



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

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

SUMMARY OF REPORT 2023

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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 2023

The Ombudsman notes that promises can only be fulfilled if the voice of those to whom they are addressed is clearly heard. That is why the national human rights defender is an important part of the authorities that must first listen to children and people, amplifying their voice. Children and young people must be supported in their development for change to happen, for civic energy to have a way.

Noting with appreciation the measures taken to implement the Convention, including amendments to the Child Protection Act, the Family Allowances for Children Act, the Pre-School and School Education Act, the Family Code, the Protection from Domestic Violence Act, the



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Asylum and Refugee Act, the Criminal Procedure Code, the adoption of the National Child Abuse and Prevention Programme 2023-2026, the National Strategy for Child, Adolescent Health and Pediatric Care 2030, the Ombudsman would like to draw the attention of public institutions and the public to the recommendations relating to areas of child well-being and in respect of which urgent action must be taken.

Indicators for monitoring the Convention

In order to ensure the sustainability of the Ombudsman's monitoring and to measure the implementation of the Convention more effectively, qualitative and quantitative indicators are proposed since 2019. The purpose of the indicators is to highlight systemic rights problems created by actions or inactions of the responsible state and local authorities and to address recommendations on problem areas more clearly. Ongoing measurement through indicators enables the importance of the process of assessing the impact on children and young people's rights, needs and interests of legislation, policies, practice and resources to be brought to the attention of decision and policy makers. The measurement of a country's progress through data collection is being phased in, with only a subset of information collected from competent authorities for 2023. Data on the different indicators are collected through both annual questionnaires and official data sources in Bulgaria. The indicators have been systematically completed in order to cover all the rights set out in the Convention.

In order to collect data, the Ombudsman prepared special questionnaires which were sent to the following protection bodies: the Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Health, the Ministry of Youth and Sports, the Ministry of the Interior, the Ministry of Justice, the State Agency for Child Protection, the Commission for Protection against Discrimination, the State Agency for Refugees, as well as to one civil organisation, and this year the Community Bridges Association was chosen.

Implementation of the Convention by the executive

General implementing measures

The Ombudsman shall review the implementation of the General Measures of Implementation of the Convention and of the recommendations of the CRC, examining actions taken in the area of:

- Legislation;
- Strengthening the capacity of the judiciary in the field of children's rights;
- Policies and strategies;
- Coordination.

In 2022-2023, the Ministry of Justice drafted a **Amendments and Supplements to the Code of Civil Procedure (CCP Amendments)**. This creates conditions for the implementation of



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Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters and Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, and on international child abduction.

A **draft amendment to the Criminal Code** has been prepared in order to fully transpose into national legislation certain provisions of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA.

ECtHR judgments against Bulgaria concerning children's rights

In 2023, several legislative initiatives were taken in relation to ECtHR judgments concerning children's rights.

Some of the leading ECtHR judgments concerning children's rights are: *A. and Others v. Bulgaria*, Application No. 51776/08 (in force since 29/02/2012), *D.L. v. Bulgaria*, Application No. 7472/14 (in force since 17/10/2016) and *I.G.D. v. Bulgaria*, Application No. 70139/14 (in force since 07/09/2022). With a view to their implementation, these judgments have been grouped together under *A. and Others*, the implementation of the latter judgment being under enhanced monitoring by the Committee of Ministers of the Council of Europe.

In the case *A. and Others v. Bulgaria*, the ECtHR found violations of the Convention, mainly due to imperfections in the regulation of the Juvenile Delinquency Act. The ECtHR found a violation of Article 5, paragraph 1 of the Convention in respect of the placement of the applicant A. in the Children's Crisis Centre between September 2007 and May 2008, under the Juvenile Delinquency Act, for failure to comply with domestic law.

The case of *D.L. v. Bulgaria* concerned the lack of judicial control over the continued placement of the applicant, a minor child at risk, in a boarding school and the automatic and comprehensive surveillance of her correspondence and telephone calls.

The case of *I.G.D. v. Bulgaria* concerned the lack of direct access to judicial review and of automatic and periodic judicial review of the placement of the applicant, a minor at risk, in a boarding school between 2012 and 2015 (violation of Article 5, § 4).

