



**Convention on the Rights
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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 1318th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 21 May 2008, at 10 a.m.

Chairperson: Ms. ORTIZ

(Vice-Chairperson)

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The meeting was called to order at 10 a.m.

In the absence of the Chairperson, Ms. ORTIZ, Vice-Chairperson, took the Chair.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Bulgaria (CRC/C/BGR/2; CRC/C/BGR/Q/2 and Add.1; CRC/C/BGR/CO/2)

1. At the invitation of the Chairperson, the delegation of Bulgaria took places at the Committee table.
2. Mr. TEHOV (Bulgaria) said that the Child Protection Act had been adopted by the National Assembly in 2000 and that the Government was pursuing a rights-based policy for children which incorporated the norms and principles of universality, indivisibility and non-discrimination.
3. In the belief that children at risk must be raised in a family environment, the State had set itself the priority target of reducing the number of children placed in institutions. More than 8,000 children had been returned to their birth or adopted families between 2003 and 2007, more than 6,000 had been placed with members of their immediate or extended families by the end of 2007, and over 100 had been placed in foster families. Currently, the number of children subject to protection measures in a family environment was higher than the number placed in institutions, but more than 8,000 children were still living in the country's 144 institutions.
4. Following a series of consultations between governmental institutions and non-governmental organizations (NGOs) a concerted position had been adopted on the action needed to accelerate the reform of the child protection system. Cooperation was ensured by the National Children's Council, a body composed of deputy ministers and representatives of NGOs, which performed advisory and coordination functions, under the supervision of the Chairperson of the State Agency for Child Protection (SACP), in determining the priorities of governmental policy and establishing the regulatory framework for the protection of children.
5. Still with the aim of improving the child protection system, the Prime Minister had set up an inter-agency working group to analyze the implementation of policies for children in Bulgaria and formulate proposals for amendments to legislation, together with other measures designed to ensure respect for the rights of the child and encourage responsible parenthood. A big effort was also being made to boost human resources in the field of child protection.
6. The Office of the Ombudsman and the Council on Children and Youth, established by the President of the Republic, also played a leading role in promoting the rights of the child.
7. The overall policy on child protection was aimed at preventing violence, sexual and economic exploitation of children, school dropouts and social exclusion, ensuring children's safety and protecting them against the dangers connected with Internet use, and facilitating the full integration of children with disabilities and children from minority groups.
8. The National Strategy for Children 2008-2018 had been formulated by the Government and adopted by the National Assembly in January 2008. The National Strategy was based entirely on the rights of the child and on the creation of partnerships and building of integrated policies for children in conformity with the established international standards.

9. The National Strategy had been drafted in accordance with the principles and provisions of the Convention and with the Child Protection Act as they related to the place of the children in society and their right to live in a family environment, and it guaranteed the necessary conditions for the effective exercise of children's rights, improvement of their health, and reduction of the risk of child poverty. The National Strategy covered children in all the target groups and addressed all the relevant spheres of public life (family environment, health services, education, leisure, alternative care, living standards, social assistance, elimination of child exploitation and abuse, special protection measures, respect for children's opinions, the right to an identity, and protection against discrimination).

10. The chief thrust of the National Strategy was to coordinate the efforts of all the country's institutions so as to create the necessary conditions for securing respect for children's rights. Its drafting had been the subject of a broad public discussion conducted with the participation of governmental institutions, NGOs, municipalities and the media, as well as children from the Children's Council established in the SACP and from all parts of the country.

11. The Government was determined to continue to improve the quality of life of Bulgarian children and their families and create the optimum conditions for the realization of children's rights in accordance with the provisions of the Convention.

12. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur) congratulated the State party on the progress made in the economic, political and social fields since 1997, the year in which it had submitted its initial report. In the meantime Bulgaria had joined the European Union, a move which could produce useful financial aid but might also have economic and social implications. Some children, especially poor children, children from minorities, orphans and children with disabilities, had not yet benefited from the country's membership of the European Union.

