

ANALYSIS OF THE CHILD PROTECTION SYSTEM IN BULGARIA



Final report

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Abbreviations

ASA	Agency for Social Assistance
CBS	Correctional Boarding Schools
CCCJD	Central Commission for Combating Juvenile Delinquency
CCS	Centre for Community Support
CEDAW	Convention on the Elimination of Discrimination against Women
CJS	Child (Juvenile) Justice System
CoE	Council of Europe
CoM	Council of Ministers
CPA	Child Protection Act (2000)
CPD	Child Protection Departments (local level)
CPO	Child Pedagogical Offices (Detski pedagogicheski stai)
CPS	Child Protection System
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
DI	Deinstitutionalization
DPOs	Disabled People Organizations
DUOCRIEMA	Diversion of Underage Offenders from Criminal Proceedings and Implementation of Educational Measures Act [Draft]
EBS	Educational Boarding Schools
ECEC	Early Childhood Education and Care
ECtHR	European Court of Human Rights
EU	European Union
FACA	Family Allowances for Children Act
FCC	Family Counselling Centre
FCU	Foster Care Unit(s)
FTPC	Family-type placement centres
GDPR	General Data Protection Regulation
GSSWA	Global Social Service Workforce Alliance
HCDPC	Homes for children deprived of parental care
HMSCC	Home for Medical and Social Care for Children (Infant Home)
HRBA	Human rights based approach
ICF	International Classification of Functioning, Disability and Health
IIS	Integrated Information System
JDA	Juvenile Delinquency Act (1958) also known as <i>CABMUPA</i> - Combating the Antisocial Behaviour of Minor and Under Aged Persons Act
JJ	Juvenile justice

JJS	Juvenile justice system
KAP	Knowledge, Attitude, Practice survey
LCJD	Local Commission for (Combating) Juvenile Delinquency
MACR	Minimum age of criminal responsibility
MBU	Mother and Baby Units
MLSP	Ministry of Labour and Social Policy
MoC	Ministry of Culture
MoES	Ministry of Education and Science
MoFA	Ministry of Foreign Affairs
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
NAM	National Association of Municipalities
NCCP	National Council for Child Protection
NSI	National Statistics Institute
PC	Penal Code 1968
PE	Public educator
PPC	Penal Procedural Code 2015
PSSEA	Pre-School and School Education Act
RDSA	Regional Directorates for Social Assistance
SAA	Social Assistance Act
SACP	State Agency for Child Protection
SAD	Social Assistance Directorate
SDG	Sustainable Development Goals
SPBS	Socio-Pedagogical Boarding Schools
TORs	Terms of Reference
UN CAT	The United Nations Committee against Torture
UN CCPR	The United Nations Human Rights Committee
UN CEDAW	The United Nations Committee on the Elimination of Discrimination against Women
UN CRC	The United Nations Committee on the Rights of the Child
UN CRPD	The United Nations Committee on the Rights of Persons with Disabilities
UN ECOSOC	The United Nations Economic and Social Council
UN	The United Nations
UNDAF	The United Nations Development Assistance Framework
UNDG	The United Nations Development Group
UNHCR	The United Nations Refugee Agency

Glossary

Child care	Refers to the point of upbringing
Child Welfare	Refers to child well-being as a whole within society and is framed from a child rights perspective
Child Protection	Refers to particular cases of risk for which prevention or intervention on behalf of children by state structures would be necessary based on applicable legislation.
Primary prevention	Primary prevention activities are directed at the general population and attempt to stop maltreatment before it occurs. All members of the community have access to and may benefit from these services. Primary prevention activities with a universal focus seek to raise the awareness of the general public, service providers, and decision-makers about the scope and problems associated with child maltreatment.
Secondary prevention	Secondary prevention activities with a high-risk focus are offered to populations that have one or more risk factors associated with child maltreatment, such as poverty, parental substance abuse, young parental age, parental mental health concerns, and parental or child disabilities. Programs may target services for communities or neighbourhoods that have a high incidence of any or all of these risk factors.
Tertiary prevention	Tertiary prevention activities focus on families where maltreatment has already occurred (indicated) and seek to reduce the negative consequences of the maltreatment and to prevent its recurrence.
Formal care	All care provided in a family environment which has been ordered or authorised by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures. (UN Guidelines for the Alternative Care of Children - Paragraph 29/b/ii)
Residential care	Care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes (UN Guidelines for the Alternative Care of Children - Paragraph 29/c/iv)
Alternative care	A formal or informal arrangement whereby a child is looked after at least overnight outside the parental home, either by decision of a judicial or administrative authority or duly accredited body, or at the initiative of the child, his/her parent(s) or primary caregivers, or spontaneously by a care provider in the absence of parents. This includes informal fostering by family or non-relatives, formal foster care placements, other forms of family-based or family-like care placements, places of safety for emergency child care, transit centres in emergency situations, other short and long-term residential care facilities including group homes, and supervised independent living arrangements for children. (UN Guidelines for the Alternative Care of Children - Paragraph 29/b)
ICDPC	Institutions for Children Deprived of Parental Care, also called also “Homes”
ICMD	Institutions for children with mental disabilities, Specialised Institution
SPBS	Socio-pedagogical boarding schools - Institution for corrective or preventive placement for children above the age of 8. The grounds for placement of children are two types: (1) delinquent behaviour or (2) or living in environment conducive to become delinquent. Established under the articles 2, 28-33 of the JDA and the Regulations on the Socio-pedagogical Boarding Schools of the Ministry of Education and Science of 1999.

CBS	Correctional Boarding Schools - Accommodate children above the age of 8, having committed antisocial acts and adolescent offenders for whom the non-custodial disciplinary measures have proven insufficient and no appropriate social environment exists for their normal development. Established under the articles 2, 28-33 of the JDA. Placement in CBS is a measure at the disposal of the court or of the prosecutor to divert the juvenile from the formal criminal justice process (Articles 61 and 64 of the Penal Code). Also called Re-educational boarding schools [in bg = Възпитателни училища интернати ВУИ]
Access to justice	The right of “effective access to systems, procedures, information and locations used in the administration of justice.” Being an evolving concept in international law and flowing from Article 8 of the Universal Declaration on Human Rights (UDHR), it encompasses the right to an effective remedy for violations of fundamental rights.

Executive Summary

Public efforts to enable healthy and fulfilled childhood and protecting children from harm have been noteworthy over the last decades in Bulgaria. Law makers have updated legislation to international standards. Policies have been defined and implemented in a number of areas, most notably in the transition from a state-centred model of residential care-institutions for children without parental care towards community integration (deinstitutionalization) as well as a number of general plans on the Protection of the Child, which included protection against violence.

A Child Protection System is defined internationally as a *set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. These systems are part of social protection, and extend beyond it [UNICEF Child Protection Strategy 2008].* Child protection wants to promote the safe, healthy and fulfilled development of all children, both girls and boys, prevent harm, protect children from adverse experiences and assist children that have suffered these to overcome and reintegrate. To that end, a number of public institutions, such as service departments (health, education, social services) and sovereign forces (such as the police and the judiciary) cooperate with the wider civil society, such as non-governmental organizations, foundations and community networks, and families. Substantially, “child protection” deals with the particular ‘right of the child to protection’, defined under Article 19 of Convention of the Right of the Child (CRC): the obligation to ensure that children within the State are protected from all forms of violence, exploitation and neglect, which collectively may be referred to as ‘abuse’, be it within a family environment or otherwise. It is also about the responsibility of the state to protect children without parental care (art. 20) adoption (art. 21), child labour (art. 32) and many more.

International expertise acknowledges the ever developing concept of what a child protection system is and its most recent focus on more effective interventions amongst which are (1) the necessity to move upstream towards preventing the needs for child protection and the involvement of universal sectors (health and education) in playing that role, (2) the need to strengthen administrative data system on child protection to ensure better evidenced-based policies as well as better services for children that respond to their needs, (3) the need to financially support the child protection system as one of the core functions of the State, from

policy development to service implementation and to make sure that this is not dependent on external funding and on project-based funding approach, and (4) the need to professionalise the social service workforce, to increase their status and their effectiveness as the backbone of any child protection system.

After a phase of persistent reform efforts, both legislative, strategic and organizational, Bulgaria faces now the necessity to move from child protection activities built in transition to a stable and professional child protection system of the XXI century. Significant efforts have been spent on turning around an outdated system based on large institutions for child care. Now, the necessity arises for the child protection system to move to implementation of services that are of quality and that are available to all children in need, as close as possible to where they live, and adapted to the specific needs of every child.

This research is based on a stock-taking of the current situation. It is based on a comprehensive literature review and a genuine primary research with service users as well as policy makers, service providers, children and families. The exercise aims to develop recommendations for the further development of the Bulgarian Child Protection System in its different components that provide child protection services, both in prevention and intervention. Three themes are consistently pursued throughout the report, namely violence against children, children deprived of parental care and justice for children. The report is complemented by three case studies which take a specific angle into a specific issue of the Bulgarian child protection practice. Based on real cases, they discuss (1) residential care and foster parenting, (2) prevention of family-child separation, and (3) justice for children. The case studies are an integral part of the research process as well as self-standing pieces of analysis which illustrate and scrutinize a specific child's pathway through the services of the Bulgarian CPS.

The main report is structured in four main sections, namely 1) legislation and policy, 2) organization and structure, 3) practices and guidelines, and 4) the social work-force, and two cross-cutting issues, namely data and finance.

Chapter 1 relates the **legal framework and the mayor policies** in which public action of the Child Protection System is rooted. Whilst it is acknowledged that, in general, the Bulgarian legislation is aligned with international standards, the normative system is the result of an incremental process which yet lacks overall integration. The most noticeable gap rests in the lack of a legal basis for prevention, specifically in terms of violence against children as well as specific support to parents and care-givers to develop their parenting skills. Furthermore, in terms of access to justice for children, major gaps exist and have been pointed out several times in relation to needed alignment of the normative framework with the international standards.

Chapter 2 analyses the **organizational structure and coordination mechanisms**. It describes the complex structure of the policy coordination, namely the National Council for Child Protection (NCCP) who acts as a supreme consultative body and the State Agency for Social Protection (SACP), who reports to the Council of Ministers. It then outlines the implementation structure namely the Agency for Social Assistance (ASA) dependent on the Ministry of Labour and Social Policy, other line ministries and municipal social services. A critical examination identifies amongst the key issues (1) Overlapping responsibilities for enforcement of compliance with standards for social services, (2) Prioritization of administrative checks over substantive analysis of cases, (3) Lack of capacity of municipalities to oversee social services. During the research, in March 2019, The Social Services Law was approved providing for a mayor reorganization of service provision. The section analysis some of the changes and reflects on necessary secondary legislation.

The section on **Focus on data** tracks the generation of child protection related case files and the extent to which it is suitable to provide better service to the individual child or family, as well as helping the system to supervise, control, plan and learn.

Chapter 3 looks into **the practice of child protection**. It describes the effectiveness of the system at the point of service delivery in both prevention and intervention. It analysis the protocols and guidelines of the case management system. It then moves on to describe the action on the ground in respect to the three issues: violence against children, alternative care and justice for children. Specific responses to vulnerable groups – Roma, children with disabilities and migrant or refugee children – are mentioned. Discussing the multiple exclusions through poverty, deprivation and family disintegration, the chapter concludes with some observations on the concrete practical issues social services workers and other parts of the system are faced with in terms of coordination, cooperation, and integration.

