



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

CHILD RIGHTS CAMPAIGN

REVIEW OF EVENTS 2019 - 2024

CAMPAIGNS IN SUPPORT OF THE RIGHTS OF VULNERABLE GROUPS OF CITIZENS

Support for citizens in
their disputes with
monopolies

Adoption of legislative
measures for protection
against domestic
violence

SUPPORT FOR
CHILDREN AT
RISK AND IN
CONFLICT
WITH THE LAW

Support for
migrants and
refugees

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Campaign aims to:

- 1. Keep the rights of the child a priority in public authorities agenda;**
- 2. Adopt a national policy and an up-to-date National Child Strategy;**
- 3. Raise public awareness about the need of new approach in juvenile justice;**
4. Promote compliance with the UN, CoE and EU standards for child rights protection;
5. Mobilize public resources in support of child rights protection.



The Role of the Ombudsman institution

The independent national institution of the Ombudsman is an important mechanism to encourage protection of the rights of the child. By focusing the attention of the institutions on the problems children and citizens face in implementing the rights of the child in healthcare and education, their access to social services and support for families, to increase the wellbeing of children, the Ombudsman strives to boost the institutional and public sensitivity to the rights of the child.

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Typology of violated rights:

An overview of the political and legislative framework in the area of the rights of the child shows a slow-down in long-awaited reforms which is of special sensitivity in the case of justice for children. The Bill on Non-Application of Criminal Proceedings and Imposing Correctional Measures on Minors and Underage Children has not been put forward for discussion before the National Assembly yet and the reason is the lack of institutional consent on important topics in it. This delay impacts mostly on the children in conflict with the law because some of them are still accommodated at correctional schools – boarding houses in exceptionally poor conditions and given the lack of motivated staff to work with them, moreover on the basis of judicial acts imposing correctional measures whose justification is debatable from the point of view of the standards for protection of the rights of the child.

Despite the regulatory framework laid down in the Pre-School and School Education Act and the Ordinance on Inclusive Education, the experience still shows different results – the children with special educational needs are not fully integrated in the system of inclusive education and an indicator of this is the complaints submitted in this regard. Schools are having serious difficulties in the process of integrating children with special educational needs and Roma children. The examples are numerous – children against whom parents organise collections of signatures, formal training, curricula and textbooks which have not been adapted, harassment and violence at school, segregation and public stigma.

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Typology of violated rights:

There is still a significant number of complaints concerning the rights of the child in the event of parental conflicts. Despite the efforts of the Ombudsman to find a working institutional approach to resolve the cases, the results are not commensurate with the scale of this social problem. The arguing parents and their families resort to different institutional and judicial proceedings against each other but, unfortunately, most of them do not observe the recommendations and acts of the institutions or the judicial decisions. Thus, many children grow up in an environment of long years of conflicts and their childhood turns into the hostage of arguing parents and inefficiency of the actions of the institutions.

In the complaints to the Ombudsman, the citizens outline a wide range of problems and matters some of which remain unresolved for years, others express civil and parental discontent following amendments to the legislation or statements of reforms. An example of great numbers of complaints in a certain area of the rights of the child include the collections of signatures against the Draft National Strategy for the Child 2019-2030, against the sexuality education of children and the application of international standards in Bulgaria. The citizens who have signed the petitions disagree with the standards of sexuality education of the World Health Organisation and UNESCO. They challenge international plans and strategies in the area of protection of the rights of the child against violence (against the introduction of the UN Strategy to End Violence against Children and the Global Partnership to End Violence against Children).

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Areas of problems and impact

- **Quality of care in deinstitutionalized social services** for children – residential and in the community;
- **Inclusive education and the rights of children with special educational needs** – public stigma and lack of sufficient resources;
- Policies aimed at the family and **support for children in the family**;
- Rights of **children involved in parental conflicts**;
- Rights of **children with disabilities**;
- **Child protection system** – state and challenges.