13. She welcomed Bulgaria's adoption of the Child Protection Act and establishment of the SACP, but was unclear whether the activities of that coordination body had been evaluated.

14. The child protection system was a rather complicated structure in which many bodies existed side by side. It might therefore be asked whether the system's lack of effectiveness, highlighted in several reports, was not due to overlapping of activities and lack of clarity in the definition of the role of each body.

15. It was regrettable that the State party's periodic report was confined to a description of the laws and legislation in force and did not present an analysis of the concrete problems obstructing the application of the Convention. Even though the decentralization of the child protection system was a long and difficult process, it was important to continue it. The delegation might indicate in that connection how many municipalities there were in Bulgaria. It was also necessary to improve the training of the personnel working with children, organize a public debate on the effectiveness and the mandate of the SACP, and study ways of improving the work of the local Child Protection Departments in the field.

16. It was also regrettable that the State party had not supplied information on the child population of Bulgaria and the numbers of Roma and Turkish children.

17. The recommendations on integration made in the Committee's previous concluding observations had not been acted on, and the Roma minority still seemed to be suffering discrimination. The written replies submitted by the State party (CRC/C/BGR/Q/2/Add.1)

mentioned considerable sums allocated to programmes designed to improve the situation of minorities, the Roma in particular. It would therefore be useful to know how those funds were used and whether concrete results had already been obtained with respect to the situation of Roma children. According to some sources, their school attendance rate remained low and their dropout rate very high, and they were frequently enrolled in schools for children with special needs. The delegation might describe the measures taken to promote the education of Roma children, improve their access to the health services and decent housing, develop their culture and reduce the discrimination which they suffered.

18. Ms. AIDOO asked how the cooperation between the Government and NGOs was organized, whether NGOs were only entrusted with the implementation of the Government's plans and programmes or whether they collaborated at other levels, in particular whether they were involved in the formulation of the action plans, laws and policies for children and in their evaluation. She would like to know whether the Children's Council, an advisory body of the SACP, had taken part in the drafting of the periodic report and whether children had also been consulted.

19. The delegation might indicate the steps taken by the State party to publicize the Convention and make persons who, by virtue of their occupation, had contact with children more aware of its principles.

20. The delegation might also indicate the extent to which the principles embodied in the Convention had been incorporated in the many anti-discrimination projects implemented by the State party, especially those implemented by the National Council on Cooperation with the European Union on Ethnic and Demographic Issues, and in the various projects introduced in 2007 during the European Year of Equal Opportunities for All. It would also be interesting to know whether the principles and provisions of the Convention had been incorporated in school curricula and, if so, at what level of education.

21. Mr. PARFITT said that the State party's efforts to decentralize were welcome but it was a pity that the services available at the local level varied considerably, in both quality and quantity, from one municipality to another and simply did not exist in some municipalities. He wished to know therefore what action the central Government intended to take to reduce the inequalities between the various local communities.

22. Since the Ombudsman's Act of 2004 did not make the Ombudsman himself expressly responsible for ensuring respect for children's rights, so that that responsibility could be delegated to a deputy, the State party might consider entrusting the supervision of the exercise of children's rights to such a deputy. The delegation might also indicate whether the State party intended to submit a report with a view to obtaining the approval of the International Coordinating Committee of National Institutions for the Promotion and protection of Human Rights (ICC), which would confirm that the Ombudsman's powers were consistent with those set out in the Paris Principles.

23. Mr. ZERMATTEN said that the lack of statistics, especially on the sexual exploitation of children, child labour and street children, was most regrettable; had the project on the centralization of data collection actually been implemented?

24. He asked whether the State party had managed to ensure better respect for the rights of the Roma minority, in connection with which the Committee against Torture had reported in 2004

that the Roma minority suffered more abuse, on the part of members of the forces of law and order, than any other population group.

25. On the subject of children's participation in decisions affecting them, it would be useful to know whether, in practice, all children aged over 10 years were systematically given a hearing in proceedings concerning the divorce or separation of their parents and whether parents paid due attention to their children's opinions; an indication of the place of children in the family would also be welcome.