The section on **Focus on funding** discusses the challenges in establishing specific budgetary figures on spending on child protection derived from the complex multi-sectorial nature of the system. It then provides some indications on how to improve investing in children and counter the chronic underfinancing of social services.

Chapter 4 analyses the heart of the CPS – the **social services workforce**. It analyses the status and processes of professional education and qualification, recruitment and staffing, training and supervision, professional development and professional motivation, work organization and case load, human resources oversight and monitoring, as well as quality assurance. Significant investment is needed in the Bulgarian social services professionals, to raise competence levels, match incentive structures and pay-levels with other services (health education), and professionalize both career paths and management practices. Bulgaria has to act in order to increasing the retention of the social service workforce.

The final chapter provides **key conclusions and recommendations**. It closes by charging the public administration of Bulgaria with a task to organise the respective elements of the CP system according to a triple timeframe: 1) General, long-term conclusions and recommendations should aim to give the 10-15 years vision of where the child protection system should be, and set the reform path for the next four years; 2) specific medium range policy reforms which should be tackled steadily but without delay with a two years horizon and 3) some urgent short-term recommendations, aimed at providing more immediate solutions are proposed.

Introduction

This study aims to take stock of the current situation of the Child Protection System (CPS) in Bulgaria. It has been commissioned by the UNICEF Bulgaria office in order to support the government in its reform efforts. Its main objective is to inform the ongoing reform process in the light of international standards and best practice for child protection. Taking into account much of the previous analytic work, the focus of the inquiry is to assess the ability of the Bulgarian CPS to provide effective protection and support to children, to be child-centred and rights-based, and aligned to the contemporary international and professional standards.¹

The assignment aims to conduct a comprehensive situational analysis of the Child Protection System (CPS) of Bulgaria. The overall purpose is to analyse the child protection system and the extent to which it responds in protecting and promoting the rights of children, both girls and boys, in Bulgaria. The specific objective is to formulate policy recommendations for institutional reform of the existing system, both legally and administratively, as well as in regards to human resources and procedures of access to data. Civil society participation and the development and implementation of services are part of this.

The study wants to shift the focus from analysing the situation of children and listing the policy desiderata (much of which had been done before), to inquire how Child Protection materializes on the ground, and what are the structural conditions such as coordination mechanisms, prevention and care practices as well as the social work force. In other words, to use a medical imaginary, this study attempts to move from diagnostics to prescriptions. It does so by identifying policy reform priorities and operational suggestions. It therefore wants to

- further foster the ongoing policy debate,
- improve effectiveness of interventions,
- inquire into operational areas that deserve further inquiry.

The **principal audience of the report** are public officials charged with ensuring the rights of the child in Bulgaria. As the content of the report stretches from front-line service provision to high level policy-making and legal reform, its uptake can be helpful for both central administration as well as public service providers.

All effective child protection systems are, by definition, multi-sectorial. In Bulgaria, this cross-sector approach is also operationally instated in the configuration of the State Agency for Child Protection (SACP) and the National Council for Child Protection which is a body with consultative and coordination functions set up at the SACP.²

In other words, Child Protection is not “owned” by any ministry but cuts across various – Education, Interior, Justice, Social Policy, Culture and Youth. The nature of child protection policies is therefore “horizontal”. Likewise, it concerns the competences of a number of governmental agencies and commissions. Furthermore, action for Child Protection materialises at various

1 Amongst the previous analytic work, a Situation Analysis of Children and Women in Bulgaria had been undertaken in 2018, commissioned by UNICEF, see: UNICEF 2018. See footnote 6 to 8 for a listing of sector specific analytical work on deinstitutionalization, migrant children, justice for children and others.

2 The National Council for Child Protection (NACP), which includes representatives of the Ministry of Labour and Social Policy, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of Interior, the Ministry of Finance, the Ministry of Culture, the Ministry of Youth and Sports, The National Agency for Social Assistance, the National Commission for Combating Trafficking in Human Beings, the National Drug Council, the National Statistics Institute, the National Social Security Institute, the Central Commission for Combating Juvenile Delinquency and the National Association of Municipalities in the Republic of Bulgaria, as well as non-profit legal entities that perform child protection activities. The SACP is under the Council of Ministers. It's a secondary budget holder under the MLSP. Source: <https://sacp.government.bg/en/national-council-protection-child>

levels of the administration, be it central, regional or municipal. Thus, it is these departments and their services which are meant to benefit from the analysis.

Additionally, the concern for child rights and child welfare are embedded in the wider society and community. Civil society organizations and other non-governmental bodies, including academia and professional associations, form part of the stakeholders, both in terms of service provision and oversight of rights accomplishments, as can be seen in the vibrant shadow reporting in the context of several reviews of international obligations. These organizations and their respective experts are amongst the foreseen users of the findings as well.

Nature and scope of the inquiry

A child protection system is commonly defined as the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to risks related to the protection of the child.³ Responsibilities are often spread across government agencies. Different CP services are delivered by a range of actors, including line ministries, local authorities, non-State providers, and community groups. This makes coordination between sectors and levels a fundamental component of effective child protection systems. The CP system is comprised of a number of components, including human resources, finance, laws and policies, governance, monitoring and data collection as well as protection and response services and care management. Amongst the key tasks of a child protection system is to ensure an environment of safe childhood and adolescence, including the protection from abuse, neglect and abandonment. Children with specific vulnerability, such as children deprived of parental care or children in conflict with the law are a main issue of concern. Thus, important elements of a Child Protection System are the following:

- a system comprising standards, procedures, actors and resources;
- a combination of prevention and response;
- the multi-sectorial character which demands whole-of-government coordination;
- a joint effort of government and society.

Based on this definition for departure, the consultants defined an angle of inquiry guided by the UNICEF office in Bulgaria.⁴ A set of research questions was formulated in coordination with government which would guide the research.⁵ The object was then structured into four general sections that capture the main concerns of current reform, namely the (1) the legal and policy framework, related to the question whether the child related laws, policies and regulations are aligned to international standards, (2) the structure of governmental departments, agencies and services, related to the question whether effective cross departmental work allows a continuous flow of information and cooperation that prevents harm for children and acts efficaciously when children are at risk, (3) the day-to-day reality of frontline services, related to the question how policy materializes on the ground and what local factors impede and foster effective protection of the child, and (4) the work force that makes up the CPS, related to the questions what staff profiles, their formation and skills, and the means of training, incentives, supervision and evaluation.

3 Pls. refer to definition in Child Protection Strategy, UNICEF 2008

4 An inception report is developed in Sep 2018 which is reviewed and adopted by UNICEF and the Government in Oct 2018

5 Pls. refer to Annex 2

Figure 1: structure of the report



Furthermore, it was agreed to put special emphasis on two issues of cross-cutting importance, namely the (a) information flow within the system and access to case data for management, inter-departmental cooperation and institutional learning, and (b) the financing of the system, with a view to estimating the financial resources dedicated to the child protection system and identifying priorities for more efficient investment.

The analytical exercise is therefore neither a classical evaluation of the performance of the child protection system, nor a functional analysis of the inter-departmental coordination and the practicality of the respective task-assignments.⁶ Nor is it a situation analysis on the state of children in Bulgaria or a consultation with the stakeholder group.⁷ Likewise, the report does not focus on just one specific element of Child Rights.⁸ It is rather a summary assessment of the relation of the parts of the CPS, including its declared policy objectives and the successive implementation, in terms of structure, practices and human resources. There are three issues – of supreme concern to any CPS – that are taken up consistently throughout the report as testing ground for the effectiveness of the CPS. These are violence against children, justice for children and children deprived of parental care. The report therefore is a hybrid exercise that aims to provide a systemic view on the principles, structures and actors of the Bulgarian CPS with a vocation to identify operational steps towards better ensuring child rights.

6 In 2007, UNICEF undertook a Functional Analysis and capacity evaluation to generate proposals for Enhancing the Capacity of the Child Protection System in the Republic of Bulgaria (UNICEF 2007, 2008). A number of programme evaluations were undertaken, such as the Quick Review and Evaluation of the Implementation of the National Strategy 'Vision for Deinstitutionalization of Children in the Republic of Bulgaria' (Rodgers 2014), the Evaluation of the Family for Every Child Project in the Region of Shumen (Sammon et al 2017) and the Multi-Country Evaluation of Results Achieved through Child Care System Reform 2005-2012 (Vinet and Zhedanov 2015).

7 In 2015, a National Consultation with Children was undertaken in relation to updating the National Strategy for the Child 2008-2018 (UNICEF 2015). The latest Situation Analysis of Children and Women in Bulgaria was published in 2018 (UNICEF 2018).

8 A number of reports have been published on specific issues such as Children Deprived of Liberty (Baeva 2014), Financing of the Deinstitutionalisation Process (LUMOS 2015), Assessing the Integration of Vulnerable Migrant Groups (CSD. 2015), GBV Services for Migrants and Asylum Seekers (UNICEF 2018), Sexual Abuse of Children in Bulgaria (Petrova-Dimitrova 2005) Good Practices for Child Sexual Abuse Prevention (SAPI-BG 2010), Honour Related Violence in Bulgaria (Tisheva 2017), Addressing Violence against Children in Bulgaria (Jenney 2014) or Domestic and Gender Based Violence (Ivanova 2016)

Challenges and constraints

The research has been conducted between September 2018 and May 2019. In that sense, much of the diagnostic exercise has encountered themselves standing on shifting sands. During the research phase itself, much legislative work has been undertaken and, in a way, emerging recommendations have been already responded to by the policymakers. Much of highly relevant legal reform during the course of the inquiry have changed the situation at point of departure. Amongst these were the

- Disability Act (December 2018)
- Social Services Act (March 2019)
- Draft National Strategy for the Child (2019-2030)⁹
- Ordinance on measures to prevent child abandonment and placement in institutions and reintegration (April 2019)

The research was to be based from the first moment on primary data collection with right holders. The Bulgarian Agency for Social Assistance (ASA) insisted in their role to select the respective children and their caretakers, in order to fully comply with their mandate to ensure the protection of all children. Whilst this ensures safety for the children and logistically guarantees access, a potential sampling bias might have been built in the study design, prioritizing the more successful services and cases against the likely more controversial.

Methodology

The terms of reference requested the research team to be composed of a combination of international and national experts. The research was therefore coordinated by a consortium of an international consultancy focussed on social policy and social services reform, Fresno the right link, and a Bulgarian consultancy focused on public service reform and fundamental rights assistance (PMG consulting). The combination of international comparison and firmly rooted context experiences have resulted productive in both the internal team discussions as well as in the consultations with government, civil society and UNICEF.

The team has been composed of the following experts with their respective roles:

Expert	Role
José Manuel Fresno	Team Leader. Methodological design. Overall review. Social Services
Roberta Cecchetti	International Child Protection Expert: Assessment of national legislation and policy according to national standards, focus on Violence against children, international comparison of best practices, lead writer on chapter 1 (legal and policy context)
Philip Gounev	Public Management Expert: Coordination of the team of local experts, lead writer in chapter 2 (structure) and 4 (social work force and special focus on finance and information management).
Martin Gramatikov	Legal Expert, assessment in legal and judicial issues, methodological advise, lead writer on case study on family-child separation
Slavyanka Ivanova	Field Research Coordinator, development of research methodology including ethical standards, coordination of recruitment, conducting of interviews and focus groups
Stefan Meyer	Research Coordination: overall operative research coordination, relation to UNICEF, lead writer on chapter 3 (implementation)
Maria Karayotova	Research assistance: social services survey, CPS financing, chapter 4 (social work force)
Greta Ivanova Tsekova	Research assistance: chapter 2 (CPS structure),
Skye Bain	Research assistance, bibliographer and quality assurance

⁹ Despite the approval of the draft National Strategy for the Child for the period 2019 – 2030 by the National Council for Child Protection, following the contradictory public reactions the work on the draft has been frozen.