Fields in which action need to be taken

- **Healthcare for children** – quality of the urgent help for children; a child with an insulin-dependent diabetes who is not a Bulgarian citizen but lives in Bulgaria permanently; medical practices in hospitals which are not children-friendly;
- **Violence against children** in different forms of raising or educating the child; violence in the family, in such cases most often it is the parent with whom the child does not live who submits the signal;
- **Detention in custody of minors** and underage persons at facilities for 24-hour detention at the Ministry of the Interior and maltreatment;
- **Public and media environment for children** – again problems with unsafe playgrounds and places for play; and the lack of such; traffic organisation, crossings which are not appropriate for children; media coverage of violence against children disclosing personal data about the child;
- **Unlawful punishment, physical and social isolation**; hostile atmosphere and aggression are just some of the problems raised by relatives of children accommodated at correctional schools – boarding houses or social and pedagogical boarding houses;
- **Rights of the child in sports** – this is a topic which has repeatedly been brought to the attention of the Ombudsman over the years and the claims are mostly about unlawful punishments and maltreatment on the part of coaches or peers.

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DISCUSSIONS ON SAFEGUARDING CHILDREN'S RIGHT TO QUALITY EDUCATION



The Ombudsman, Diana Kovatcheva, together with the Minister for Education and Science, Krassimir Valchev organised on February 4, 2020, a discussion on **“Opportunities and Challenges Arising from the Introduction of Mandatory Pre-school Education for 4-year-old Children”**. The Minister for Labour and Social Policy, parents, more than 30 parental organisations, NGOs, trade unions, representatives of academia, and experts were also in attendance.

The whole gamut of opinions on the topic was heard at the forum and specific solutions were proposed aimed at supporting the process of introducing mandatory pre-school education for 4-year-old children. Minister Valchev confirmed that the introduction of mandatory pre-school education would be deferrable and each municipality would decide whether to avail itself from the postponement and when to introduce it in the coming two years.



On 10 December – World Human Rights Day, the Ombudsman organised an online meeting with the Minister of Education and Science, Krassimir Valchev. The subject of the meeting was **“Problems Facing Distance Education during the Epidemic Situation”**.

In the course of one and a half hours, the Minister responded to complaints, answered questions, and addressed problems submitted to the Ombudsman by parents, teachers, headmasters, and civil society organisations. Furthermore, issues concerning children with special educational needs and children with disabilities were discussed.

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ONLINE DISCUSSION “WHERE WITHIN THE SYSTEM CHILDREN AT RISK FALL UNDER (OR THROUGH)?”



On 17 December 2020, in an online discussion organised by the Ombudsman Diana Kovacheva, the Ombudsman, the Minister for Labour and Social Policy, and experts analysed the where and how **children at risk** fall through the social care system.

It became apparent that in the first ten months of 2020, **just over 500 children had been placed in residential social care facilities. The number of children placed with foster families in the same period had been 557, and 570 had been placed with relatives and near friends.**

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Children's Rights in the Context of the COVID-19 Crisis

The emergency epidemic situation has brought to the fore and cast a light on systemic problems in child protection. It has shown also that while imposing restrictive measures, the authorities had failed to sufficiently take into account children's rights and well-being. There has been a lack of integrated services and approaches, the child protection system has been overloaded and unable to live up to public expectations.

It was revealed that some child protection measures could not address adequately the challenges brought about by COVID-19. It was found out that the levels of violence and the likelihood of violence against children within the family were higher. The social system has ascertained a risk of child abandonment and neglect due to the lack of specific measures for targeted family policies and the deficiency of resources.

The issues **most frequently raised by complainants** for which they sought the Ombudsman's support and cooperation, included:

- Provision of financial and social support to parents raising their children alone who had been left without income;
- Requests to provide personal protective equipment for Roma families and entire Roma neighbourhoods;
- Dissatisfaction with the quality of the work done by the child protection bodies;
- Complaints about the attitude of administrative and law-enforcement authorities;
- Complaints about the restrictions imposed on children, mainly about the ban on outdoor recreational activities and sports activities;
- Violence against children; particularly heightened sensitivity to violence in parental conflicts, bullying and harassment in schools, violence within the family, and in disputes between neighbours;
- Complaints by parents residing abroad whose children had been taken away from their families on the grounds of poor care, conflicts, and violence;
- Lack of resources for support to children raised by addicted parents – suffering from either drug addiction or mental illness, who had been confined to their homes due to the emergency pandemic situation. 9

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A child's right to maintain a personal relationship with both parents

The Ombudsman put forward dozens of recommendations regarding the role of social workers who ought to use particular attention during the COVID-19 crisis while guiding parents to exploit the potential of online communication, as well as to use all possible resources to continue the social work they do with parents and their children.