26. Mr. KOTRANE asked whether the State party was considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He noted that the courts had never cited the Convention on the Rights of the Child in their decisions and asked whether judges received training in the principles embodied therein.

27. It appeared that no special division had been created in the judicial system to hear children, a situation which left the impression that their opinions were rarely taken into consideration. The delegation might indicate whether in practice the Ombudsman interviewed children who so wished, in order to listen to their grievances. It would be useful to know whether the special telephone line which the Government had planned to install to take calls from children who considered that their rights had been infringed was in fact in place and, if so, whether it was free and accessible country-wide.

28. Ms. KHATTAB asked whether the amounts mentioned in paragraphs 7 to 11 of the Government's written replies corresponded to the budget allocated to the various health programmes (combating HIV/AIDS, prevention) and social programmes (integration of minorities and persons with disabilities, child protection, social security, etc.) or to the sums actually disbursed as part of the implementation of those programmes. Additional information on that point would be welcome.

29. She noted that the State party indicated that it was unable to determine the exact amount allocated to measures to prevent violence against children, nor did it seem able to give details of the amounts allocated for child and adolescent health care or for special protection measures.

30. With regard to the new social assistance legislation, which fixed a maximum duration for the payment of the social benefits previously paid for as long as the recipient's situation so required, she asked whether it was true that that new provision affected almost 40,000 persons, a big majority of them Roma. It would also seem that the human and financial resources allocated for child protection were insufficient and that the assistance furnished to vulnerable families did not allow them to take care of their disabled children in the family home – a situation which ran counter to the de-institutionalization strategy currently being pursued by the State party. The delegation might perhaps supply further information on that point.

31. Mr. POLLAR asked how the State party ensured that the best interests of the child were the paramount consideration in all policies and legislation on children and what action the Government was taking to prevent accidents, which cost the lives of many children in Bulgaria. He also asked for additional information on the measures introduced by the State party to protect the right to an identity and the right to a name of children born to victims of trafficking in Bulgaria.

32. Mr. PURAS asked whether the State party was considering incorporating a ban on discrimination based on disability in the Constitution, in the National Education Act and in all

other relevant legislation and whether it intended to ratify the Optional Protocol to the Convention against Torture and the Convention on the Rights of persons with Disabilities.

33. He would like to know whether the State party had introduced incentives to encourage the municipalities and other relevant bodies to give preference to the placement of children in a family environment rather than in an institution.

34. Ms. SMITH asked whether the State party had made provision for sufficient resources to be allocated to the new National Strategy for Children 2008-2018 to ensure that the strategy could be implemented country-wide and whether local communities, which would have a very big role to play in that context, would be granted the necessary means. The delegation might describe the measures taken to combat corruption, for funds kept safe from misappropriation for personal enrichment could be allocated to social programmes, in particular to policies for children.

35. Mr. CITARELLA asked what priority would be given to fighting discrimination in the implementation of the new National Strategy.

36. Ms. LEE said that the additional written information submitted by the Government mentioned the existence of boarding schools, schools with medical facilities and schools catering for convalescent children; she would welcome clarification of that situation since it appeared to be inconsistent with the State party's de-institutionalization strategy.

37. It was regrettable that the State party had made no reference to the Dakar Framework of Action in connection with the efforts to combat discrimination against children with disabilities.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

38. Ms. ATANASSOVA (Bulgaria) said that the mandate of the SACP was to coordinate and monitor the activities of the various bodies responsible for protecting children's rights. It was aware of the gaps still to be found in the child protection system and maintained a constant dialogue with the relevant State bodies, as well as with the United Nations Children's Fund (UNICEF) and NGOs. An external audit carried out by a Bulgarian NGO at the request of UNICEF had shown that the local child protection machinery suffered from a deficit of human resources. The State Agency was therefore endeavouring to strengthen the capacities of the bodies concerned and to improve the system. Amendments to the legislation were needed; the National Children's Council had considered some proposed amendments and had consulted a number of child care specialists and several NGOs. Acting on a decision by the Prime Minister, a group headed by the Deputy Minister of Justice and the Deputy Minister of Labour and Social Policy had proposed some specific amendments. A very vigorous social debate was thus being conducted on the question of child protection in Bulgaria.