The research has applied a diversified approach towards evidence generation profoundly based on primary research. The following research methodologies have been applied.

Methodology	Approach
Literature review	A comprehensive literature search has been undertaken, aided by the good office of UNICEF
Revision of administrative data	ASA granted access to user data. These have been processed and fed into the case studies and respective chapters
Key informant interviews	A number of interviews have been undertaken with key informants at policy level. Some of them have been interviewed several times during the research process
Focus groups with civil society organizations	Child rights advocates and child protection services providers were included in systematic consultations at the beginning and the end of the research
Social work force Survey	The survey was carried out as open online consultation with members of CPDs. The response rate was 712 full responses out of the 835 employees. See annex 2.3 SOCIAL WORK FORCE SURVEY for details
Interviews with primary rights holders and care takers	A total of 10 children and 11 parents have been interviewed. See the annex for a detailed research protocol including ethical considerations
Interviews with services providers	A total of 34 social service providers and 8 CPD case workers were interviewed. See the Annex for a detailed research protocol

A criteria drive process has led to the **selection of three field sites**. The process focussed on getting first-hand information of the working of the CPS in locations that provide a specific variation in terms of (1) remoteness, (2) rural-urban character, (3) size of the town and that (4) have / have not been subject to high-investment pilot intervention in terms of child protection. The site selection resulted in the municipalities of Stara Zagora, Vratsa and Knezha.

Case studies have been written up which followed a common approach to combine the primary case with the general policy context of the specific issue. All case studies have been organized in these respective sections (1.) Description of the specific case, (2.) General definitions of the issue, (3.) Actors, structures and protocols, (4.) Implementation and challenges, (5.) Effectiveness and impact of social intervention, (6.) Human resources: staffing, training, incentives, oversight, (7.) Voices of the children: participation and protection, (8.) Social infrastructure and institutional coordination, (9.) Recommendations

The number of **interviews with primary right holders**, care takers, service providers are summarized in Table 1: Overview of all interviews. A detailed list of all stakeholders, including their profile, the research methodology and the interview code is reproduced in Annex 2. section2: INTERVIEWS.

Table 1: Overview of all interviews

	Policy makers	Service providers	Case worker	Parent / adult	Children
Central	9	-		-	-
Vratsa	-	11	2	5	4
Stara Zagora	-	13	3	3	3
Knezha	-	9	3	3	3
TOTAL	9	33	8	11	10

A detailed breakdown of the **field methodology**, the recruitment processes, the implementation and challenges during the field phase and the general findings are given in Annex 2 – section 1: Methodology of Primary Research. It also details the adherence to the ethical research protocols and guidelines which have been laid out in the Inception report.

Whilst the team of local experts has been in permanent contact both at Sofia level as well as in the three study locations, there have also been two **visits from the international experts** to agree on the research question and methodology at the inception as well as to validate the initial findings after the research process.

Mission	Objectives
Exploratory mission and task definition	Previous to the inception report on 31st of October 2018, the team leader José Manuel Fresno travelled to Sofia to meet with UNICEF, government officials and a NGO roundtable
Validation mission	After finalising the zero draft report on 7-10th of May 2019, Roberta Cecchetti engaged in a validation exercise meeting the Ministry of Education and Science (Deputy Minister Denitsa Satcheva), Ministry of Labour and Social Policy (Deputy Minister Zornitsa Roussinova), and the Agency for Social Assistance (Head of Child Protection Directorate Emil Todorov). An NGO roundtable and various site visits have been undertaken.

Amongst the Limitations of the methodology it is important to mention the difficult access to primary right holders, mediated by ASA. Whilst much effort had been undertaken by local field offices, the logistic to access children and their care-takers have resulted difficult and has generated significant delays in the foreseen time-schedule.

Acknowledgement

We wish to express our appreciation for the research support and the feedback given on the inception report by the Government of the Republic of Bulgaria. We are specifically indebted to the teams of the Ministry of Labour and Social Policy (Deputy Minister Zornitsa Roussinova), Ministry of Education and Science (Deputy Minister Denitsa Satcheva), and the Agency for Social Assistance (Head of Child Protection Directorate Emil Todorov). The research team wants to express their profound gratitude to the very responsive assistance of the SACP and ASA in discussing policy issues, getting access to administrative data and facilitating the contact with clients of the CPS. The local teams of the CPDs in the Stara Zagora, Vratsa and Knezha have been most helpful and genuinely committed in supporting the research.

We want to thank all the Child Rights Organizations that have participated in the roundtables on exploring the inquiry in October 2018 and validating its findings in May 2019, namely Amalipe, Animus foundation, Bulgarian Helsinki Committee, Cedar Foundation, Hope and Homes for Children, International Social Service, Know How Centre for alternative care for children, Lumos Foundation, National Network for Children, and Our Children Foundation. Their insights and comments have been most useful.

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The research would not have been possible without the professional guidance of the UNICEF country team, namely Milena Harizanova, Daniela Koleva and Dessislava Encheva.



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LEGAL AND POLICY FRAMEWORK

1. LEGAL AND POLICY FRAMEWORK

1.1. Main primary and secondary legislation on child protection

In Bulgaria, the legal foundations of child protection are found in the Constitution of 1991 and in a number of substantive pieces of primary and secondary legislation that have been enacted and amended ever since then; these laws and policies have been developed at different times and paces and not necessarily thought as systematically interconnected as a coherent foundation of a child protection system. Amongst these, the most relevant ones include:

- The **Constitution of the Republic of Bulgaria** of 1991: article 14 establishes that “The family, motherhood and children shall enjoy the protection of the State and society”. Furthermore, article 47 also highlights the responsibility of parents for the care of their children and the obligation by the State to assist them in line with the obligations in the Convention on the Rights of the Child¹⁰. While the Constitution imposes a duty on the State to protect abandoned children, it does not impose a specific duty on the State to protect children who are at risk of abuse, neglect or exploitation. However, the obligation to provide special protection and care to children could be taken as encompassing this role. The constitution also establishes that the conditions and procedure for the restriction or suspension of parental rights are established by law (article 47(5)).
- The **Child Protection Act (CPA)**¹¹ and the Regulations for its Implementation; the CPA was first promulgated in 2000, went through a major revision in 2003, and was amended several times afterwards¹²; as article 1(1) states, the CPA “governs the rights of the child; the principles and the measures for child protection; the state and municipal bodies and their interaction in the process of performing child protection activities, as well as the participation of legal entities and natural persons in the said activities”. It established the bodies responsible for child protection.

The **Social Assistance Act (SAA)**¹³ and the Regulations for its Implementation¹⁴ was first promulgated in 1998 and amended several times (last revision dates back from 2016). It is important to note that a new Law on Social Services¹⁵ was enacted and will enter into force on 1 January 2020; it will bring significant change to the Social Assistance Act and the Child Protection Act (see section 1.2.2 Social Assistance Act on page 26). The SSA formulates the types of social assistance benefits and social services available to the vulnerable citizens of Bulgaria, including children; it establishes the Social Protection Agency and its branches at local level, within which the child protection departments operate.

The **Family Code**¹⁶ establishes the rights of parents and children in the family setting and regulates issues such as marriage, divorce, filiation and adoption; it also contains a specific section on the relations between parents and children. Within it, it establishes that the children have the right to be raised and educated in a way that should secure their physical, mental, moral and social development (article 124); and also that parents should not use force or other methods of education which lower the child’s dignity (article 125(2)).

Family Allowances for Children Act, as amended on 28 July 2015, regulates family allowances designed to help cover costs for parents and families in connection with childbirth and

10 UN. 1989. Convention on the Rights of the Child, article 18.2.

11 GoRB. 2000. Child Protection Act 2000.

12 The last amendment dating from 2018.

13 GoRB. 1998. Social Assistance Act.

14 GoRB. 2003. Regulations on the implementation of the Child Protection Act 2000.

15 GoRB. 2019. Social Services Act.

16 GoRB. 2009. Family Code.

childcare. Benefits are provided in cash or in kind in the form of goods or services and they are paid on a one-off or monthly basis. Parents can also apply before the child reaches the age of 1 year if no maternity benefit has been provided and if they have a low income. Monthly allowances for raising a child until graduation from high school, but not after the age of 20, are income-tested and represent the most common type of family allowances. On 16 October 2018, the Council of Europe's European Committee on Social Rights found that some provisions of the Family Allowances for Children's Act violate article 16 of the European Social Charter (the right to appropriate social, legal and economic protection). In particular the Committee found discriminatory the provisions concerning the suspension/termination of the family allowances when the child stops attending school and concerning the termination of the family allowances when the minor becomes a parent¹⁷.

The **National Strategy for the Child (2008-2018)**¹⁸ is the main strategic document in relation to children's rights in Bulgaria. The National Strategy identifies the priority directions and actions for improving the rights and well-being of the children in Bulgaria and aims to lay out a comprehensive Action Plan for children and youth. Amongst the priorities on child protection the national strategy 2008-2018 identified alternative care of children, protection of children from abuse, violence and exploitation, and the rights of juvenile offenders to a fair and lawful treatment.

The **National Programme for Child Protection** is adopted every year by the Council of Ministers as an Operational Plan for the National Strategy for the Child. It regulates the obligations of all state institutions in implementing the activities for ensuring and observing the rights of children in the Republic of Bulgaria according to their best interests.¹⁹

The **National Strategy "Vision for Deinstitutionalization of Children in Republic of Bulgaria" 2010-2025**²⁰ defines a policy for transitioning from institutional to community care and prescribes a roadmap of successive disinvestment from non-family based care structures. The strategy is equipped with an Action Plan for its implementation. The first one was adopted in 2010²¹ and after that it was followed by annual monitoring reports. In October 2016 a second action plan was adopted.²²

The **National Programme for Prevention of Violence and Abuse of Children 2017-2020**²³ and the **Action Plan** for its implementation (2017-2018)²⁴ set the prevention of all forms of violence against children (physical, emotional, sexual) in all settings (homes, schools, alternative care institutions, digital environment, penal institutions) as a priority for the government. The action plan lays out the different structures and procedures, as well as resources – both human, facilities and financial for its implementation.

In term of legislation related to children's access to justice the main provisions are included in the **Penal Code**²⁵ and the **Penal Procedure Code**,²⁶ the **Law on Combating the Anti-social Acts Of Minors and Juvenile Act** (in force since 1958 and last amended in 2016 – also known

17 See the European Committee of Social Rights, Decision on Merit, Equal Rights Trust v. Bulgaria, Complaint No. 121/2016, 16 October 2018

18 GoRB. 2008. National Strategy on the Child 2008 – 2018

19 The formulation of a National Strategy for the Child is foreseen in the CPA. This and their operational Plans provide a welcome opportunity for parliamentary scrutiny and civil society oversight.

20 GoRB. 2010. National Strategy Vision for De-institutionalization of Children in Republic of Bulgaria 2010 – 2025.

21 GoRB. 2010. Action Plan for Implementing the National Strategy „Vision for Deinstitutionalization of Children in the Republic of Bulgaria.

22 GoRB.2016. Updated Action Plan for Implementing the National Strategy „Vision for Deinstitutionalization of Children in the Republic of Bulgaria.

