



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined sixth and seventh periodic reports of Bulgaria\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 June 2022. The replies should take into consideration the Committee's recommendations contained in its concluding observations adopted on 21 November 2016.<sup>1</sup> The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention and the Optional Protocols thereto;

(b) Information on the measures taken to ensure the protection of children's rights in the context of the coronavirus disease (COVID-19) pandemic and to mitigate its adverse impacts, in view of the Committee's statement of 8 April 2020 on the effects of the COVID-19 pandemic;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

#### II. Rights under the Convention and the Optional Protocols thereto

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Legislation

4. Please provide information on measures taken:

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\* Adopted by the pre-sessional working group on 11 June 2021.

<sup>1</sup> CRC/C/BGR/CO/3-5.



(a) To fully incorporate the provisions of the Convention into the national legislation, including by adopting the bill amending the Family Code (2016) and the bill on diversion from criminal proceedings and the imposition of educational measures for children (2018);

(b) To ensure that any legislative amendments, such as draft law No. 054-01-111 amending the Child Protection Act, are in line with the Convention and do not undermine the best interests of the child;

(c) To undertake mandatory child rights impact assessments for any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision that affects children's rights;

(d) To ratify or accede to the Optional Protocol to the Convention on a communications procedure.

### **Comprehensive policy and coordination**

5. Please provide information on the measures taken:

(a) To ensure that the development and implementation of national policies affecting children encompass all areas covered by the Convention and are supported by sufficient human, technical and financial resources;

(b) To finalize the adoption of the National Strategy for Children (2019–2023) and relevant draft strategic documents, such as the early childhood development strategy, following an apparent suspension of the process since 2019;

(c) To make progress in implementing systemic reforms in areas affecting children, such as violence, child justice, reproductive health and protection of groups in vulnerable situations including Roma, migrants and lesbian, gay, bisexual, transgender and intersex persons;

(d) To establish a coordinating mechanism at the interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention and the operationalization of the National Council for Child Protection.

### **Allocation of resources**

6. Please provide detailed information on the measures taken:

(a) To incorporate a child rights-based approach into the State budgeting process and specify clear allocations for children in the social sectors;

(b) To provide disaggregated data, which is crucial for budget planning and for monitoring its implementation.

### **Data collection**

7. Please update the Committee on the efforts made:

(a) To improve the collection and quality of disaggregated data for the implementation of the Convention, in particular data on children with disabilities, children living in marginalized situations and Roma children;

(b) To ensure that data is shared among relevant State agencies and used for the formulation and monitoring of policies and programmes for the implementation of children's rights.

### **Dissemination, awareness-raising and training**

8. Please provide information on:

(a) The systematic basic training and continuing education that all professionals working with and for children undergo on the Convention and the Optional Protocols thereto;

(b) Measures taken to increase awareness about the Convention and the Optional Protocols thereto in the context of campaigns against children's rights and about the civil society organizations working with and for children.

#### **Independent monitoring**

9. Please provide information on the measures taken to provide the ombudsperson with sufficient human and financial resources to monitor the realization of children's rights.

#### **Children's rights and the business sector**

10. Please describe the measures taken to mainstream activities focusing on children in the State party's Corporate Social Responsibility Strategy 2019–2023.

### **B. Definition of the child (art. 1)**

#### **Minimum age of marriage**

11. Please inform the Committee about steps taken to amend the Family Code to remove all exceptions that allow children under the age of 18 years to marry and raise awareness of the harmful consequences of child marriage, in particular among the Roma population.

### **C. General principles (arts. 2–3, 6 and 12)**

#### **Non-discrimination**

12. Please provide information on the measures taken:

(a) To eliminate, in law and practice, discrimination and exclusion from access to basic social, child protection services and adequate housing faced in particular by Roma children, children living in poverty, children with disabilities, children in residential care, asylum-seeking and refugee children and children in situations of migration, minority children and children living in remote areas;

(b) To prevent intolerance and discrimination against lesbian, gay, bisexual, transgender and intersex children;

(c) To introduce a specific mechanism within the Commission for Protection against Discrimination to address discrimination against children and to consider claims brought forward by children.

#### **Best interests of the child**

13. Please inform the Committee about the measures taken to ensure that the best interests of the child are taken as a primary consideration and appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions.