Another ECtHR decision concerning children's rights is the case of *H. and Others v. Bulgaria* (Application No. 22457/16). In that case, the five original applicants, spouses and their minor children, complained under Article 3 (prohibition of torture, inhuman or degrading treatment), Article 8 (right to private and family life), Article 6 (right to a fair trial) and Article 5 (right to a fair trial), Article 13 (right to an effective remedy) of the Convention against the sexual



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violence to which the three children were allegedly subjected during their stay in an orphanage in Bulgaria and by the lack of an effective investigation in this respect.

The judgment is part of the group *S.Z./Kolevi v. Bulgaria* and is under enhanced monitoring. As far as individual measures are concerned, the investigation into the case has been reopened and appropriate action is being taken. Among the general implementation measures, key amendments to the legal framework concerning the effectiveness of the investigation should be mentioned.

In the field of education

One of the fundamental rights enshrined in the CRC is the right of the child to education, promoting the development of different forms and methods of work that are accessible and available to every child and the implementation of measures to support regular attendance in schools to reduce drop-out rates.

Changes have been made to **Ordinance No. 10/01.09.2016** on the organisation and activities of school education. The new proposals allow pupils in Grades 4, 7 and 10 whose health condition does not allow them to take the national external assessment exam due to sickness, quarantine or death in the family to take the national external assessment exam on a new date to be determined by the Minister of Education.

In the field of internal affairs

- Instruction No. 8121z-250/16.02.2023 amending and supplementing Instruction No. 81213-78 of 24.01.2015 on the procedure for detention, the equipment of premises for housing detainees and the order in them in the Ministry of Internal Affairs.
- Prepared Methodological guidelines for dealing with cases of domestic violence, including cases involving children. Sent for approval.

In the field of social activities

At the end of December 2023, on the initiative of MPs from the 49th National Assembly of the Republic of Bulgaria, the amended **Family Code** was adopted (SG No. 106 of 2023). The main part of the amendments to the Family Code concerns Chapter Eight "Adoption".

In 2023, through the Transitional and Final Provisions of the **Protection against Domestic Violence Act** (promulgated in SG No. 66 of 2023), amendments were made to the Child Protection Act, effective from 01.01.2024. The amendments to the Child Protection Act relate to the regulation of the commitments of the Ministry of the Interior to establish and maintain a National Information System for prevention and protection from paedophilia and a National Register of paedophilia cases (new Article 43a of the Child Protection Act).

As of 1 June 2023, the amendments to the **Social Assistance Act** of 2022 are in force, according to which the basis for determining access to and the amount of social benefits is the poverty line for the country and not the guaranteed minimum income. For 2023, the Council of



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Ministers set the poverty line for the country at BGN 504 and for 2024 the poverty line is BGN 526 (Council of Ministers Decree No. 212/02.11.2023).

At the beginning of 2023, a **Mechanism for work and cooperation between institutions in cases of children involved in parental conflicts** was implemented, with the State Agency for Child Protection playing a lead and coordinating role in developing and monitoring the implementation of the mechanism.

Coordination

An inter-agency expert working group was formed within the National Council for Child Protection to develop a ***mechanism for implementing the recommendations of the UN Committee on the Rights of the Child***. In connection with the submission of the 6th and 7th Consolidated Periodic Reports on the implementation of the UN Convention on the Rights of the Child in 2022, letters were sent and constant liaison and communication was maintained with the members of the expert group. The information received from the institutions involved was compiled, summarised and analysed prior to the submission of the combined sixth and seventh periodic reports of the Republic of Bulgaria, which also included an annex with statistical information and data in response to the questionnaire.

The Coordination Mechanism for Interaction between Institutions and Organisations in Cases of Unaccompanied Alien Children or Alien Children Separated from their Families on the Territory of the Republic of Bulgaria, including children seeking and/or granted international or temporary protection was established in order to ensure effective coordination and coherence in the implementation of the specific obligations of all the entities involved in the care and work with unaccompanied alien minors established on the territory of the country, with a view to ensure respect of children's rights.

Control and monitoring

In 2023, a total of 243 observations and controls were carried out, including 213 inspections and 30 observations. The number of inspections carried out was: 94 alert inspections; 87 planned inspections in 3 thematic areas; 32 follow-up inspections to follow up the implementation of mandatory prescriptions issued after inspections. 75 of these inspections were for violence.