23 GoRB. 2017. National Programme for the Prevention of Violence and Abuse of Children 2017-2020.

24 GoRB. 2016. Updated Action Plan for Implementing the National Strategy “Vision for Deinstitutionalization of Children in the Republic of Bulgaria”.

25 GoRB. 1968. Penal Code, amended 2017.

26 GoRB. 2006. Penal Procedure Code 2006 amended. SG. 13/11 Feb 2011..

as Juvenile Delinquency Act -JDA).²⁷ The latter is the main pillar of the Bulgarian Child Justice System. Although at the time of its adoption it was considered a positive step as it established a separate system to handle child offences (diverging them from the penal justice system), it remains outdated and punitive irrespective of the amendments introduced since 2001. There have been several attempts to start the reform of the child justice system during the last 20 years. The most recent one includes: 1) policy documents adopted by Government: **Justice for the Child State Policy Concept (2011)**, the **Roadmap for the implementation of the Justice for the Child State Policy Concept (2013)**²⁸ and the **Updated Strategy to Continue the Judicial System Reform (2015)**; 2) investments into the system and its improvement by the Swiss Bulgarian project implemented by the Ministry of justice (2012-2017) and; 3) advanced stage of drafting of **Diversion of Underage Offenders from Criminal Proceedings and Implementation of Educational Measures Act (DUOCRIEMA)** at the Ministry of Justice that resulted from the unprecedented dialogue between the main governmental and non-governmental stakeholders, including the judiciary in 2013–2016.²⁹

1.2. General Law and policies and adherence to international standards

This section analyses in greater details the primary and secondary legislation that make the foundations of the child protection system in Bulgaria. As a reminder, the present research uses UNICEF's definition of what a child protection system is, and namely: "A set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks (...)"³⁰.

Existing legislation is assessed against international treaties and standards related to child protection ratified by the State of Bulgaria. For the specific research questions see the Annex II.6. The following sections will analyse in detail the primary and secondary legislation in relation to some key child protection concerns, and namely violence against children, children without parental care and children in conflict with the law.

1.2.1. Child Protection Act

The Child Protection Act (CPA) stands at the beginning of the building-up of the Child Protection System in Bulgaria. The Act was adopted to respond to the need of addressing a major challenge for children in Bulgaria in the late nineties and namely the high rates of institutionalisation of children without parental care, amounting at that time to 2% of the child population.³¹

The Act³² defines "child protection as a system of legislative, administrative and other measures to guarantee the *rights of every child*"³³. Nevertheless, the actual scope of the Act is narrower as it mainly sets the protection measures for children at risks, both in family envi-

27 GoRB. 1958. The Juvenile Delinquency Act. Sofia.

28 At: www.strategy.bg/FileHandler.ashx?fileId=1703 also at: <http://legalworld.bg/47087.mp-podgotvia-otdelen-nov-zakon-za-detskoto-pravosudie.html> accessed 30.09.2017. See also Micheva, V. 2016.

29 A coalition of non-governmental organisations implemented a public campaign to support the process, see more at: http://www.capital.bg/politika_i_ikonomika/obshtestvo/vsichko_za_pravata_ni/2015/09/24/2615375_shans_za_spravedlivo_detsko_pravosudie/?> <http://deca.bg/act-now-item/childhood-with-no-bars/> <http://nmd.bg/natsionalna-mrezha-za-detsata-izrazi-stanovishte-otnosno-zakon-za-izmenenie-i-dopalenie-na-nakazatelniya-kodeks/> accessed 30.05.2019. See CoE. 2015b and more at: <http://www.socialplatform.org/blog/civil-dialogue-in-bulgaria-two-versions-of-the-same-story/> accessed 05.03.2019.

30 UNICEF 2008. par. 12-13. [UNICEF Child Protection Strategy.]

31 UNICEF 2018a, Lumos 2014, 2015a.

32 The regulation for the implementation of the Child Protection Act adopted in 2004 is analysed under the section 1.4 below on the provision of alternative care of children. The regulation exclusively deals with conditions and procedure for implementing child protection measures included in the CPA, the licensing of the providers of social services for children, the granting of support, including financial support, to children, as well as for monitoring respect for children's rights.

33 GoRB. 2000. Child Protection Act 2000, amended 2013, supplementary provisions, number 1, our emphasis

ronments and outside of them (i.e. and in specialized social services/institutions). As such it domesticates the provisions included in the Convention on the Rights of the Child on alternative care of children (notably, but not only, in article 20). It is therefore more relevant for the section on children without parental care and will be analysed more in depth in paragraph 1.4 below.

The Act went through major amendments in 2003 establishing in article 1 that all children are entitled to protection while special protection is granted to children at risk (article 5). The 2006 amendments stipulated that the state policy for child protection shall be carried out on the basis of National Strategy for the Child developed according to the principles of the Act and adopted by the National Assembly. The Strategy is supposed to give the comprehensive vision and direction for the realisation of the rights of the child in Bulgaria, identifies and guides any needed legal reform in the area of children's rights. Furthermore, in order to implement the National Strategy for the Child, the Council of Ministers adopts a National Programme for Child Protection proposed by the Minister of Labour and Social Policy and the Chairperson of the State Agency for Child Protection (article 1.(3)). This stipulation could be attributed to two major factors. First, it was the recommendation from the Committee on the Rights of the Child to develop a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country.³⁴ Second, six years after the implementation of the CPA it was agreed that the child policy in Bulgaria should be guided by a document adopted by the legislature that would provide for a broader perspective for coordination, sector policies, issues and budgets³⁵.

The new amended Act also defines the bodies responsible for child protection both at policy level (State Agency for Child Protection) and at operational level (Social Assistance Directories) and establishes the legal ground for the coordination infrastructure by naming the different ministries and specifying their responsibilities.

The child protection bodies are the Chairperson of the State Agency for Child Protection, the Minister of Labour and Social Policy, the Minister of Interior, the Minister of Education and Science, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Culture, Minister of Health and Mayors of Municipalities³⁶. This cross-sectorial collaboration is also foreseen in the Coordination Mechanism for Cooperation in Cases of Children Victims of or at Risk of Violence³⁷. Nevertheless, apart from the Ministry of Education and Science that – through the Pre-School and School Education Act (PSSEA), has taken its share of responsibility in the child protection system³⁸ as we'll see below, child protection has not been integrated in other sectoral laws and implementing regulations.

The importance of coordination at ministerial level and across administrative levels is at the core of a child protection system and it has been highlighted in the General Comment number 13 of the Committee on the Rights of the Child as well as in the European Commission Reflection Paper on Coordination and Cooperation in Integrated Child Protection Systems.³⁹

Support to parents and caregivers is one of the core interventions within the prevention pil-

34 CRC/C/15/Add.66 of 24 January 1997, paras 3 and 21.

35 The new Law on Social Services has introduced amendments to the Child Protection Act. Error! Reference source not found. further below in the text mentions some of them. As the Law will enter into force in January 2020, they are not discussed in details here.

36 Policy coordination of child protection takes place via a consultative body, the National Council for Child Protection. Its functions and composition are analysed in chapter 2.

37 See section "1.3 Violence against children" below.

38 The Pre-School and School Education Act establishes obligations for the education system to prevent violence against children and promote positive discipline. For more details see further down.

39 General Comment 13 see UN CRC. 2011. The right of the child to freedom from all forms of violence, see section VI "National coordinating framework on violence against children". European Commission reflection paper see EC (DG Justice and Consumers). 2015. The analysis of the structure of the child protection system is done in details in chapter 2.

lar of any child protection system⁴⁰. Article 8 of the CPA defines duties and responsibilities of parents, guardians and caregivers. The Act mentions in article 21 that amongst the functions of the Social Assistance Directorate it shall give advices and consultations on child rearing and upbringing. Nevertheless, the Act does not provide more specific details on how this support should be provided. Secondly, the assistance to parents/caregivers is not a general measure but it is activated only after children are identified to be at risk and/or when parents/guardians ask for it.

As we will see in section 1.3 below, the National Programme for the Prevention of Violence against Children has tried to fill this gap by envisaging the development of positive parenting programmes to prevent violence against children. A focus on supporting good and responsible parenting is also present in the National Strategy on the Child (2008-2018).

The Child Protection Act is predominantly focused on response to neglect, abandonment and violence against children in various settings. The focus on primary, secondary and tertiary prevention of family separation or violence against children or exploitation is absent. For example, it does not foresee any specific responsibility for the Ministry of Education or Ministry of Health to support parents in their child rearing role or in preventing violent behaviour, or to identify and refer children at risk through home visitation. The Child Protection Act alone would not therefore be constitutive of a holistic child protection system, establishing legal obligations for child protection bodies to work along the continuum of child protection, from prevention, through identification, reporting, assistance and follow-up. Other laws and policies complement the provisions included in the Child Protection Act.

For example, the **Pre-school and School Education Act** adopted in 2015, adds fundamental obligations relevant to prevention of violence and the role of school system in it.

For example, the act foresees that the School and Pre-school system promote positive discipline within their responsibility for personality development to be provided to pupils (art. 174). Positive discipline is defined as measures and approaches that guarantee listening to the child and the pupil, getting aware of the causes for the problematic behaviour and providing opportunities for mastering good behavioural models with regard to oneself and to the others.

According to article 178, the general support to personality development should also include activities aimed to prevent violence and to overcome problematic behaviour.

The development of violence prevention activities is left to the responsibility of each pre-school/school but the Act (art. 185) indicates what these might include:

1. drafting rules, together with the pupils, for their behaviour in the class;
2. discussing topics of the civic, health and intercultural education in the class meeting, in the interest-based activities and in the optional classes;
3. partnership with parents;
4. activities to develop the competences of all members of the school community.

Article 186 also indicates examples of activities that can be put in place by kindergarten and schools in addressing problematic behaviour of pupils (which is not defined, but one can presume it is aggressive/violent behaviour). Conflict resolution is one of the proposed strategies.

There's also an additional mechanism for prevention and response to bullying and violence against children in the pre-school and school educational system.

40 See UN CRC. 2011: The right of the child to freedom from all forms of violence, paragraph 47: "Prevention measures include, but are not limited to: (...) (i) Supporting parents and caregivers to understand, embrace and implement good child-rearing, based on knowledge of child rights, child development and techniques for positive discipline in order to support families' capacity to provide children with care in a safe environment".

1.2.2. Social Assistance Act

The Social Assistance Act is a general law which establishes the social assistance that people in need are entitled to; it distinguishes between cash/in-kind assistance and social services. It determines the responsibility for delivering social assistance - namely through the Social Assistance Agency and its Social Assistance Directorates at municipal level. It establishes the social services which are used to implement the child protection measures established in the Child Protection Act.

The SSA therefore does not regulate child protection activities. It is actually the regulation for the implementation of the Child Protection Act which does that⁴¹. The Act has nevertheless two references to children: there should be an established child protection department at the social assistance directorate (article 5.6) and that the Social Assistance Agency has amongst its function the mandate to maintain registers of children who are eligible for adoption, of adopters and of endorsed foster families through the regional social assistance directorates (article 6.10)⁴².

Article 6.3 establishes that is the responsibility of the Ministry of Labour and Social Policy to approve policy for career development of social workers, but it does not mention the need for it to take into account the development of specific curriculum and training on child protection for social workers.

The Regulation for the Implementation of SSA (adopted in 1998 and amended several times) specifies both the social assistance and social services that are child focused.