#### **Respect for the views of the child**

14. Please provide information on the measures taken:

(a) To address norms, harmful beliefs and attitudes that discourage children's active participation in society, the family, school and social and judicial settings;

(b) To expand mechanisms for encouraging children, particularly Roma children, children with disabilities and children in institutions, to participate and be consulted in decision-making in all matters that affect them, including in cases of adoption.

### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Access to appropriate information**

15. Please describe the measures taken:

(a) To improve access to information, including by developing child-friendly versions of key policy documents;

(b) To improve the digital inclusion of children and promote equality of access and affordability of online services and connectivity, particularly for children in rural areas and children with disabilities.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Freedom of the child from all forms of violence**

16. Please provide information on the measures taken or envisaged:

(a) To explicitly prohibit, in law, corporal punishment in all settings and strengthen efforts to eradicate it in practice, to promote non-violent parenting and to provide training on relevant protocols and guidelines to professionals working with children;

(b) To amend the current legislation, including the Protection against Domestic Violence Act, to recognize all forms of gender-based violence against girls;

(c) To undertake a comprehensive assessment of the extent, causes and nature of violence against children, including domestic, sexual and gender-based violence, and to establish a national database on all cases of violence against children;

(d) To prevent violence in schools, including bullying and cyberbullying, including through awareness-raising efforts;

(e) To prevent the exploitation of children in the digital environment, including online sexual and commercial exploitation;

(f) To address inhuman or degrading treatment, including physical, psychological and sexual abuse, between and against children in alternative care and ensure monitoring, reporting, accountability and prosecution;

(g) To strengthen prevention and early intervention programmes to protect children from all forms of violence by enhancing parental skills and the capacity of professionals working with and for children;

(h) To build multi-agency and child-friendly infrastructure to respond to child abuse and neglect with the aim of avoiding revictimization and ensuring appropriate therapeutic service;

(i) To ensure mandatory reporting of child abuse and neglect and conduct awareness-raising campaigns aimed at professionals working with and for children, parents and children.

### **Harmful practices**

17. Please explain the measures taken:

(a) To prevent and eradicate child and/or forced marriage, particularly among Roma girls and to establish mechanisms to detect cases of such marriages and ensure they are investigated;

(b) To prevent the unnecessary medical or surgical treatment of intersex children and provide adequate counselling, support and access to effective remedies for children subjected to such treatment during childhood, including by eliminating the statute of limitations for raising a claim against such treatment.

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

### **Children deprived of a family environment and adoption**

18. Please explain the measures taken:

- (a) To ensure that parental disputes are resolved in the best interests of the child;
- (b) To strengthen the capacity of the child protection system and family support services at the central and municipal levels by ensuring adequate financial and human resources, prevent child abandonment and the separation of families, particularly among the most disadvantaged groups, including Roma children and children with disabilities;
- (c) To ensure that adequate legal safeguards and clear criteria are applied in determining whether a child should be placed in alternative care, taking into consideration the views and best interests of the child, and enforce such criteria by raising the awareness of family court judges;
- (d) To ensure that children under 3 years of age, including children with disabilities, are not placed in residential care, not even in homes for providing medical and social care for children, and expedite placement in family-based care;
- (e) To ensure that family-type accommodation centres fully integrate children into the community and do not perpetuate social isolation and segregation;
- (f) To strengthen monitoring of all types of residential institutions, including with a view to verifying whether they adhere to minimum norms and standards, whether they provide protection from violence and abuse, including sexual abuse, whether they provide care and individual development plans and whether they enable the reporting, monitoring, remedying and effective prosecution of maltreatment of children;
- (g) To ensure child-friendly and confidential complaint mechanisms in alternative care settings, sociopedagogical boarding schools, correctional schools and temporary placement homes for children and age-appropriate information on access to counselling and redress, including compensation and rehabilitation;
- (h) To strengthen support to prospective and current adoptive parents and to adopted children and ensure that children with disabilities and Roma children are not discriminated against in the adoption process.