The state of emergency restricted the possibility to enforce court judgements which raised yet another problem, i.e., who keeps watch for failures to enforce judgements and what are the means and mechanisms for their enforcement during the pandemic.

The Ombudsman put forward a recommendation to Agency for Social Assistance (ASA) and suggested that special instructions should be drawn up and circulated to the Child Protection Departments throughout the country guiding them how to handle cases of parental conflict in the context of the state of emergency.

It should be noted that **the State Agency for Child Protection reacted promptly and provided methodological guidance** on how to tackle such cases. The guidelines were published on the Agency's website.

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BLUE SUMMER NATIONAL CAMPAIGN TO SUPPORT CHILD MENTAL HEALTH

On the Day of the Child, 1 June 2021, Ombudsman Diana Kovacheva launched the Blue Summer National Campaign in support of child mental health targeted at students and teenagers. **The purpose of the initiative is to help children and their parents to overcome the consequences of the isolation brought about by COVID-19.** It is implemented in 12 cities in partnership with the local Ombudspersons, non-governmental organisations, the Bulgarian Red Cross. School psychologists provide advice to children and parents free of charge.

On 30 August 2021, the Ombudsman sent a recommendation to the Minister of Education and Science **insisting that strengthened measures should be established for psychosocial support for students in the context of COVID and the children's transition to distance learning.** According to the Ombudsman, school psychologists need to have a pro-active role to identify issues for the students early, including through online meetings and consultations.



On 11 June 2021, upon the proposal of nine-graders from Knyagina Evdokiya Sofia Vocational Secondary School, the Ombudsman **set up a hotline for students and teenagers for consultations with psychologists as part of the Blue Summer Campaign.**

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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.**



“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.

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“WITH CARE FROM 0 TO 3” FORUM

On 14 July 2022, 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.

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 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.



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

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NATIONAL CAMPAIGN “FOR THE RIGHTS OF CHILDREN AND PERSONS WITH DISABILITIES”

In 2023, the Ombudsman was consistently and actively working to protect the rights of children and people with disabilities.

A partially positive solution was reached on the issue of **not updating the monthly benefits for raising a child with a permanent disability until the age of 18 and until completion of secondary education, but not exceeding the age of 20,** provided for in Article 8e of the Family Allowances for Children Act. The 2024 Republic of Bulgaria’s State Budget Act **updates the monthly allowances but does not introduce a mechanism for their automatic updating.**

As part of the **Ombudsman's National Campaign “For the Rights of Children and Persons with Disabilities”**, on **30 November**, Ombudsman Diana Kovacheva, together with the Minister of Education and Science, Prof. PhD Galin Tsokov, organised the discussion “**Inclusive Education: Problems and Solutions**”.



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NATIONAL CAMPAIGN “FOR THE RIGHTS OF CHILDREN AND PERSONS WITH DISABILITIES”

17 December 2024 – *Expert discussion: Right to Access to Education for Children with Special Educational Needs organised by the Ombudsman institution in the framework of the Monitoring Council under the People with Disabilities Act and UN CRPD.*