For example, article 9 establishes the entitlements of families to social benefits for children according to their age, occupation (if they go to school or not), if they are orphans or in kinship/ foster care (article 9).

Article 36 lists the social services provided both in the communities and in institutions. Amongst those in the communities, the child-centred ones include:

- Social services at home
- Day care centres (for children with disabilities)
- Residential social services: including family-type centres for children; family type centre for children with disabilities;
- Mother and baby units;
- Centre for street children
- Foster care

Child focused social services provided in specialised institutions include homes for children deprived or parental care.

The regulation (in articles 40a and 41) also establishes minimum standards for social services provided in specialized institutions and in community based services concerning locations and facilities. They cover standards related to:

- Accessibility, household environment, room arrangements
- Eating/food
- Health care
- Education
- Organisation of free time and personal contact
- Criteria for specialised staff

41 See section 1.4 below.

42 The same provision is foreseen in GoRB. 2009. Family Code (article 83).

Furthermore, article 41a establishes extra standards for family-type institutions for children and youth with disabilities. They mainly concern health care and are established and supervised by the Ministry of Health.

Finally, the regulation provides that Public Councils, to be established at municipal level, are responsible for exercising quality control over social services according to established criteria.

Box 1 - Main provisions of the New Law on Social Services (2019)

In March 2019, a new legislation on Social Services was adopted, after a long process of consultation and in parallel with two new pieces of legislation on disability (Personal Assistance Act and Disability Act).

The new law has been adopted on 22 March 2019 and should come into force on 1 January 2020. It is to be accompanied by a number of implementing regulations. It will also require amendments to the Social Assistance Act and Child Protection Act. It will change the landscape of social services in Bulgaria in terms of their definition, their accessibility, their approach and quality, their planning and funding.

The major changes foreseen in the legislation concern:

1. The distinction between **general social services** (accessible to all) and **specialised social services** (accessible on the basis of a previous evaluation);
2. The main target groups include people/children at risks and children with disabilities;
3. The **services are not defined as places**, but from the point of duration, delivery pattern, user categories, activities, aims, etc.;
4. The need for social services to use an **integrated approach**, not as a combination of separate services but as an approach that aims at ensuring easy access and collaboration across them;
5. Huge attention will be given to **quality of social services**, from the service provision to the expected result; to ensure this new legal requirement a **new Agency** will be established for quality assurance as well as for registration and licencing of social services.

When it comes to child-specific changes, the ones that are more noticeable include:

1. **The regulation of coordination mechanisms:**
 - a) In the event of an immediate risk of child abandonment after birth;
 - b) Preventing the abandonment of a disabled child;
 - c) In the event of violence;
 - d) Protection of a child victim of violence or exploitation.
2. **Closing down all the remaining institutions** with clear and fixed deadlines and **out-lawing placement of children under 3 in residential care** unless it is a measure of last resort.

1.2.3. Family Code⁴³

According to the Family Code, parents are mutually responsible for their children's upbringing (article 122) in line with article 18.1 of the CRC⁴⁴ and should provide material support to them until their 18th birthday or 25 years of age if they go to tertiary education and are economically

43 GoRB. 2009. Family Code.

44 Article 18.1 of the CRC: "States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern".

dependent on the parents. Nevertheless, as the family code exclusively deals with private law matters, it does not provide any legal grounds for obligations for the State to support parents in their child rearing roles (which would be a matter of public law) and no other national act does.

The Family Code also establishes duties for children to respect their parents, grandparents and family members as well as reiterating the provision in the Child Protection Act according to which parents should bring up and educate their children with respect and without using force and against their dignity (Article 125.2).

1.2.4. National Strategy for Children (2008-2018)⁴⁵

The introductory part makes reference to the Convention on the Rights of the Child and states that the policy is based on its main principles, without enumerating them. Further down in the text, in the operational part, the best interest of the child (article 3 of the CRC) is mentioned in relation to adoption (adoption should pursue the best interest of the child) and in relation to prevention of juvenile delinquency (placing children in correctional institutions is not always in their best interest).

Article 2 of the CRC (Non-discrimination) is mentioned under the priority related to the right to identity and protection from discrimination. Non-discrimination measures are foreseen in relation to girls and ethnic minorities. On the contrary, the strategy does not foresee any specific measure to counter the discrimination of children with disabilities.

Although the strategy does not have any specific objective on child protection, child protection objectives are found in the following focus areas:

- 1) Family environment – it identifies amongst its priority the support to parents in their child rearing role, the importance of filling the gaps of community-based services for children and families, the need for governmental policies to support day care services, legal assistance and social assistance to parents at municipal level. Although the national strategy does not set legal obligations, the letter of these provisions seems to be in line with article 18.2 of the Convention on the Rights of the Child⁴⁶.
- 2) Alternative care of children - with priority to be given to kinship and family-based care, foster care over residential care. Ensuring better quality care in institutions and standards, and continue with deinstitutionalization. These priorities are in line with the Guidelines on Alternative Care of Children, and in particular with the suitability principle, according to which while developing the range of options for the alternative care of children, priority should be given to “family and community-based solutions”⁴⁷.
- 3) Safeguarding children against all forms of abuse, violence and exploitation - with priorities on creating awareness in general public, enhancing the capacities of professionals to recognise and report abuse of children and of the child protection system to prevent and respond to violence against children, avoid revictimisation of children, addressing risks on internet and develop systems to prevent and recover from violence. These general provisions are in line with article 19 of the CRC and General Comment number 13 of the UN Committee on the Rights of the Child, especially for what concerns primary and secondary prevention of violence.

45 GoRB. 2008. National Strategy on the Child 2008 – 2018.

46 Article 18.2 of the CRC: “For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children”.

47 UN. 2010, Paragraph 53.



1.3. Violence against children

This section describes and analyses the laws and policies that set the legal basis for the primary, secondary and tertiary prevention of violence against children in all its forms and settings as well as the response to it (from identification, to report, referral, investigation, treatment and follow-up).

The **Child Protection Act**, on top of establishing child protection measures, protects children from begging, prostitution, pornography, sexual abuse, physical and psychological violence, exploitation, violent upbringing, forcible involvement in political, religious and trade union activities⁴⁸. The article aligns with article 19.1 of the Convention on the Rights of the Child, as it prohibits all forms of violence in all settings and expands on them to include the protection of children from begging, forced involvement in political, religious and trade union activities.

The CPA also establishes mandatory reporting for any person – on top of professionals – who becomes aware of a child in need of protection. The reports can be submitted to the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of the Interior⁴⁹. Reporting is amongst the measures that are mandated by article 19(2) of the Convention on the Rights of the Child, the other being “Identification, (reporting), referral, investigation, treatment and follow up”. The reporting mechanisms also include a national helpline (116 111 in align-

48 See article 11 of GoRB. 2000. Child Protection Act 2000, amended in 2013

49 See article 7 of the Child Protection Act.

ment with to the European Commission decision of 2007⁵⁰) that is run by the State Agency for Child Protection.

In 2010, a **Coordination Mechanism for Cooperation in Cases of Children Victims of or at Risk of Violence and for Cooperation in Cases of Crisis Intervention** was introduced. Adopted as an inter-ministerial cooperation mechanism, it acquired legal status with its inclusion in the new Law on Social Services (article 36(d)). It establishes cooperation amongst the Minister of Labour and Social Policy, the Minister of Interior, the Minister of Education, Youth and Science, the Minister of Culture, the Minister of Health, the Chairman of the State Agency for Child Protection, the Executive Director of the Agency for Social Assistance and the Chairman of the Council of the National Association of the Municipalities in Bulgaria. Its aim is to guarantee quick reaction and multidisciplinary approach in the work on cases of violence against children and to assign and regulate the concrete responsibilities of the different actors.

According to this coordination mechanism, the information/signal for a child at risk must be sent to the Directorate of Social Assistance (DSA)/Child Protection Unit (CPU) within an hour (appendix 1 of the cooperation agreement); the police (Ministry of the Interior) and the State Agency for Child Protection must be informed as well.

Local multidisciplinary teams must be formed with compulsory members from the DSA/CPU (the social worker, responsible for the case), representative of the mayor/the municipality and representative of the police force. Additional members can be added if necessary – from the other child protection bodies⁵¹.

Different professionals are expected to bring their expertise to the work of the multidisciplinary team and together they should decide on the most appropriate measures to be taken in the best interest of the child and also actively participate in those measures.⁵²

Nevertheless, the Child protection Act remains silent on the services needed “to promote physical and psychological recovery and social reintegration” for children who have experienced violence which, according to article 39 of the Convention on the Rights of the child, must take place “in an environment which fosters the health, self-respect and dignity of the child”. As we will see further down, some of these measures/interventions are included in the National Programme for the Prevention of Violence and Abuse of Children⁵³.

The **Protection from Domestic Violence Act** adopted in 2005 and amended several times including in its title in 2009 is also relevant for the protection of children from domestic violence and assisted violence. The act regulates the protection measures that can be enforced by court decisions to protect victims of domestic violence.

The Act contains some specific child-related provisions. For example:

Article 2(1) establishes that for a child, witnessing domestic violence corresponds to mental and emotional violence against the said child.

Furthermore, article 3 lists amongst the potential perpetrators of domestic violence, also guardians, custodians or foster parents - this is particularly important for the protection of children who are placed in formal care, and already in a vulnerable situation.

In addition to that, article 5 establishes that, in case of protection order, the provisional desig-

50 European Commission Decision, Reserving the national numbering range beginning with ‘116’ for harmonised numbers for harmonised services of social value, 2007

51 I.e. Regional center of healthcare, the General Physician, the Regional Inspectorate of Education, school principals, a prosecutor, a judge, representative of a social service provider that works with the child, etc.

52 With the Social Services Act, adopted in March 2019, the co-ordination mechanism is to be introduced legally with the amendments in the CPA additional provisions. See Box 1 - Main provisions of the New Law on Social Services (2019)

53 For the time being, the legislation does not envisage any specialised services. There are regulated in the new Law on Social Services

nation of the place of residence of the child should be with the victim parent or the parent, who did not perpetrate violence, under conditions and for a term, specified by the court if this would not be against the child's interest.

And finally, article 8 establishes that a child victim above 14 years of age can file a request to initiate protection orders by the court; if underage, incapacitated or disabled, the request should be filed by the Social Assistance Directorate.

As we have seen above in section 1.2, the **Family Code** also protects children from violent upbringing (article 125/2) and from child marriage: the Code establishes at 18 the minimum age for marriage for both boys and girls, nevertheless, exceptions can be made by the regional judge for children wanting to marry at the age 16 (article 6). The Committee on the Rights of the Child has nevertheless recommended to the Government of Bulgaria to waive this exception.

The **National Programme for the Prevention of Violence and Abuse of Children** states that it is aligned with a number of UN and European standards on children's rights and child protection⁵⁴. The programme focuses on physical, mental, sexual abuse, neglect⁵⁵ and domestic violence⁵⁶. The programme document includes statistical evidence on forms of violence disaggregated by settings, perpetrators and sex of the victims coming from the incidents reported to the child protection system in 2015. The highest percentage of reported cases of violence against children has taken place in families. The programme document also includes a specific paragraph on the prevalence of reported cases of violence in schools, on prevalence of child marriage, on criminal and anti-social behaviour, on trafficking and labour exploitation.