Violence against children

Freedom of the child from all forms of violence

The active participation of victims of crime in the criminal process constitutes an important guarantee for the respect of their fundamental rights in the context of the State's obligation to conduct an effective criminal investigation and increases the victim's involvement in the proceedings.

In this regard and with a view to the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council



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Framework Decision 2001/220/JHA, an Act amending and supplementing the Criminal Procedure Code was promulgated in Official Journal, No. 48 of 2 June 2023, which also makes amendments to the Assistance and Financial Compensation to Victims of Crime Act.

The Assistance and Financial Compensation to Victims of Crime Act provides for an **individual assessment of the victim** without undue delay after the first contact of the competent authorities with the victim. It should determine his/her physical and mental state as a result of the crime suffered and establish the existence of specific protection needs within the meaning of § 1, paragraph 4 of the additional provisions of the Criminal Procedure Code. Pursuant to Article 7a, paragraph 2 of the Assistance and Financial Compensation to Victims of Crime Act, where the victim is a child, it must be presumed that there are special protection needs and a so-called "extended individual assessment" must be carried out.

National hotline for children 116 111

The National hotline for children of the SACP has a harmonised telephone number 116 111 and provides information, counselling and assistance to children. The helpline operates around the clock through the maintenance of a Call Centre at the SACP.

A comprehensive analysis of the effectiveness and efficiency of the 116 111 national hotline for children was carried out in 2023 and its findings have been taken into account by the SACP. The purpose of this analysis is to plan adequate measures and management decisions to improve the effectiveness of the national hotline for children and ensure its sustainability.

In 2023, there were 25,860 calls to 116 111. The number of support consultations carried out was 7,891, 31% of the total calls received. One interesting aspect of the service is the test calls made by the children themselves, 8,613 or 33% of the total calls, and the silent calls, 1,252 or 5% of the calls.

Alerts for a child at risk. The number of alerts in 2023 received through the hotline was **1,191, 107 of them from children and 1,074 from adults**. The data shows that the highest number of whistleblowing reports occurred in March, June, July, August, October and November, with 9% for each month of the total number of whistleblowing reports, with the lowest number recorded in May at 6%. This data shows that, compared to 2022, there is a 2.5% increase in alerts for children at risk and compared to 2021 there is a nearly 17% increase in alerts. This is worrying data as the line is a place to share reports and support children, and in the last two years there has been an apparent rise in reports of children at risk.

Ministry of Interior data on crimes against children and reports of violence

When a report of child abuse is received, the police officers report it to the social workers of the Child Protection departments of the Social Assistance Directorate. When the Coordination Mechanism for interaction in cases of child victims of or at risk of violence and interaction in crisis intervention is convened under Article 36d of the Child Protection Act, the same officers participate in it.

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Table No. 8. *Number of crimes against children and reports of violence*

Number of recorded criminal offences against children (total)	1,799
Number of detected crimes against minors (total)	876
Child victims – total number	1893
<i>Including:</i>	
aged under 14 years	824
minors	1,069
Premeditated murders (completed), minor victims	3
Premeditated murders (attempted), minor victims	1
Robberies	111
Thefts	294
Drug-related crimes	3
Fornication (Articles 149-150 Criminal Code)	129
Rape (Article 152 Criminal Code) (completed)	16
Bodily injury (Articles 128-135 Criminal Code)	311
Hooliganism (Article 325 Criminal Code)	53
Crimes against marriage, family and youth (Articles 176-179, 181-193 Criminal Code)	485
Domestic violence crimes	45
<i>Including:</i>	
murder	1
bodily injury	37

Police protection

In 2023, 391 requests for police protection were received and implemented. Not always does the police protection last 48 hours. The distribution of placements of children is as follows:



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Family environment and alternative care

Children entered in the national adoption register and adopted children in 2023

In 2023, **683** children were registered in the register of children who can be adopted under full adoption conditions. As of 31 December 2023, 919 children, of whom 443 are healthy and 476 are disabled, are registered in the register of children who can be adopted under full adoption conditions. The number of nationally adopted children in 2023 was 377, of which 363 are healthy and 14 are disabled.

The number of nationally adopted children in 2023 was 377, of which 363 healthy and 14 with disabilities.

In 2023, **164 children** were entered in the register under Article 113, paragraph 1, item 1 of the Family Code of children who can be adopted by persons with a habitual residence abroad under the conditions of full adoption.