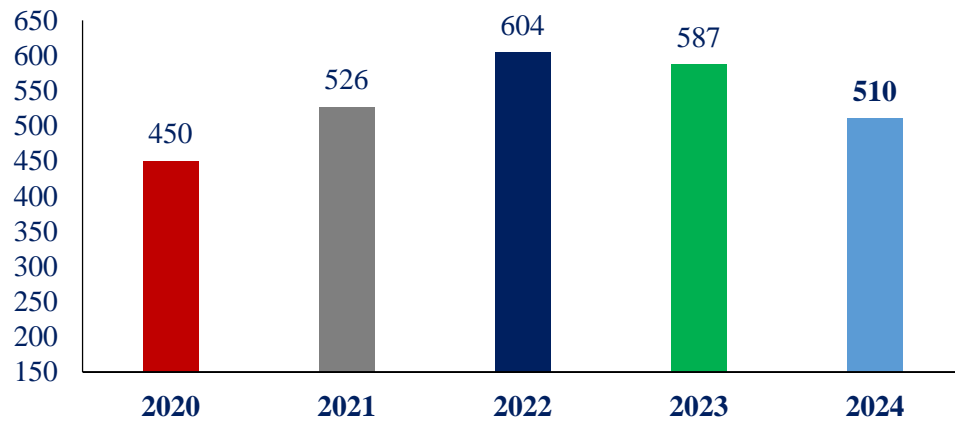
Representatives of relevant authorities, NGOs, parents of children with disabilities and school principals discussed the challenges children with special educational needs and their families faced.



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Figure - *Number of complaints and signals related to the rights of the child for the period 2020–2024*



Taking into account the problems raised in the complaints and reports, the Ombudsman notes that children's rights are still not a sustainable social norm and remain a challenge. Poverty is a serious problem and many Bulgarian children grow up in such a situation. According to Eurostat data, Bulgaria is among the countries where the risk of poverty for children is well above the European average, with a rate of 33.9% last year.

A large number of children are still subjected to violence and abuse, as well as inequality and discrimination. Corporal punishment is socially and legally tolerated and, unfortunately, widespread. The unfinished reforms in the area of child policies violate children's rights; the situation regarding the reform of the juvenile justice system is particularly worrying. Our social environment continues to be unfriendly to children with disabilities.

Despite some encouraging achievements, Bulgarian families do not feel sufficiently supported in their responsible parenting role. The protection system needs new approaches and resources; its situation is highly alarming. Children and young people without parental care need not only our compassion, but also a sustainable social support plan to give them the chance at an effective social integration.

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Recommendations:

1. Ensure the right of the child to live in a family environment by developing and implementing policies to support families and the family environment.
2. Implement effective and targeted policies to reduce the number of children at risk of poverty or social exclusion by improving the access to education, healthcare, childcare, adequate housing and nutritious food.
3. Provide income support for families whose children are at risk of social exclusion: single parents, parents of children with disabilities, large families, families with unemployed parents; social assistance conditional on responsible parenting.
4. Strengthen effective and shared forms of child participation.
5. Provide targeted investments in the protection system.
6. Decentralise management and financing in the social sphere to local authorities.
7. Continue the reform in juvenile justice.
8. Ensure the full integration of children with special educational needs into the educational environment, providing a sufficient number of specialists, teacher training, adapted curricula and teaching aids.
9. Establish mechanisms for regional coordination and introduce a cross-sectoral approach between the three main areas – education, healthcare and social.
10. Adopt national program with adequate resources and funding to support and integrate young people leaving residential care.

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Recommendations:

11. Encourage children's participation by developing various forms.
12. Create safe spaces and environment for participation; ensure a safe and tolerant environment where children can express their opinions without fear of judgment.
13. Take urgent measures to repeal the Combating the Anti-Social Behaviour of Minors Act and guarantee that children below the minimum age of criminal liability are not subject to penal measures, including placement in reform boarding schools.
14. Accelerate the reform of the juvenile justice system by adopting a law on diversion from criminal proceedings and ensure that it effectively promotes the use of non-judicial measures such as diversion, mediation and psychosocial support for children.
15. Improve the children's access to quality healthcare and boost the parents' awareness of issues related to children's health.
16. Prioritise the reduction of the number of children at risk of poverty or social exclusion by improving the access to education, healthcare, childcare, adequate housing and adequate nutrition.
17. Pursue active policies on recreation, leisure and the development of the children's abilities.
18. Ensure that every child is in a family that provides love, appropriate care, security, protection and the opportunity to develop all their talents.



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