One strategic objective of the national programme is focused on the prevention of domestic violence against children and foresees amongst the operational objectives to raise children's and parents' awareness of and limitation of the instances of use of corporal punishment as a form of nurturing. One can deduct that this is a measure to be taken in order to accelerate implementation of the ban of corporal punishment included both in the Child Protection Act and the Family Code. More generally, this operational objective has the stated intention to comply with the Convention on the Rights of the Child in supporting parents in the upbringing and development of their children. In particular, the programme foresees parents support from the State, social programmes for family assistance, educational measures aiming to raise parents' awareness of positive rearing of children, use of positive approaches, and access to information on the risks for children⁵⁷. These measures have legal grounds in articles 3-4 of the Child Protection Act.

The national programme has also the prevention of sexual abuse and exploitation amongst its strategic objectives. The operational objectives include a national campaign against sexual violence, prevention of child marriage, and the reduction in number of child victims of trafficking for sexual exploitation⁵⁸.

As for evidence base, the programme document contains a crucial paragraph regarding monitoring indicators that clearly states that, amongst other functions, indicators should also assess the degree of impact of the Programme on the levels of violence against children; this seems an ambition of impact evaluation. It rests to be seen whether this will be translated in practice.

54 In particular: The UN Convention on the Rights of the Child, UN CRC. 2011, Article 19, Article 28, para. 2 and Article 37, inter alia); UN CRC. 2014; CoE. 2016; Concluding observations with regard to consolidated third, fourth, and fifth periodic report for Bulgaria and the Recommendations of the United Nations Committee on the Rights of the Child, 2016.

55 As defined in the Supplementary Provision to the Regulation implementing the GoRB. 2000. Child Protection Act 2000

56 As defined in the GoRB. 2009. Protection against Domestic Violence Act.

57 National Programme for the Prevention of Violence and Abuse of Children, Strategic objective II.

58 Ibid. Strategic objective III

The needs for increased capacity of professionals working with children and improvement of the inter-institutional cooperation and coordination⁵⁹ and the establishment of integrated services for child victims of violence⁶⁰ are also two of the objectives of the national programme. The coordination of all the ministries and agencies responsible for the implementation of the programmes (12 in total) is the responsibility of the State Agency for Child Protection, with the use of the inter-institutional mechanism of the inter-service task force “Child violence and abuse prevention” of the National Council for Child Protection. NGOs are also mentioned amongst the actors to implement the programme. However, none of these programmes are accompanied by detailed operational plans or specific budget allocations for their implementation.

The **Action Plan to implement the national programme to prevent violence and abuse of children (2017-2018)** does not have a very strong evidence base. It does include the creation of some evidence on VAC: for example a national survey on violence against children (activity 1.5.1), the promotion of studies and research by scientific community to change attitude towards violence against children (operational objective 1.5); the exchange of good practices (for example activity 2.1.3 concerns the exchange of results and good practices on violence prevention programmes in kindergartens and schools); nevertheless, the action plan does not make it explicit whether any selected programme was previously evaluated to be effective (such as those, for example, included in the INSPIRE package⁶¹). There is however a substantive focus on primary and secondary prevention of violence, including through parenting programmes (activity 2.1.1), national campaign for the prevention of sexual violence and abuse against children (activity 3.1), home visitation programmes by patronage nurses (activity 2.3.1) that address some of the concluding observations by the Committee on the Rights of the Child of 2016⁶².

Box 2 – Good practice interventions: preventing and responding to violence against children

World Health Organization, [INSPIRE: Seven Strategies for Ending Violence against Children, 2016](#)

INSPIRE is a technical package for everyone committed to preventing and responding to violence against children and adolescents – from government to grassroots, and from civil society to the private sector. It is a group of strategies distilled from the best available evidence and with the greatest potential to reduce violence against children. They are: implementation and enforcement of laws; norms and values; safe environments; parent and caregiver support; income and economic strengthening; response and support services; and education and life skills.

Its [handbook](#): it explains in detail how to choose and implement interventions that will fit your needs and context

Its [indicators guidance and results framework](#) is designed to help governments and non-governmental organizations monitor progress and track change over time as they implement INSPIRE strategies to prevent and respond to violence against children

UNICEF, [Preventing and Responding to Violence Against Children and Adolescents. Theory of Change, 2017](#)

This document presents an overarching, multisectoral theory of change to guide UNICEF's work on preventing and responding to violence against girls, boys and adolescents. The purpose is to provide a strategic vision that describes pathways of change, proposes a package of evidence-based strategies and articulates a chain of results, both to prevent violence and to improve the lives of child and adolescent victims when violence occurs. It identifies priority actions and strategies, outputs and outcomes for the following sectors: Justice, Social Welfare, Education, Health and Humanitarian/Emergency.

59 Ibid. Strategic objective VII

60 Ibid. Strategic objective VI

61 WHO et al. 2016.

62 UN CRC. 2016a.

1.4. Children without parental care

This section describes and analyses the laws and policies that regulate the alternative care of children in Bulgaria. The analysis looks both at the prevention of the need of alternative care – the so called “necessity principle”, as well as at the provision of alternative care in the best interest of the child – the so called “suitability principle” both included in the UN Guidelines for the Alternative Care of Children⁶³.

The **Family code** establishes the rights of parents and children in the family settings as well as the conditions under which parental rights can be restricted or terminated (article 131). According to the same article, parental rights can be restricted when the parent’s behaviour threatens the personality, health, education or the property of the child; restrictions and/or withdrawal of parental rights should be decided by the Regional Court and should be in the best interest of the child. Article 131 also foresees that, if necessary, the child can be placed outside the family. As we’ll see below, the Child Protection Act regulates in details that separation and placement outside the family and in family-base care should be a measure of last resort.

The Code regulates national and inter-country adoption (articles 77-121) according to the standards of the Convention on the Rights of the Child as well as the Hague Convention on Inter-Country Adoption. It establishes that adoption should be based on the best interest of the child and that the adoptive child should give his/her opinion in court and his/her consent if above 14 years of age. The Methodological guidelines for the preparation of the child for adoption, adopted in November 2018, make reference to the best interest of each individual child (including when there are siblings) and to the importance of consulting with children. Nevertheless, their operationalization does not seem to allow for enough individualised approach towards each individual child⁶⁴.

The Code also sets up conditions for guardianship and trusteeship (chapter 11). These can be established for under aged children, whose parents are unknown, dead, placed under full prohibition or deprived from parental rights. The body of guardianship and trusteeship is the Mayor at municipal level (or a person designated by him/her). According to article 155, the guardianship and trusteeship should be established within 30 days from the date of the reception of a copy of the judicial decision and the guardianship and trusteeship body should consult the child according to the provisions of article 15 of the Child Protection Act (the hearing is compulsory if the child is above 10 years of age). The guardian of an under-aged child has the same obligations and responsibilities of those of parent’s vis-à-vis the child (article 164).

1.4.1. Child Protection Act

Article 4 of the Child Protection Act lists the ways in which child protection measures can be carried; these include assistance, support and services rendered in the child’s family environment, adoption and placement of children in care outside the biological families – in kinship care, in foster families, in resident-type services and in specialized institutions. Other protection measures also include police protection, legal assistance by the state and special care for children with disabilities.

Article 5 also establishes that special protection should be granted to children at risk, to both prevent abandonment and support their reintegration. Furthermore, according to articles 25

63 UN. 2010. The principle of necessity wants to ensure that alternative care for any individual child is genuinely needed; the suitability principle establishes that that alternative care is provided in an appropriate manner.

64 For example, procedures differ only according to 2 different age groups: for children below 7 years of age and above 7 years of age (a child who is 8 or 9 does not interact, express him/herself in the same way than a teenager); the preparatory phases to adoption as included in the guidelines are too prescriptive in terms of expected outcomes (for example that prospective adoptive parents will be able to provide care forever, or that social workers should highlight the advantages of the future situation in a third country of adoption)

and 26, the placement of the child outside the family should be a measure of last resort, ordered by the regional court, after all possibilities for protection within the family have been exhausted save in the cases when urgent removal is necessary. The act defines the conditions and eligibility criteria for foster families (article 32-34a) as well as the grounds and measures for police protection (articles 37-43). Finally, the CPA established that social services should be provided only by licensed bodies, approved by a specific commission and according to established criteria (chapter four).

The letter of these provisions seems to be in line with two key principles of the UN Guidelines for the Alternative Care of Children of 2009⁶⁵: the principle of necessity by including the importance of supporting families, preventing separation and supporting reintegration; as well as some core elements of the suitability principle, including by providing a full range of alternative care options, from family-based to residential one. As the report highlights further down, other criteria to fully meet and apply the two principles are nevertheless needed.

The implementing regulation of the Child Protection Act (adopted by the Government of Bulgaria in 2004) establishes the conditions and procedure for implementing child protection measures included in the Child Protection Act, the licensing of the providers of social services for children, the granting of support, including financial support, to children, as well as for monitoring respect for children's rights.

The regulation articulates the child protection bodies and their functions at municipal level: Child Protection Committee which has an advisory function to the Municipality. It establishes the child protection programme at municipal level and guarantees coordination and information across the different actors and the Child Protection Unit of the Social Assistance Directorate which is the main port of entry for signalling cases of children requiring protection.⁶⁶ The social workers are the pillars of the Child Protection Unit: they carry out investigations when a case is reported and suggested follow-up actions and designs a plan of action in case of needed protection.

The implementing regulation mentions the best interest of the child as the key principle that child protection bodies should respect in performing their functions (article 4.1). Nevertheless, the regulation does not make it compulsory for the social worker to consult the child and obtain his/her agreement on his/her care plan when the protection is needed (according to article 16a paragraph 3) only the child's parents, guardian, trustee or the person taking care of the child have to agree on the plan). The child and his/her parents, guardians and trustees should nevertheless be informed about the available social services and encouraged to choose amongst them (article 19.1 and 19.2). The regulation establishes that the social worker should review the individual care plan at least every six months. The regulation, although it establishes the best interest of the child as the guiding principle of child protection bodies, it fails to link the principle with detailed guidelines on how to assess it. This gap is further aggravated by the lack of obligation to consult and listen to the child when protection measures are decided. According to the General Comment No. 14 (2013) by the UN Committee on the Rights of the Child on the right of the child to have his or her best interests taken as a primary consideration, the "assessment of a child's best interests must include respect for the child's right to express his or her views freely and due weight given to said views in all matters affecting the child" (paragraph 43). Furthermore, the General Comment further strengthens "that it is indispensable to carry out the assessment and determination of the child's best interests in the context of potential separation of a child from his or her parents" (paragraph 58).

65 Ibid.

66 On the Commission for the child at the Municipality see Art.20a from the CPA.

The **Ordinance on the terms and conditions for the implementation of measures to prevent child abandonment and placement in institutions and reintegration adopted by Decree in 2003**, was recently amended (Decree by the Council of Minister adopted on 30 April 2019) had an original focus on preventing the abandonment to newborns and their placement in institutions. The ordinance was actually geared towards preventing placing children in institutions rather than rendering alternative care unnecessary. Nevertheless, in the new amended version, the risks of abandonment as identified in articles 4-6, do not seem to automatically trigger separation of the child from his/her parents⁶⁷. In particular, upon receipt of a signal of risk of abandonment, the social worker has to carry out a survey and prepare a social report. The social report should include a conclusion of whether those risks are present/absent and propose appropriate measures (new article 10). According to social report template, these measures could include referral to community-based services, advising parents/caregivers, providing pedagogical, psychological and legal assistance to parents or measure to prevent abandonment. These are therefore not the only measures foreseen, but they still correspond to placement out of home care.