## **G. Children with disabilities (art. 23)**

19. Please update the Committee on efforts made:
- (a) To develop a comprehensive law based on the human rights model of disability that addresses all issues relevant to the rights of children with disabilities;
  - (b) To ensure that all children with disabilities have access to and benefit from early development programmes, early childhood education and inclusive education;
  - (c) To provide children with disabilities with individual assessments of their needs, personal assistance, rehabilitation and reasonable accommodation for their full inclusion in all areas of public life, including education, leisure, play and cultural activities;
  - (d) To facilitate the transition of children with disabilities from institutional settings to family settings and to strengthen the non-institutional protection network.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

20. Please inform the Committee on the measures taken or envisaged:
- (a) To address the root causes of the persistently high rates of infant mortality, particularly in rural areas;
  - (b) To prevent the segregation of Roma women and their newborns into ethnically segregated maternity wards;
  - (c) To improve access to free, high-quality prenatal care, primary and specialized health services, early diagnostics and personnel, including to medicines for home treatment

and devices for specific health conditions, particularly for children living in the most vulnerable situations, including Roma children, children with disabilities and children with chronic, genetic and rare diseases;

(d) To present summarized data on the National Programme for Improving Maternal and Child Health (2014–2020) and adopt a follow-up national programme for improving maternal and child health;

(e) To ensure that access to adequate health care, including prenatal care, is strengthened for uninsured pregnant women and that access to such care is extended to children from families living in the most vulnerable situations, particularly those living in marginalized and remote areas and in Roma communities;

(f) To implement the International Code of Marketing of Breast-milk Substitutes.

### **Adolescent and mental health**

21. Please inform the Committee on the measures taken or envisaged:

(a) To address the high birth and abortion rates among adolescents and protect the rights of pregnant teenagers, adolescent mothers and their children, including through the provision of services aimed at strengthening the family;

(b) To ensure access to age-appropriate reproductive health services and education, including free and safe abortion and post-abortion services and free access to contraceptives, including in Roma communities and for adolescents with disabilities;

(c) To ensure comprehensive education on sexual and reproductive health and rights, including information on family planning, contraceptives and risks related to early pregnancy, as well as on the prevention and treatment of sexually transmitted infections;

(d) To implement the national strategy for combating drugs (2019–2023) and address gambling and alcohol and other substance abuse by adolescents;

(e) To adopt a national strategy for mental health, scale up integrated and interdisciplinary mental health services and promote specializations in child and adolescent psychiatry.

### **Impact of climate change on the rights of the child and environmental health**

22. Please provide information on the measures taken:

(a) To ensure that greenhouse gas emission targets and deadlines are compliant with the international commitments set forth in the Paris Agreement, to phase out the use of fossil fuels and to accelerate the transition to renewable energy;

(b) To integrate the special vulnerabilities, needs and views of children into policies and programmes addressing climate change and disaster risk management and increase children's awareness about environmental protection and preparedness for climate change and natural disasters;

(c) To enforce clean air standards, ensure that polluters are monitored and sanctioned, ensure access to justice and protect children who live near air-polluting industries.

### **Standard of living**

23. Please provide information on the measures taken or envisaged:

(a) To address child poverty, strengthen social protection measures and provide adequate resources and support for parenting support programmes at the central and municipal level;

(b) To repeal the amendments to the Family Allowance Act concerning the suspension or the termination of family allowances if the child stops attending school or when the child becomes a parent;

(c) To address the root causes of multidimensional child poverty and inequality, particularly for families with more than three children, Roma families and families with children with disabilities;

(d) To improve access to water, sanitation and hygiene for all children, particularly Roma children;

(e) To ensure access by all children, particularly Roma children, to adequate and affordable housing.

## **I. Education, leisure and cultural activities (arts. 28–31)**

### **Education, rest, leisure, recreation and cultural and artistic activities**

24. Please inform the Committee of the measures taken or envisaged:

(a) To increase enrolment in and improve access to quality early childhood education, in particular in small towns, including by strengthening support for parents and caregivers;

(b) To address the segregation of students on ethnic grounds and disparities in access to education, including early childhood education, in enrolment, in completion rates and in performance between children from different regions and socioeconomic or ethnic backgrounds, in particular Roma children;

(c) To improve the quality of education and educational outcomes, particularly in respect of literacy and numeracy;

(d) To ensure that children with disabilities have access to inclusive education;

(e) To address any disproportionate impact on the right of children in disadvantaged situations, particularly children with disabilities, of closing schools in response to the COVID-19 pandemic;

(f) To provide children, in particular children with disabilities, asylum-seeking and refugee children and in situations of migration and children in disadvantaged socioeconomic situations, with accessible and inclusive sporting, recreational, leisure, cultural and artistic activities.