Children deprived of family care

In 2023, **870** children were placed in residential care services.

The total number of children accommodated in social and integrated health-social services for residential care as of 31 December 2023 is **3,002**.

As of 31 December 2023, there are 734 social services for children and families, delegated by the state. The total capacity of social services is 18,989 places. The number of residential social services is 308 with a total capacity of 3,667 users.

- 22 Transitional housing for children, with a total capacity of 174 users;
- 20 Crisis centers for children, with a total capacity of 212 users;
- 266 Family-type accommodation centers for children/youths, with a total capacity of 3,281 places.

There are also 426 social services for children and families in the community, with a total capacity of 15 322 places, including:

- 162 community support centres, with total capacity of 7,446 places;
- 9 community support centres/community centre for children and families, with a total capacity of 538 places;
- 28 centres for work with street children, with a total capacity of 624 places;
- 124 day centres for children and young people with disabilities, with a total capacity of 3,451 places;



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- 13 day centres for children and adults with disabilities; children and/or adults with disabilities; children and/or adults with severe multiple disabilities, with a total capacity of 395 places;
- 57 social rehabilitation and integration centres for children, with a total capacity of 2,003 places;
- 5 centres for social rehabilitation and integration for children with disabilities (Early Intervention of Disabilities Programme); for children (Early Intervention of Disabilities Programme) with a total capacity of 265 places;
- 1 centre for social rehabilitation and integration for children aged 0-7 with intellectual disabilities, with a capacity of 30 places;
- 1 centre for social rehabilitation and integration for children and young people, with a capacity of 25 places;
- 14 centres for social rehabilitation and integration; for children and individuals, with a capacity of 470 places;
- 12 mother and baby units with a capacity of 75 places.

Foster care

As of 31 December 2023, the number of children placed in professional foster families is 1,587.

The cases of terminated placements of children in foster care since the beginning of the calendar year as of 31 December 2023 are as follows:

- The total number of children for whom placement in a foster family was terminated was 760 (including 44 with the Social Assistance Directorate as provider and 716 with a municipality provider).

Financial support for children and families

The benefits under Family Allowances for Children Act and the Child Protection Act are financed solely with funds from the state budget under the "Support for children and families" budget programme. For 2023, the funds under the programme amounted to BGN 629,428,000, of which BGN 594,083,000 under the Family Allowances for Children Act and BGN 35,345,000 under the Child Protection Act.

Children with disabilities

On the problems of children with disabilities and the implementation of the UN Convention on the Rights of the Child, the Ombudsman addressed specific questions to the 'Community of Bridges' Association. The main challenges identified by the Association are:



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- the right of children with disabilities to access health facilities and services;
- children with disabilities have difficulty accessing adequate health services, and in some locations are even denied any access to medical care;
- lack of a national children's hospital;
- lack of a strategy to ensure the inclusion of children with disabilities;
- limited information and data on children with disabilities; lack of information on both the profiles of children by illness/functional deficits and the support they need;
- reforming the social support system for children with disabilities and their families, changing only financial support;
- ensuring that all children with disabilities have the right to inclusive education, regardless of parental wishes;
- training and recruiting specialist teachers and professionals in integrated classes to provide individual support;
- undertaking awareness-raising campaigns to combat stigma and prejudice against children with disabilities.

Standard of living

According to NSI data as of 31 December 2022, in Bulgaria there are **1,099,696 children aged 0 to 17 years** inclusive, or 17.1%. Bulgaria is among the countries where the share of children at risk of poverty is significantly higher than the EU average: **25.9% or about 314 thousand children**. Their share is also higher compared to the total share of the population at risk of poverty: 22.9%. Compared to 2021, there is a slight increase in the share of children at risk of poverty by 1.7 percentage points.

The factors causing poverty among children are many and of different nature: low educational status and unemployment of parents, low income, household composition, etc. In 2022, eight out of ten children (78.4%) whose parents have primary or no education are living in poverty. Approximately 18 times fewer, or 4.3%, are children whose parents have a university education living at risk of poverty. In 2022, the proportion of children living with severe material and social deprivation is 19.2% (deprivation 7 out of 13 indicators), a decrease of 0.8 p.p. compared to 2021. Children's risk of poverty and material deprivation is also determined and influenced by their ethnicity. According to the NSI, in 2022 the relative share of children with material deprivation (deprived of at least one of the 13 indicators) is as follows: 23.0% of the Bulgarian ethnic group, 33.0% of the Turkish ethnic group, 76.2% of the Roma ethnic group and 33.2% of other ethnic groups. In terms of the combined indicator for risk of poverty or social exclusion, which has registered steady improvements in recent years, there is a slight increase in



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the proportion of children at risk of poverty or social exclusion in 2022: 33.9% compared to 33.0% in 2021.