39. Mr. TEHOV (Bulgaria) said that discrimination was expressly prohibited by article 6, paragraph 2, of the Constitution. Bulgaria had enacted anti-discrimination legislation which addressed all possible kinds of discrimination, including discrimination against children. It had an Anti-Discrimination Commission which published annual reports on all the cases of discrimination which it had examined. Any Bulgarian citizen, irrespective of ethnic origin or age, who considered that he or she had suffered discrimination in any field whatsoever (health, education, housing, employment) could apply to the Commission, which, if the discrimination was proved, could order the institution in question to take corrective action.

40. Mr. SLAVOV (Bulgaria) said that the National Education Act had been amended and the schools list eliminated, so that parents could now choose their children's school. Roma children could thus attend any school they wished. In 2003 the Ministry had established an advisory council to monitor the education of pupils and students from minority groups. School textbooks were provided free of charge until the eighth grade. Breakfasts were also provided free of charge, and school transport was free as well. The Ministry was trying to persuade children who had dropped out to resume their education. Thanks to the ongoing project on desegregation of the school system, only 64 schools out of 104 were now segregated. Some 27,000 Roma children were attending schools in the areas where the Roma lived. With NGO assistance, about 3,000 Roma children from the Stara Zagora, Plevn, Montana, Sofia and Plovdiv regions, among others, had been removed from segregated schools and enrolled in schools attended by Bulgarian children. More than 2,000 teachers had been specially trained to work with Roma children. The University ran training courses for primary teachers to work in schools where Romany was taught. There was also a programme on the integration of Roma children in the general education system.

41. Ms. PERCHINSKA (Bulgaria) said that Bulgaria had legislation guaranteeing social insurance to all citizens up to age 18, or up to age 26 if they were studying at university, the premiums being paid by the State; that cover enabled them to obtain all kinds of medical treatment. Vaccination campaigns had been conducted with the aim of achieving universal coverage. Health information and education measures were also carried out by the Ministry of Health, and five mobile teams toured remote rural areas and areas of difficult access.

42. Mr. TEHOV (Bulgaria) stressed that Bulgaria had never pursued a segregation policy with regard to children, no matter what their ethnic origin. The fact that some schools had been attended largely by Roma children was the result of a policy formerly in force in Bulgaria and applicable to all citizens which provided that children should be enrolled in a school in the area where they lived. Action had been taken to change that administrative requirement.

43. Ms. HERCZOG asked whether any studies had been produced on the effects of the elimination of the schools list.

44. On the issue of the placement of children in institutions, she said that the existence of care homes for children with disabilities and Roma children was often concealed by terming them boarding schools. The children in question could usually see their families only in summer, or at a few weekends if they were lucky. She would like to be told the legal status of children placed in such homes and what monitoring arrangements were in place for them; many such children were Roma.

45. Mr. SLAVOV (Bulgaria) said that action was being taken to reintegrate institutionalized children, especially Roma children. The educational needs of children with disabilities were assessed by special teams with a view to their integration in the general education system. Nowadays only children with severe disabilities were placed in such institutions.

46. The CHAIRPERSON asked whether the parents of Roma children attending school or placed in institutions were involved in the evaluation of the curricula for their children and whether they were involved in decision-making to any extent.

47. Mr. SLAVOV (Bulgaria) said that Roma children and their parents were indeed involved. Their opinions were taken into consideration in the formulation of curricula and evaluation of school textbooks. The National Education Act provided that parents could take part in the

decision-making process, familiarize themselves with the textbooks chosen and evaluate their content and suggest changes.

48. Ms. HERCZOG asked how parents were helped to make good choices.

49. Mr. SLAVOV (Bulgaria) said that before the start of the academic year school principals held meetings with pupils and their parents, especially when most of the enrolment was of Roma origin. Parents could make proposals and comments on the subjects included in the curriculum; the principals then sent reports to the Ministry of Education and Science, which was concerned to ensure that the curricula were consistent with the cultural values of the pupils and met their needs.