The ordinance also establishes the conditions under which a child can be reunited with his/her biological family. It foresees an evaluation to be conducted by the social assistance on both the family and the child; the reunification also mentions the best interest of the child (article 17(5)).

The **National Strategy for Vision for Deinstitutionalisation 2010-2025** has at its core the closure of all the 137 child care institutions in 15 years and the reintegration of children in their biological family as much as possible. The strategy also aims to support a major shift in the child care philosophy, by shifting the focus on prevention, early intervention, family support and provision of alternative care in a family or close-to-family environment. The strategy states that it takes its mandate from the Guidelines for the Alternative Care of Children and uses all the principles, approaches and measures stated in them.

The principle of necessity is addressed through the reintegration of children with their biological families (tertiary level of prevention). These elements include, for example the need to assess the family capacity before reintegration, that there should be no reintegration without an individualised care plan, that the deinstitutionalisation should strive for permanency.

The principle of appropriateness is not explicitly mentioned in the strategy either. Elements of it are present in relation to the deinstitutionalisation of children: children should be reintegrated within a family environment as a priority and whether that is possible with their biological family or relatives. Foster care and adoptive parents should come after. Small residential care can be considered if no family-based care is possible. Children should be included in the decision-making process as far as that is possible.

The **2016 Action Plan for the implementation of the National Strategy “Vision for the Deinstitutionalisation of the Children in Bulgaria”**, acknowledging the failure of the strategy to reduce the number of children in formal care (in a family environment and in residential services), has a much stronger focus on prevention and early intervention, or, in other words on the necessity principle. In particular, one of its objectives establishes the creation of “an effective and efficient system of programs and services for early intervention in a family environment and prevention of separation from parents and the biological family”.

Furthermore, the updated action plan clearly states that given the specific objectives of the Plan are directed to a much greater extent than in the previous stage to risk prevention and early intervention, the target group of the plan include all children at risk or potential risk, not

67 These included very discriminatory conditions such as in the case of a child with disability (article 4.8), or when the pregnant mother is minor, not married (replaced in the amended version of 2019 by “a mother gowning up her child/children alone”) or subject to violence (article 6).

just children currently housed in specialized institutions. Among the target groups of the plan are parents and families.

The updated plan foresees six main groups of measures, including: social and integrated services for early intervention and prevention in the family; measures to provide care in a family environment for children at risk who are not raised by their biological parents and gradual closure of homes for medical and social care for children; social services and community support for children placed in homes for children deprived of parental care and children leaving the care system, measures to ensure the integrated social and health services for children with disabilities.

Box 3 – Good practice intervention: Alternative care of children, application of the principles of necessity (prevention) and suitability

Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N., [Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'](#). UK: Centre for Excellence for Looked After Children in Scotland, 2012

The toolkit seeks to assist all concerned to advance along the road to The UN Guidelines for the Alternative care of Children, by explaining the key principles, outlining the kind of policy responses required, and describing 'promising' examples of efforts already made to apply them in diverse communities, countries, regions and cultures.



1.5. Children in conflict with the law

This section describes and analyses the main laws that establish the (child) juvenile justice system in Bulgaria⁶⁸. The legal frame and functioning of the child justice system in Bulgaria have been of concerns of different UN bodies and in particular the UN Committee on the Rights of the Child as early as 2003⁶⁹. Besides the welcome amendments to the Juvenile Delinquency Act, the introduction of measures regarding deprivation of liberty by courts and the adoption of the new Criminal Procedure Code in 2005, the child justice system remains outdated, and fundamentally of repressive nature.

The current legal and institutional framework regulating the protection of children in conflict with the law, comprises several relatively independent systems, which operate simultaneously and sometimes in parallel: the judicial and administrative systems. These two systems also operate in silos and are not integrated with the child protection system.

The main issues debated recently with the view of establishing a responsive child justice system include the minimum age/s of criminal responsibility, the concept of “anti-social behaviour” of children, the use of the term “children at risk” and the institutional framework.

68 The study will use the term “child” rather than “juvenile”.

69 The UN Committee on the Rights of the Child expressed its concerns to the Government of Bulgaria in 2003, again in 2008, and were confirmed in the Committee’s Concluding Observations in relation to the consolidated third and fourth periodic reports on Bulgaria in 2016.

1.5.1. Minimum ages of criminal responsibilities

The **Penal Code** stipulates that children under the age of 14 are minors and are not subjected to criminal responsibility (Article 31, par. 1 of the Penal Code). With respect to minors who have committed socially dangerous acts (offences), only educational measures may be applied.⁷⁰

Children from 14 to 18 years of age („adolescents“ or “juveniles”) who commit crimes (as defined by the Penal Code) or “antisocial acts” are assumed to be criminally responsible only conditional on the outcomes from the evaluation of personal circumstances of the child in order to understand his/her capacity to understand the act and its consequences (Article 31(2) PC and Article 387 of the Penal Procedure Code).

Children above the minimum age of criminal responsibility are divided in two groups: from 14 to 16 and from 16 to 18 years of age. If alleged as, accused of, or recognized as having infringed the penal law, they are subject to conduct in accordance provisions of the Penal Code and the Penal Procedure Code; they are summoned in front of the Prosecutor, and respectively the court. There are no specialised courts in Bulgaria for children in conflict with the law. Their criminal liability is mitigated compared to the adults’ criminal liability, as the degree of mitigation is lower in the 16-18 age category⁷¹.

The **Juvenile Delinquency Act**⁷² (article 12 para. 1) establishes another minimum age at 8: cases of „... minors who are aged between 8 and 14 and have committed anti-social acts“ are to be investigated by the Local Juvenile Delinquency Commission (LJDC). Thus, theoretically, children (from 8 - 14 years of age) do not bear criminal responsibility, but in practice, because the most common behavioural problems with children start at the age of 8 and not before, those children could easily become ‘clients’ to the Child Justice System and in the worse cases to be placed in educational (correctional) institutions.⁷³

In this way, Bulgaria has legislated two categories of underage children that according to the Penal Code are not criminally liable: from 0 to 7, and from 8 to 14. It is important to make this distinction, because the first category of underage children in case of behavioural problems will be subject to the Child Protection Act, while the second category is subject to the Juvenile Delinquency Act.⁷⁴

The legislative approach of envisaging several categories of children in conflict with the law, with different standards set in the national legislation is not aligned with the international standards and conventions that Bulgaria is party to. In particular, it amounts to discrimination and is also against the principle of supremacy of the best interests of the child (article 3 CRC). The same child might be treated differently depending on which system (judicial, administrative or child protection) responds first.

1.5.2. “Anti-Social Behaviour”

The issue of “minimum age” is linked to the concept of the JDA of “anti-social behaviour” defined as ‘an act that is socially dangerous and illicit or contradicts the morals and the good manners’ (Article 49a of the Additional provisions, JDA). This general definition allows for a

70 By ‘educational measures’ the Code denotes the measures envisaged in article 13 of JDA.

71 For a more in-depth analysis see: Bulgarian Swiss Cooperation Programme, Gap Analysis of the Bulgarian Juvenile Justice System, 2014.

72 GoRB. 1958. The Juvenile Delinquency Act (also known as the Combating Antisocial Behaviour of Minors and Adolescents Act.)

73 The legislative approach of envisaging several categories of children in conflict with the law, with different standards set in national legislation, has been criticized, in particular by the CRC Committee: „The system of two minimum ages is often not only confusing, but leaves much to the discretion of the court/judge and may result in discriminatory practices.“ UN CRC. 2007, para. 30. The same critique has been expressed by the Deputy Minister of Justice (2013-2016) in Micheva, V. 2016.

74 See more in Institut International des Droits L’enfant. 2014. pp.7-10, produced in the context of the Framework Agreement between the Government of Bulgaria and the Swiss Federal Council concerning the implementation of the Bulgarian - Swiss cooperation programme (<http://swiss-contribution.bg/en/projects/security/strengthening-the-legal-and-institutional-capacity-of-the-judicial-system-in-the-field-of-juvenile-justice>).

very broad interpretation of the behaviour of children that could institute a ground for intervention from the Child Justice System. In addition, it allows certain behaviour of growing up children, the so called 'status offences' – such as running away from home, playing truant, drinking alcohol, and for activities such as vagrancy and begging, which are more of a social problem - to be considered as a ground for their penalization in contrast to the reaction to similar behaviour of adults.

The regulation on 'status offence' has been determined as discriminatory by the Commissioner for Human rights of the Council of Europe in 2015.⁷⁵ Therefore the Commissioner urged the Bulgarian authorities 'to drop status offences as they constitute discrimination against children on the grounds of age. Behaviour such as vagrancy, roaming the streets or runaways should be dealt with through the implementation of child protective measures, including effective support for parents or other caregivers and measures which address the root causes of this behaviour, as established in international standards'.

The UN Committee on the Rights of the Child also recommended several times to Bulgaria to "reform the Juvenile Delinquency Act and the Penal Procedure Code with the view to withdraw the notion of anti-social behaviour⁷⁶".

1.5.3. "Child at risk"

The expression „Child at Risk“ is used frequently in Bulgaria; but the definition of children at risk is not given in the penal legislation. It is defined in §1 point 11 of the additional provisions to the Child Protection Act as - the lack of parental care or violence - which invites for public intervention of the CPS to provide protection to the child – the so called 'special protection' (article 5 CPA).

The other two definitions of "child at risk", include children below the age of 14 that could also be subject to measures under JDA: for which there is a danger for impeding his physical, psychic, moral, intellectual or social development or regarding whom there is a risk of dropping out of school, or who has already dropped out of school. All the measures under CPA are available for these children too (article 4 CPA) depending on the assessment of their best interests.

The JDA does not explicitly use the concept of „child at risk“. There are, however, numerous references to children that can be considered at risk, in the JDA such as article 8, para 4: risk situations within which children may be involved in committing crimes..., article 35: (1) Minors are placed in temporary housing when: a) their permanent or current address cannot be established, b) they are captured in vagrancy, begging, prostitution, alcohol abuse, distribution or use of drugs or other intoxicating substances; [...].

Articles 40, para 2 and 43, g, also deal with serious treats for children. The approach to children in such situations within the Child Justice System is different – in light to article 35 and the consequent provisions, it is possible for a Prosecutor to authorize the confinement of children at risk up to 2 months.⁷⁷ Educational measures could be imposed within the other contexts, most frequently – through the appointment of a public educator.

75 CoE. 2015a, para 61. In addressing the same issue, the CRC Committee explicitly states that: 'It is quite common that criminal codes contain provisions criminalizing behavioural problems of children, such as vagrancy, truancy, runaways and other acts, which often are the result of psychological or socio-economic problems. It is particularly a matter of concern that girls and street children are often victims of this criminalization. These acts, also known as Status Offences, are not considered to be such if committed by adults. The Committee recommends that the States parties abolish the provisions on status offences in order to establish an equal treatment under the law for children and adults. In this regard, the Committee also refers to article 56 of the Riyadh Guidelines which reads: "In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person." UN CRC. 2007, para 8 and UN. 1990.

76 UN CRC. 2016a.

77 GoRB. 1958. JDA: Art. 35 (1), (2) and art. 37 (1), (2) of Title VI Temporary Homes for Uncontrolled Children.

However, the above-mentioned provisions speak about social, educational and behavioural factors and not about the conflict with the law. The conclusion might be that similar factors that are given different value in the two systems.

If the expression „children at risk“ is flexible, it still is important to have a standard or a reference point for clear communication between authorities in charge, service providers and policy makers, about what “at risk” means, having to be careful with the concept of ‘children at risk’ as it is often stigmatizing.