Civil rights and freedoms

Antidiscrimination

In 2023, the special working group of the Commission for Protection against Discrimination (CPD) advised parents and children in connection with the filing of complaints and reports, as well as during the proceedings. They cannot be tied to a specific number as complaints are not always filed with the Commission after counselling. In addition, the CPD seeks to take a multidisciplinary approach in specific cases, involving lawyers, psychologists and other professionals, in order to provide effective support to those who have sought assistance from the equality body.

In 2023, 15 cases related to children were opened at the CPD. Of the 13 decisions issued, 9 found direct and indirect discrimination against children.

Educational activities

- high dropout rates;
- poor quality of education, inequalities in educational performance and outcomes for disadvantaged children, and the segregation of pupils on ethnic grounds;
- insufficient support for inclusive education;
- insufficient access to education for refugee and asylum-seeking children;
- the prevalence of bullying, including cyber-bullying in schools, and school violence.

According to the updated medium-term budget estimates for the period 2023-2025, adopted by Council of Ministers' Decision No. 459/05.07.2023, the expenditure on education for 2023 amounted to BGN 7,509.7 million or 4.1% of 2023 GDP.

2,681 children and pupils of compulsory pre-school and school age dropped out during the second school term. A number of actions and measures have been taken to overcome the difficulties in the work under the Mechanism for joint work of institutions on the coverage and inclusion of children and pupils in compulsory pre-school and school form.

- Educational mediators – 1,117, with 79 in Sliven, 93 in Stara Zagora, 64 in Pazardzhik, 21 in Sofia and 92 in Burgas.
- Number of children in a nursery group – 7,711;
- Total number of pupils with SEN – 1st to 12th grades – 20,725;

Of them:

- in basic level: 8,792

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- lower secondary level: 6,615
- first high school level: 3,755
- upper secondary level: 1,563.

Asylum seekers, refugees and migrant children

On the territory of the Registration and Reception Centre in Sofia, Voenna Rampa and Ovcha Kupel residential areas **two safe zones for accommodation of unaccompanied foreign children with a total capacity of 288 places** have been established. The zones are administered by the International Organization for Migration and have separate security and video surveillance to ensure the safety of the children, offering daily 24-hour care and specialized services for the children accommodated there.

In 2023, 43 children were placed in social services. In the past 2023, 43 children were placed in a residential service.

Administration of justice in relation to children

Already in 2019, a working group in the Ministry of Justice drafted a law on correctional measures against persons who have committed a crime or administrative offence as minors. In view of the lack of consensus on the scope of the bill for the correctional measures against persons who have committed a crime or administrative offence as minors, which currently excludes children aged under 14, and in this regard is the potential need to further develop appropriate counselling and support services in relation to them, as well as on the correctional measure "special supervision by a foster family" proposed in the bill, and due to the impossibility of forming a regular government in 2021 and the early termination of the 45th, 46th and 47th National Assemblies in 2022, there was no development by 2023.

In 2023, 26 persons were sent to the **Correctional Home for Juveniles** attached to the prison in the city of Vratsa, of whom three were released and one was transferred to the prison in the city of Vratsa. The amount of the penalty is as follows:

- up to 1 year – 12 persons;
- up to 2 years – 7 persons;
- up to 7 years – 1 person;
- from 7 years and 6 months – 1 person;
- 10 years – 2 persons.

