sports Act, but did not take any follow-up action.

In 2022, **alerts filed by children increased, and for the year they were 15.** The main problems posed by children related to:

- Reintegration of a child from a foster family;
- Domestic violence;
- Violation of a protection order by the father;



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- Parental conflict;
- Bullying by a teacher;
- Proposal for ban of energy drinks;
- Limited access to education due to parental conflict;
- Violence in residential care;
- A student who is left without parental support and continues to study.

The Ombudsman is an established and reliable partner of civil organisations that present to her a number of problems related to the rights of large groups of children. Among the most active organisations are: the National Network for Children (NNC), “For the Good” Foundation, “Karin Dom” Foundation, “Parents” Association, “Spina Bifida and Hydrocephalus” Association, “Children with Oncohematological Diseases” Association, “Life with Down Syndrome” Foundation and others. The questions and problems they raise include:

- lack of regulation of alternative forms of childcare;
- problems with the national co-financing of the National Centre for Safe Internet and the risk of its closure;
- involvement of children in political campaigns;
- the condition of the infectious disease hospital in Varna;
- supporting children with Down syndrome in the education system;
- supporting children with disabilities from Ukraine;
- problems with the management of the national hotline for children 116 111 and its transfer to the Social Assistance Agency;
- children and gambling.

Based on data from citizens’ complaints and alerts, as well as the results of independent monitoring of public areas in which children’s rights are implemented, the Ombudsman outlines in the Annual Activity Report the main challenges faced by children and their families, as well as most of the recommendations made in 2022. Based on the inspections carried out on the complaints and the analyses of the access of adolescents to their rights, the priority areas that need to be given special attention in policies and practices are identified.

2. Challenges in the field of children’s rights

In 2022, the institution of the Ombudsman established the following challenges to the rights of the child in Bulgaria:

- lack of specific and targeted measures to overcome the consequences of the pandemic and its impact on children;



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- ineffective integration of children with SEN; lack of teacher assistants, as there are currently 150 out of 25,000 children with special needs in the country;
- inaccessible school environment for children with disabilities;
- systematic violation of children's rights in parental conflicts and lack of effective institutional support mechanisms;
- lack of national policy on those leaving public care;
- violated rights of children whose parents live and work abroad;
- deinstitutionalisation process at a standstill;
- lack of resources to support the child in the family, which is why children are removed from families and reintegration is not successful;
- no coordinated and sustainable measures to promote children's participation in decision-making and policies;
- uncoordinated protection systems and transfer of the National Hotline for Children 116 111 to the Social Assistance Agency;
- increase in the number of children, victims of Internet harassment, violence and risk of closing the National Centre for Safe Internet and its hotlines;
- unreformed child-friendly judicial system;
- high child poverty and risk of social exclusion, especially in the Roma community, as well as lack of a sustainable family-oriented approach.

Public discussion on “Mental Health at School – Necessary Measures”

Introduction of a specialised module in the teacher's class for discussion with students of the topics of aggression and bullying at school – this is one of the recommendations of Ombudsman Diana Kovacheva, announced at a “Mental Health at School – Necessary Measures” **public discussion initiated by her on 8 February 2022.**

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“We need to stop using this class hour as a time to discuss only absences, fees, and general organisational issues. This hour could be the space where children and teenagers can share their opinions, problems or comment on what is happening in their lives,” the Ombudsman said at the forum.

“With Care from 0 to 3” Forum

On 14 July, Ombudsman Diana Kovacheva organised together with the “Trust for Social Alternative” Foundation the “With Care from 0 to 3” forum, dedicated to the problems with children’s and maternal health, with a focus on vulnerable groups and the right of every child to development.



“Any moment is convenient to talk about problems that have long remained unresolved and continue to be painful for the whole society.”

The focus of the discussion was on **five key topics** – access of uninsured pregnant women to regular medical examination; encouraging the parental care towards breastfeeding (feeding) the child; services for building parental skills to support early learning of the



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child and the provision of medicines for timely treatment of children under the age of 3, as well as the problems related to the lack of personal documents for nearly 150,000 people, were debated by the forum participants more than three hours.

“The Child between Labour Migration, Institutional Standards and Extended Family” public discussion

“Every fourth child in Bulgaria is abandoned by their parents, or somewhere about 20-25% of the children in our country are practically without one or both of their parents who work abroad. In the Roma community, the percentage reaches 40%. These are children who are left in the care of their grandparents, their extended family. And when I say that one in four children is a Viber-child who only communicates with their parents via Viber, I’m actually quoting an old statistics, because the truth is that today we don’t know how many children are actually victims of this problem.”



This was stated by the Ombudsman on 12 December 2022 in Serdika hall of Sofia Hotel Balkan at the opening of the public discussion: “The child between labour migration, institutional standards and extended family”, **organised jointly with the ROMACT Programme of the EC and the Council of Europe.**



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The purpose of the forum was to raise public and institutional awareness and sensitivity to the vulnerability of children of labour migrants, especially children left behind in poor and marginalised communities, by parents who have gone to work abroad. The aim was to identify the needs of children and their extended families, as well as the need for integrated support and attention.