## **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking and refugee children and children in situations of migration**

25. Please provide information on:

(a) Those resources and measures allocated for the implementation of the Amendment Act to the Asylum and Refugees Act (adopted on 16 October 2020) that are specifically for children;

(b) Measures taken to provide asylum-seeking and refugee children and children in situations of migration with unhindered and speedy access to documentation, education, health care and social protection services;

(c) Efforts to effectively implement clear procedures for identifying, assessing the age of and taking into consideration the best interests of unaccompanied children;

(d) Availability of interpreters, social workers, cultural mediators and referral mechanisms for unaccompanied children.

### **Economic exploitation, including child labour**

26. Please provide information on the measures taken or envisaged to improve the monitoring and enforcement of laws and policies on child labour, including the worst forms

of child labour, and to prosecute and impose penalties that are commensurate with the gravity of the crime on those who economically exploit and abuse children.

#### **Administration of child justice**

27. With reference to the Committee's previous concluding observations,<sup>2</sup> please update the Committee on the measures taken:

(a) To expedite the reform of the child justice system and adopt the bill on diversion from criminal proceedings and the imposition of educational measures for children;

(b) To ensure that children in conflict with the law are provided with appropriate legal support at all stages of the proceedings;

(c) To abolish status offences, withdraw the notion of "anti-social behaviour", end punitive approaches to such behaviour and amend the Juvenile Delinquency Act and the Code of Criminal Procedure to ensure that children under the minimum age of criminal responsibility are not subject to punitive measures, including the placement in correctional education facilities;

(d) To phase out the use of specialized correctional education facilities and, in the interim period, ensure that children in such facilities have access to protection measures under the Child Protection Act and that their placement and living conditions are periodically reviewed;

(e) To implement non-custodial measures and promote diversion from the criminal justice system;

(f) To ensure that detention, including custody and pretrial detention, is used as a last resort and for the shortest possible period of time and that detention conditions comply with international standards, including with regard to access to education, health-care services, monitoring and access to child-friendly mechanism for complaints.

#### **Child victims and witnesses of crimes**

28. With reference to the Committee's previous concluding observations,<sup>3</sup> please update the Committee on the measures taken:

(a) To establish child-sensitive procedures, including in respect of the availability and appropriate use of "blue rooms" for child-friendly interrogations and ensure that interviews are conducted in an appropriate manner, by adequately trained judicial staff, to prevent the revictimization and traumatization of children and that child-friendly procedures are carried out in courts by trained officials and with arrangements in place for testimony to be given without the accused perpetrator being present;

(b) To ensure that child victims and witnesses of violence and crime have access to and benefit from services for victims, such as counselling, psychosocial support and compensation.

### **K. Optional Protocol on the sale of children, child prostitution and child pornography**

29. Please inform the Committee about the measures taken to implement its previous recommendations,<sup>4</sup> in particular the legislative, policy and administrative measures taken:

(a) To fully incorporate the provisions of the Optional Protocol into national legislation;

(b) To adopt comprehensive regulations to govern the practice of commercial surrogacy arrangements based on the best interests of the child;

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<sup>2</sup> Ibid., paras. 59 and 61.

<sup>3</sup> Ibid., para. 62.

<sup>4</sup> See CRC/C/OPSC/BGR/CO/1.



(c) To adopt specific legislation on the obligations of Internet service providers in relation to child sexual abuse material on the Internet;

(d) To combat sale of children and illegal adoption by taking comprehensive measures to address the root causes, including poverty and segregation in communities where the practice occurs;

(e) To ensure early identification of child victims of trafficking and sexual commercial exploitation, including in the context of tourism; improve the accessibility and availability of shelters for children; and adopt measures to address specific needs related to sex and gender of child victims;

(f) To ensure that children who are victims of offences under the Optional Protocol receive adequate services and support for social reintegration and physical and psychological recovery.

## **L. Optional Protocol on the involvement of children in armed conflict**

30. Please inform the Committee about the measures taken to implement its previous recommendations, including the progress made:

(a) To criminalize the recruitment and involvement of children in hostilities by the armed forces and non-State armed groups;

(b) To establish a mechanism for the early identification of children, including asylum-seeking and refugee children, who may have been involved in armed conflict abroad, and to provide physical and psychological recovery and social integration services for such children.

## **III. Statistical information and data**

31. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

32. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

33. Please provide information on the budget lines regarding children and the social sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

### **B. General principles (arts. 2–3, 6 and 12)**

34. Please provide data, disaggregated as described in paragraph 31 above, on:

(a) Cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions imposed on perpetrators;

(b) Deaths of children caused by abuse, neglect, violence, substance abuse and suicide.