Table No. 9. *Number and type of crimes and anti-social acts committed by children in 2023*

Number of solved crimes committed by minors and children aged under 14 (total)	4,79
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<i>Of these:</i> by children aged under 14	7	1,31
by minors	9	3,47
Identified perpetrators (suspect minors and children aged under 14) – total	1	4,05
<i>Of these:</i>		
children aged under 14	0	1,23
minors	1	2,82
Premeditated murders (completed)		2
Premeditated murders (attempts)		2
Robberies	1	2,98
Thefts	4	2,26
<i>Of these:</i>		
Break-ins		160
Pickpockets		43
From homes		290
From stores		919
Of motor vehicles parts and items		85
Of agricultural products, livestock and poultry		387
Drug-related crimes		501
Fornication (Articles 149-150 Criminal Code)		14
Rape (Article 152 Criminal Code) (completed)		3
Bodily injury (Articles 128-135 Criminal Code)		219

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Hooliganism (Article 325 Criminal Code)	141
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The number of juveniles convicted for the production, possession, distribution, carriage of drugs (Article 354a of the Criminal Code) is 442, for incitement to use drugs (Article 354b of the Criminal Code): 2 minors and for growing plants (Article 354 of the Criminal Code): 3 minors. The transport crimes with victims who are minors or children aged under 14 (Articles 340-344 of the Criminal Code) include 220 transport manslaughters (Article 343, paragraph 1, point (c), paragraph 2, point (b), and paragraph 3 of the Criminal Code).

Findings:

- The responsible institutions are making efforts to address the existing problems in the different areas of children's rights;
- measures have been taken to implement the Convention, including through changes in legislation, plans and strategies;
- the Statutory Instruments Act is not effectively implemented with regard to prior impact assessments of new or amended legislation on children's rights;
- reforms in the area of juvenile justice and protection of disadvantaged children, including Roma, refugees, migrants, have not been completed;
- a mechanism for monitoring and evaluating the adequacy, efficiency and fairness of the allocation of resources to implement the Convention has not been established and implemented;
- a sustainable system of mandatory training on the rights of the child, on the Convention and on the Optional Protocols for all professionals working for and with children has not been established;
- insufficient capacity of professionals to apply the principle of the best interests of the child;
- children's views are not systematically taken into account in decisions affecting them;
- children's access to fair and just justice is not ensured;
- adequate legal representation is not provided to children whose parents are abroad and support is not provided to their caregivers;
- no effective support for children in cases of parental conflict;



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- no resources are provided and regulated to support families in vulnerable situations to prevent child abandonment, especially for Roma children and children with disabilities;
- the foster care system is not strengthened through sustainable funding;
- the child mental healthcare system has not been developed and a child mental health strategy has not been elaborated;
- health and sexual education is not included in compulsory school curricula;
- anti-poverty measures are not aligned with a child rights-based approach.

Main recommendations:

1. Ratify the Third Optional Protocol to the UN Convention on the Rights of the Child;
2. Introduce a mechanism to involve children in the development and implementation of the 2030 Agenda for Sustainable Development policies;
3. Adopt a National Strategy for the Child;
4. Develop a specific child rights impact assessment procedure for every policy, regulation and administrative decision related to children;
5. Establish a mechanism to monitor and evaluate the adequacy, efficiency and equity of the allocation of resources for the implementation of the Convention and its Protocols;
6. Improve data collection to cover all areas of the Convention;
7. Ensure all children have access to independent complaints mechanisms in schools, detention and custodial settings, residential services, foster care;
8. Establish mechanisms for monitoring the quality of inclusive education and ensuring that children with special educational needs are recognized as a target group by the National Inspectorate of Education, thus making inclusive education subject to quality assurance standards;
9. Develop targeted measures to address the problem of high drop-out rates of children with disabilities from the education system and ensure the right of all non-verbal and special needs children to inclusive education in mainstream schools;
10. Provide systematic and compulsory training on the rights of the child, the UN Convention and the Optional Protocols for all professionals working with children and introduce special classes in higher education;
11. Implement systematic reforms in the areas of juvenile justice, protection of disadvantaged children, including Roma, refugees, migrants;



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12. Improve the coordination of the work of institutions in the implementation of the Coordination Mechanism for Unaccompanied Refugee Children and the recognition of the Mechanism as a working instrument of a binding nature. Encourage the signing of the CM by all actors involved in the process;
13. Establishment of a model and practices for the placement of unaccompanied foreign national children in children's social services and the implementation of a holistic support method reflecting their special needs.

THE OMBUDSMAN IN DEFENCE OF CHILD RIGHTS IN BULGARIA

The Ombudsman examines policies, reforms, institutional actions, legislative initiatives in the field of children's rights in light of the impact they would have on the child and on children's rights and best interests, with particular attention to the impact on vulnerable groups of children. She examines all cases in light of **non-discrimination** in each child's access to the full range of rights set out in the UN Convention on the Rights of the Child (the Convention) and Bulgarian legislation, and the actions taken to provide the necessary safeguards against unequal treatment based on one or more grounds.