50. Mr. TEHOV (Bulgaria) said that the child protection budgets were very large. The use of the sums allocated was in principle monitored and then evaluated. However, it had happened in the past that the funds had not been spent in the most rational way by the bodies responsible for delivering child protection at the local level. The authorities, in particular the National Council on Cooperation with the European Union on Ethnic and Demographic Issues, were now considering means of improving the management and use of the funds.

51. Ms. ATANASSOVA (Bulgaria) said that the text of the Convention was posted on the web sites of the SACP and Parliament and on other sites. Five thousand copies of the Convention had been distributed to children in 2007. Events on the theme of children's rights had been held regularly in Bulgaria, such as Universal Children's Day, celebrated each year on 20 November. The five regional offices of the State Agency also organized events to publicize the Convention, notably on International Children's Day on 1 June. The Committee's latest recommendations had been circulated to all organizations working with children, posted on the State Agency's web site, and transmitted to the Ombudsman.

52. NGOs had supplied information which had been used in the preparation of the periodic report. The report itself had been drafted solely by State bodies, but the authorities would try to involve NGOs more closely in the drafting of future reports on the application of the Convention.

53. Ms. BORISSOVA (Bulgaria) said that the National Justice Institute, which was responsible for training judges, had opened its doors in 2007. The training covered, for example, the participation of children in criminal proceedings in which they were parties and the question of juvenile crime. The National Justice Institute collaborated with a number of partners, such as the Crime Prevention Foundation and the Central Commission to Combat Crime, and it held seminars to familiarize judges with the rules of international justice and the provisions of the Convention.

54. The CHAIRPERSON asked whether the State party's authorities were considering producing a study on the use of the Convention by the courts and on children's participation in civil, administrative and criminal proceedings affecting them.

55. Ms. BORISSOVA (Bulgaria) said that the training given to judges placed great emphasis on the particularly vulnerable position of children who were parties in proceedings, either as victims, witnesses or perpetrators of offences. Article 15 of the Child Protection Act provided that any child aged 10 or older could be heard in civil, administrative and criminal proceedings. Children aged under 10 were heard when their degree of development and maturity so allowed.

56. The CHAIRPERSON asked how those provisions were applied in practice.

57. Ms. BORISSOVA (Bulgaria) said that it was hard to say whether they were always applied, but judges' work was strictly monitored and several remedies were available in the event of infringement of the law or failure to take the best interests of the child into consideration. An independent judicial inspectorate composed of senior professionals appointed by the National Assembly had been created in 2007 to monitor the work of investigators, judges and prosecutors.

58. In addition, a group had been established in the Ministry of Justice to monitor the application of the Code of Criminal Procedure. Any judge applying the Code, in particular in cases involving children, could seek the group's opinion. If the group's opinion differed from the judge's, the National Council on Penal Policy, established by the Ministry of Justice and composed of senior judges, could also rule on the case in question.

59. The CHAIRPERSON asked for information about the dissemination of the Convention in schools.

60. Ms. BORISSOVA (Bulgaria) said that courses on the Convention had been included for the first time in the relevant textbook of the fourth grade of primary (10-year-olds). Four hours spread over two weeks were devoted to the subject. It dealt with human rights in general and the rights of the child in particular, giving special attention to case studies relating to children's rights. Other more detailed courses on the rights of the child were taught in secondary schools.

61. The CHAIRPERSON asked whether there were any plans to modify and adapt the system for the coordination of activities connected with the Convention, with a view to improving the system's efficiency. She also requested fuller information on the Ombudsman.

62. Mr. SLAVOV (Bulgaria) said that a national strategy had been formulated by the Ministry of the Interior and the Ministry of Social Affairs to coordinate the work of all the institutions concerned with child protection.

63. Ms. PERCHINSKA (Bulgaria) said that consideration had been given to creating a post of ombudsman to deal exclusively with children's rights and that a bill on the subject had even been tabled. It had been decided in the end not to change the existing arrangement.