**C. Civil rights and freedoms (arts. 7–8 and 13–17)**

35. Please provide data, disaggregated as described in paragraph 31 above, on:
- (a) Information and communications technology-related violations of children's rights;
  - (b) The number of such cases that have been investigated and prosecuted.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

36. Please provide data, disaggregated as described in paragraph 31 above, on:
- (a) The number of cases in which children have been victims of violence and neglect, including corporal punishment, physical abuse, domestic violence and sexual exploitation and abuse, that have been reported to the authorities, the number of such cases that have been investigated and resulted in prosecutions and the sanctions imposed on perpetrators, further disaggregated by type of offence;
  - (b) The number of intersex children who have been subjected to irreversible medical or surgical procedures;
  - (c) The number of children who have received protective measures and multidisciplinary remedies as victims and/or witnesses of violence and neglect, in particular physical and sexual abuse and exploitation.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

37. Please provide data, disaggregated as described in paragraph 31 above, on:
- (a) Families and children receiving child support grants and economic and other types of support services;
  - (b) Children in residential care, the number of institutions/group homes and the length of stay;
  - (c) Children in family- and community-based care;
  - (d) Children adopted domestically and internationally;
  - (e) Children of incarcerated parents.

**F. Children with disabilities (art. 23)**

38. Please provide data, disaggregated as described in paragraph 31 above, on children with disabilities:
- (a) Receiving economic and other types of support services;
  - (b) Living with their families;
  - (c) Living in family- and community-based care;
  - (d) Living in residential care, the number of group homes and the length of stay;
  - (e) Attending regular schools and separate schools;
  - (f) Reporting violence and abuse, including sexual violence, the number of investigations and prosecutions carried out and the sentences imposed on perpetrators.

**G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

39. Please provide data, disaggregated as described in paragraph 31 above, on:

- (a) Infant and under-5 mortality rates;
- (b) Immunization;
- (c) Adolescent mothers;
- (d) Sexual and reproductive health services available to adolescents;
- (e) Children suffering from drug, alcohol and tobacco abuse;
- (f) Paediatric and mental health services and professionals specialized in young children and adolescents, particularly in rural areas;
- (g) Children living below the poverty line and in extreme poverty.

## **H. Education, leisure and cultural activities (arts. 28–31)**

40. Please provide data, disaggregated as described in paragraph 31 above, on:
- (a) Children not attending primary and secondary school;
  - (b) Children dropping out of school, including children with disabilities, Roma girls and teenage mothers;
  - (c) Cases of bullying, violence, sexual abuse and harassment in schools;
  - (d) Children attending early childhood education, including children with disabilities, and the average years of attendance.

## **I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

41. Please provide data, disaggregated as described in paragraph 31 above, further disaggregated by accompanied or unaccompanied status, on:
- (a) Asylum-seeking and refugee children and children in situations of migration;
  - (b) Asylum-seeking and refugee children and children in situations of migration who are in detention;
  - (c) Asylum-seeking and refugee children and children in situations of migration attending school and with access to health care;
  - (d) Children in an irregular migration status.
42. Please provide data, disaggregated as described in paragraph 31 above, on:
- (a) Children working in hazardous conditions;
  - (b) Cases of child labour investigated and leading to prosecution and the sanctions imposed on employers found to have been involved in child labour;
  - (c) Children in street situations.
43. Please provide data, disaggregated as described in paragraph 31 above, further disaggregated by type of crime, on:
- (a) Children in detention, including in pretrial detention, and the average length of stay;
  - (b) Children referred to diversion and non-custodial sentencing options;
  - (c) Children who have been provided with access to rehabilitation and reintegration services.

**J. Optional Protocol on the sale of children, child prostitution and child pornography**

44. Please provide data, disaggregated as described in paragraph 31 above, on:

(a) Cases of the sale of children, sexual exploitation of children in prostitution and child sexual abuse material that have been reported, investigated, prosecuted and sanctioned;

(b) Children who are victims of such crimes who have been provided with recovery assistance or compensation.

**K. Optional Protocol on the involvement of children in armed conflict**

45. Please provide data, disaggregated as described in paragraph 31 above, on:

(a) Asylum-seeking and refugee children and children in situations of migration entering the State party from areas where children may have been recruited or used in hostilities;

(b) Children who may have been recruited or used in hostilities abroad who benefit from physical and psychological recovery and social reintegration measures.

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