As an independent monitoring body for the protection of children's rights, the Ombudsman monitors and supports the development of systems with responsibility towards children, outlines barriers and measures to overcome them. To this end, she takes independent action to improve the social environment in which the child grows, learns and develops, but without encroaching on the powers of state and municipal authorities and/or replacing their decisions. The Ombudsman seeks to build bridges between children, parents and decision- and policy-makers.

The Ombudsman's work and opinions are based on both verification of specific complaints and signals and on systematic monitoring of the public areas and sectors in which children's rights are developed, as well as on the status of the rights themselves. This approach also determines the priorities set in the area of children's rights. In the checks, she examines the underlying reasons why a particular situation of child rights violations has arisen and whether this problem affects other children, so that recommendations can be properly formulated and targeted.

In the 2023 Annual Report, the Ombudsman focuses on children's rights in the context of the institution's functions in the realm of rights, looking at complaints and alerts, accumulated problems and challenges in the sector, partnerships with civil society organisations, special reports and initiatives. She puts forward a number of recommendations on ensuring children's rights.

The mission of the Annual Report of the Ombudsman is by analysing the problems in the complaints and signals to the institution to mobilise and direct the efforts of public authorities and



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civil society to improve the environment in which children are raised and brought up, as well as to increase the life chances of every child to accomplish their potential, to protect children's rights and to defend their interest in any action taken by a competent authority.

The Ombudsman carries out activities in the field of children's rights in several directions:

- Examines complaints and signals related to violated rights, as well as petitions, civil proposals submitted to the institution by various citizens or organisations on various issues and topics related to children's rights;
- Examines draft laws, programmes, ordinances and regulations submitted for public consultation and makes a decision on the alleged risk of violation of children's rights and interests;
- Prepares special reports on inquiries and topics that affect large groups of children;
- Interacts with UNICEF-Bulgaria and NGOs;
- Works with children and students by participating in various school initiatives as well as those organised by her own initiative;
- Participates in various events and public discussions.

Undoubtedly, the Bulgarian government has taken a number of important steps to reform and modernise childcare and protection systems in line with the recommendations of the UN Committee on the Rights of the Child as well as with international and European standards. However, in terms of policies and practices to prevent risks and separation from the family, measures are still insufficient. Stigma and discrimination against socially disadvantaged families facilitate family separation, increase the risk of social exclusion and affect access to and quality of services. Particularly vulnerable groups in terms of risk of poverty and social exclusion are large families, families of Roma origin, families living in remote rural areas and in the suburbs of large cities, often in extremely poor housing conditions. A serious problem for the Roma population is the lack of infrastructure, which leads to additional risks to the health and lives of children and families. There are serious regional disparities, which affect access to rights. Therefore, the State must constantly remind itself that children are its own and it had assumed a number of important obligations by acceding to the Convention and other international human rights instruments.

A particularly vulnerable group are children with disabilities and children with special educational needs (SEN), whose rights are in the focus of the 2023 Report.

Alarming levels of discrimination and violence, child abuse, child poverty, the segregation of Roma children, the decline in children's educational skills since the pandemic and the lack of compensatory and mitigating measures for its adverse effects; as well as the still large number of children in public care due to the lack of resources to support families, indicating an urgent need to set national priorities in the field of children's policies and families and to adopt a national strategic document for the child.



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The State and its institutions are still struggling to meet and respond to the needs of the most vulnerable children and their families, in particular children with disabilities, children from disadvantaged families.