64. Mr. PARFITT said that he would like to know the staffing strength of the Ombudsman's Office, and more particularly of the section dealing specifically with children's matters.

65. Mr. TEHOV (Bulgaria) said that any department or service of the Ombudsman's Office might deal with issues relating to children, depending on the issue in question. He did not know at the moment the exact number of persons employed. The Ombudsman's Office, which had been established with the assistance of the Office of the United Nations High Commissioner for Human Rights, was entirely in conformity with the Paris Principles.

66. The CHAIRPERSON said that the existence of a single ombudsman for the whole population could not ensure total respect for the rights of the child and that a specific service or a post of deputy ombudsman responsible solely for ensuring the application of the Convention should therefore be established.

67. Ms. VUCKOVIC-SAHOVIC (Country Rapporteur) said that in view of the many efforts made by Bulgaria over many years it was surprising that the institutional problem persisted, that the care homes for children were still located far from the towns, and that many institutions still

provided such poor conditions, especially where accommodation, catering and personnel were concerned.

68. It was of course a praiseworthy objective to close down institutions, but attention had to be given to the subsequent fate of the children concerned. It would be useful in that regard for the delegation to indicate whether steps had been taken to guarantee the children a secure family environment, whether an action plan had been drawn up, and whether any NGOs were involved in the projects adopted at the local level.

69. It was important to identify families at risk and establish a dialogue with the parents in order to prevent child neglect. That task could be entrusted to the municipalities.

70. Ms. AIDOO noted with concern that 51 per cent of children aged under 15 lived in poverty. Roma children and vulnerable children in the villages and small towns were the most seriously affected by poverty and social exclusion. It would be useful to have information on the concrete action taken to combat child poverty and guarantee vulnerable families a decent standard of living.

71. She was concerned about the changes made since 1 January 2008 in the social security programmes, in particular about the new conditions imposed on the payment of social assistance, which might deprive a large number of people of social protection. Had any action been taken to ensure the protection of poor and vulnerable children?

72. The lack of data on the economic exploitation of children and on child labour was extremely regrettable. Although Bulgaria had ratified the ILO Minimum Age Convention and Worst Forms of Child Labour Convention and had enacted legislation to combat child labour, many children were still exploited in the agriculture and tourism sectors and as domestic servants and in the sex industry. She asked whether the National Plan for Combating the Worst Forms of Child Labour had managed to produce any concrete results and whether assistance was furnished to victims of economic exploitation. She would like to know what criminal or other penalties were incurred by persons who recruited and exploited children.

73. According to the State party's written replies, Bulgaria had only 688 street children, but they were living in particularly difficult conditions and were extremely vulnerable and deprived. She asked what steps the Government had taken to tackle that problem. She noted that Roma accounted for five per cent of the total population but practically 90 per cent of street children.

74. With regard to the sexual exploitation of children, she would like to know what action the Government had taken to give effect to the recommendations formulated by the Committee in connection with its consideration of the application of the Optional Protocol on the sale of children, child prostitution and child pornography. She asked whether awareness-raising programmes had been established in the schools and whether proceedings instituted against perpetrators of sexual abuse of children had led to any convictions,

75. Ms. AL-THANI asked whether the Government had taken steps to mitigate the feeling of isolation experienced by children with disabilities who joined a regular school after attending specialized institutions, whether the education system took account of the special situation of such children, and whether there was a programme for their gradual integration in the general system.

76. Mr. KRAPPMANN noted that the school dropout rate remained high, especially among children from minorities and Roma children, and asked why the efforts made to prevent dropouts over the past 10 years had not proved successful.

77. He would welcome further information about vocational training, in particular as to whether young people who had dropped out of school could take vocational training courses.

78. The State had made considerable efforts to integrate children from minorities in the general school system, but only a minority of Roma children benefited from those efforts. He would like to hear about the obstacles to the full integration of Roma children.

79. He also asked whether the general education schools which enrolled children with special needs were assigned additional resources to enable them to furnish such children with all the necessary assistance.

The meeting rose at 1 p.m.

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