Challenges:

- ineffective consideration of the risks to the child at different stages of his/her development, and the level of coordination and synergy between the protection authorities remains low;
- increased use of alcohol, drugs and smoking among children;
- poverty, material deprivation, poor living conditions and marginalisation;
- poor mental health of pupils and low physical activity, disabilities and developmental difficulties in childhood;
- insufficient information and institutional coherence in the planning, evaluation and implementation of policy changes for children;
- the main determinants of the risk of child poverty, as a key measure of quality of life, are not identified and highlighted, leading to poor opportunities for active impact;
- risks related to discrimination and negative societal attitudes such as for children with disabilities and children with SEN;
- an overburdened child protection system;
- outdated system for dealing with children in conflict with the law;
- lack of resources to support the child within the family, apart from partial financial transfers;
- dozens of children in situations of parental conflict;
- a serious problem is the current mechanism for financing social services on the basis of capacity, without taking into account the specificity of the activities offered and the nature of care;
- in many cases, the child is seen only as an object of protection and not as a subject of rights;
- lack of clear integrated support for the family, because the child's well-being is inextricably linked to that of the parents;
- limited access to modern quality treatment and prevention methods;
- insufficient numbers of child nurses and hospital psychologists;
- lack of focus on child patients, lack of registers for different types of diseases;



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- lack of data and clear formulation of the most critical and priority areas in child healthcare, resulting in a lack of adequate and effective solutions;
- unsettled status of representation of children whose parents live and work outside the country, lack of up-to-date data and protection measures.

The year 2023 is another difficult year for children's rights and children's policies. Hundreds of unaccompanied refugee children were crossing Bulgaria's borders to seek support and international protection. Many children were found half suffocated in cars and trucks, attempting to cross illegally, being victims of traffickers.

An aggressive social environment for children – active gambling campaigns, ineffective controls on the sale and distribution of diazotene oxide (mustard gas), free distribution of synthetic drugs.

Parental concerns and questions were raised by the introduction of electronic school excuse notes for students and the fees charged by GPs for issuing them; increasing numbers of complaints and reports of children and students with behavioural problems in nurseries and schools; increasing parental disputes; internet aggression. Many problems that have been raised for years by the Ombudsman are again not being addressed, such as the feeding of children with allergies in childcare; the rights of children whose parents live and work abroad; the lack of places in kindergartens. Dozens of parental disputes about personal contacts with children are the cause of numerous complaints to the institution.

There are also new topics for the institution – the work of the children's kitchens, the fees for issuing the electronic school excuse notes, the politicization of the educational environment – the planned lecture of the acting Russian ambassador in a school in Varna city, the protest against the detention of a children's kinesiotherapist in Sliven, the lack of child seats in taxi cars in Bulgaria. Complaints and alerts lodged by minors are also on the rise: dissatisfaction with a court decision on the separation of parents and determination of parental rights, domestic violence by a parent, treatment in a psychiatric hospital, complaints about the behaviour of teachers, etc.

In some of their letters, parents sought financial support for raising their children, to address housing problems, social assistance denials, lack of tax breaks for foster families, financial aid for grades 2, 3 and 4 and its ineffectiveness. During the year, the experts of the Children's Rights Directorate again worked on complaints about the poor quality of resident services, violations in the educational and pedagogical boarding school in the village of Podem, lack of specialists in social services, lack of school buses, etc.

The closure of the Homes for Medico-Social Care for Children (HMSCC) has once again been postponed, this time until the end of 2024. The opening of 14 centres for specialised health and social services for children with disabilities in need of permanent medical care and 6 centres for specialised health and social care for children with high-risk behaviour and in need of special medical care is still pending.



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The Ombudsman has achieved significant success in protecting the rights of children with disabilities by sending several recommendations related to the need to update the amount of the monthly allowance for raising a child with a permanent disability up to the age of 18 and until the completion of secondary education, but not later than the age of 20, set out in Article 8e of the Family Allowances for Children Act (FACA), which is a long-awaited step by the families of children with disabilities. It is to be noted with satisfaction that, following the Ombudsman's opinions in Article 63, paragraph 15 of the Draft State Budget Act for 2024, an increase in funds was provided, which will undoubtedly be supportive for the citizens concerned, but it is reiterated that there is a need to introduce a mechanism for the automatic updating of these funds.

The Ombudsman took over the patronage of the initiative "Nutrition Revolution Day", organised by the "For Food" Foundation, and came up with a special report on the nutrition of children with food allergies. The information campaign aimed to draw public attention to the nutritional problems of children with allergies and food intolerances in kindergartens and schools. The campaign involved more than 6,000 children participating in children's cooking workshops organised by more than 1,000 volunteer parents and teachers from across the country.

In 2023, a significant number of complaints and alerts related to children's rights were registered compared to the previous two years, with an increase in complaints related to children with SEN and disabilities, as well as complaints about the work of protection authorities, mostly related to parental conflicts. The total number of complaints was 587.