1.5.4. Institutional framework

The institutional framework is comprised of two different systems – the judiciary including regional and district prosecutor’s offices and regional and district courts, and the administrative one, including the Central Commission for Combating the Anti-social Behaviour of Minors and Underaged (a collegiate body on national level, chaired by the Deputy Prime Minister and comprising Deputy Ministers to the Council of Ministers) and local commissions for combating the anti-social behaviour of minors and underaged (to municipal mayors).

The local commissions (LJDC) are set up at municipality-level, but are guided by the Central Commission.⁷⁸ The prevention of ‘delinquent behaviour’ of children is one of the major functions of the central and local CJD under the JDA (articles 1, 8, 10). It is regulated as a set of activities of those structures without any reference to the existing current institutions, structures and policies. For instance, the Central commission is supposed to draft, take part in drafting and propose to the Council of ministers programmes for education, vocational training, employment etc. (article 8 JDA), which nowadays is a mandate of different bodies and there is no such programme submitted to or adopted by the Government. The Local commissions also deal with individual cases of children aged 8-14 years having committed anti-social acts and 14-18 having committed both anti-social acts and crimes.

In compliance with the JDA, both the administrative system and the judiciary, but only in cases of imposition of measures of “placement in a socio-pedagogical boarding school” and “placement in a “correctional educational boarding school”, deal with children in conflict with the law, children under the minimum age of criminal responsibility and children who have committed status offences. This is largely owing to the legal term “anti-social behaviour” introduced by the act, which is rather broadly defined and is subject to interpretation.

The **procedure** before the LJDC is as follows: imposing an educational measure (under art. 13 JDA) follows reviewing *of an educational case* by the commission in a specialized composition, including the chairman and two members. The chairman of the commission determines the composition.⁷⁹

Two types of **measures** can be imposed to the child aged 8 – 14 who is in conflict with the law – non-custodial, that are executed in the community/family environment and custodial (placement of the child in institution).⁸⁰ The non-custodial measures could be imposed by the local commissions.⁸¹ Placement in the institutions used to be in their discretion too until 2004 when

78 See Article 8, para. 2 of the JDA. As the Report of the Central Commission reads, 297 local commissions are functioning in 2017; more at: <<http://www.ckbppmn.government.bg/localComission/>>accessed 23.03.2019.

79 One of the weaknesses of the JDA is the conflict between functions of investigation, imposition of measures, monitoring and prevention concentrated in the local commissions.

80 Difference is to be made among placements under the JDA and CPA. The JDA placement is a measure for education/ correction/ discipline the child whilst the CPA placement is for the provision of care or protection of the child being at risk.

81 These are: reprimand; obligation to apologize to the injured person; admonition; placement under intensive supervision by the parents or person who replaces them; placement on educational supervision by the corresponding work team; placement on educational supervision by a public educator; obliging the juvenile to compensate for the damage caused if this is within his/her capacities; obliging the juvenile to perform community work;

it was transferred to the court^{82 83}.

The most **frequent measures** imposed on children by the local commissions are reprimand and supervision either by public educator or by the parents.

The above-mentioned gaps and inconsistencies of the legislation with the requirements of the international standards, as well as the insufficient guarantees for due process within the framework of the JDA due to the lack of the requirement of mandatory representation by a lawyer, result in violation of children's rights under the proceedings, but also as a result of the rulings on them.

1.5.5. Protection of child victims and witnesses of crime

The issue of the child as a victim is dealt with under two regimes – under the Penal Procedure Code and under the Act Protecting Persons Threatened in Relation to a Criminal Procedure (in force as 2004 and amended in 2006). The Penal Procedure Code provides for some guarantees for the protection of a child victim and witness in the proceedings: measures to prevent the contact between the child and the perpetrator (Art.67 PPC); special protection at pre-trial stage of the proceedings (Art. 75 PPC); interrogation in the presence of a pedagogue or a psychologist, and where necessary, in the presence of the parent or guardian; interrogation that may take place, if relevant, also by videoconference or in a special premises in order to avoid a contact with the perpetrator (Art. 140).

Interrogation of a child witness in separate premises is a recent amendment to the PPC of 2017 following the need to transpose the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The provision of the “blue rooms”, special premises for forensic interviews and hearing of children was initiated by a pilot project some 5-6 years ago, run by a non-governmental organization. Despite its legalization has taken a long time this is a positive step towards the implementation of child-sensitive procedures and introduced to the PPC only recently.

Regardless of the annual growth in the number of specialised facilities for hearing children in the country, there has been no real positive change in the situation of child victims of violence or crime. Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, has been transposed in Bulgarian legislation only partially.⁸⁴

Therefore, the issue of child victims is not fully integrated in the Penal Procedure Code as an integral part of the justice for children system and therefore the legal safeguards of children's human rights are not fully protected.

82 Socio-Pedagogical Boarding School (SPBS) are established under the articles 2, 28-33 of the JDA and the Regulations on the Socio-pedagogical Boarding Schools of the Ministry of Education and Science of 1999. It is an institution for corrective or preventive placement for children above the age of 8. The grounds for placement of children are two types: 1/ delinquent behaviour or 2/ or living in environment conducive to become delinquent. The major critique to this measure is that it allows for children to be mixed up – children committed anti-social acts with simply children from socially disadvantaged families. The main reason for SPBS to stay is the need to fill the gap of missing services for children and families at certain communities.

83 Correctional Boarding Schools (CBS) are established under the articles 2, 28-33 of the JDA and accommodate children above the age of 8, having committed antisocial acts and adolescent offenders for whom the non-custodial disciplinary measures have proven insufficient and no appropriate social environment exists for their normal development. Placement in CBS is a measure at the disposal of the court or of the prosecutor to divert the juvenile from the formal criminal justice process (Articles 61 and 64 of the Penal Code).

84 NMD. 2018. In March 2019, the European Commission concluded that Bulgaria is failing to fulfil its obligations under EU law in terms of the rights, support and protection of victims of crime as enacted in the EU Victims' Rights Directive, Directive 2012/29/EU. Therefore, Bulgaria has received a 'reasoned opinion' in the context of the EU infringement procedure. http://europa.eu/rapid/press-release_MEMO-19-1472_en.htm . As a result of which a new Working Group has been set up at the Ministry of Justice.

Box 4 – Good practice intervention: preventing juvenile delinquency

International Juvenile Justice Observatory and Providus – Centre for Public Policy; [Keeping youth away from crime: Searching for Best European Practices. Compendium of Ten Best European Practices](#), 2019

The report includes good practices working with children from risk groups and risk situations in 10 European countries: Austria, Belgium, England and Wales, Estonia, Italy, Latvia, Lithuania, The Netherlands, Scotland, Sweden.

1.6. Participation and civil society oversight

This section discusses mechanisms of participation, such as the Ombudsman of the Republic of Bulgaria who conducts independent monitoring of the rights of the most vulnerable children and the capacity of non-governmental organizations for monitoring and reporting the enforcement of children's rights.

Article 12 of the **Child Protection Act** regulates the right of the child to express views on all issues related to his or her interests. The Act explicitly provides in Art. 15 that all children over the age of ten have to be heard in all judicial and administrative procedures related to their rights or interests, unless the hearing would be harmful for their interests.⁸⁵

The State Agency for Child Protection has established a National Children Council in 2003 in order to formalise the consultation of children and their participation in the decision-making process that concerns laws and policies on child rights⁸⁶. CSO representatives are also members of the National Child Protection Council as well as governmental task forces such as the one on Deinstitutionalisation.

In addition, the **Preschool and School Education Act** contains specific texts in Art. 171 regarding the active participation of students in the educational process, their participation in project activities, their right to express opinions and make suggestions on school activities, including elective and facultative classes and their right to participate in different forms of self-government on class and school level.

The Family Code in article 138 provides for hearing of children in court proceedings that concern them under the Code and refers back to article 15 of the Child Protection Act.

The **National Strategy for the Child 2008 – 2018** identifies the participation of children and their consultation (article 12 of the CRC) is a stand-alone priority: particular measures are foreseen to establish a mechanism to systematically consult children to steer the development of policies related to them. It also lists a series of legal provisions (civil procedure code, family code, national education act, etc.), and bodies (child council, state agency for child protection, municipalities) which should introduce mechanisms to systematically involve children and consult with them. The strategy does not give any more specific details on their actual implementation.

The strategy does not say whether children were consulted for its development, but it commits to create mechanisms to involve children in the development of new ones. As a result, the draft of the new strategy was consulted with children.

⁸⁵ para (2) stipulates that in cases where the child has not reached the age of 10, he or she may be given a hearing depending on the level of his or her development. The decision to hear the child shall be substantiated.

⁸⁶ See rules and procedures of the Children's Council here: <https://sacp.government.bg/%D1%81%D1%8A%D0%B2%D0%B5%D1%82-%D0%BD%D0%B0-%D0%B4%D0%B5%D1%86%D0%B0%D1%82%D0%B0>

Although the legislation does recognize the right of children to be heard, it does not provide sufficient safeguards for that right of children to truly be guaranteed and there seems to be a lack of general understanding of the concept of participation and of children's evolving capacities. For example, although the Child Protection Act states that all children over the age of 10 have to be heard in all administrative and judicial procedures concerning their life and wellbeing, the exercise of this right remains at the discretion of the professionals involved in each case⁸⁷.

In terms of independent child rights monitoring mechanism, the **amendment of the Ombudsman Act, in 2012 (art. 19.1.9)** allowed for the establishment of a child rights directorate comprised of two people. This represents an opportunity for further development, as more attention on addressing children's rights could arise from that, along with the Ombudsman's role as national preventive mechanism, provided that it will be adequately funded.

1.7. Conclusions on legal and policy framework

As a general conclusion, one could say that the letter of the main legal provisions on child protection seems to be broadly aligned with international standards.

The Constitution provides for the overall protection by the State and society of the family, motherhood and children (article 13); nevertheless, **the legal foundations of the national child protection system appeared to be the result of a piecemeal approach**. There seems to be a lack of coherent understanding in the law of the scope of such a system, with definitions fluctuating from the full promotion of the rights of children to the narrower concept of the responsibility of the state to replace parental authority. The same concern is expressed by the Committee on the Rights of the Child in its Concluding observations on the combined third to fifth periodic reports of Bulgaria⁸⁸.

Primary legislation, such as the Child Protection Act, sets the legal obligation **for multiple sectors and line ministries to engage and contribute to the protection of children; nevertheless this has still to be systematically translated into sectorial laws and regulation**. The noticeable exception is the Ministry of Education and Science which – through the Pre-School and School Education Act – has taken on board the legal responsibility to prevent violence against children and support positive discipline.

Furthermore, the legal foundations which were set at the origins of the child protection system still tend to give prominence to responses to violence, abandonment, neglect and law offending. **The prevention infrastructure is emerging but only through secondary law**. For example, via the adoption of national policies (i.e. on deinstitutionalisation and on violence prevention), the child protection system has started integrated more prevention elements (early detection of risks and interventions). Nevertheless, the importance and investment of resources in key prevention interventions and their coordination across sectors, such as parenting, pre and post-natal services, home visitation programmes are still to be found. On the contrary, the focus on early childhood through the Pre-School and School Education Act is a noticeable progress.

Amongst the child rights principles that the legislation repeats extensively, one can find **child participation and the best interest of the children. But there is no encompassing regulation or guidance on how different actors – be them social workers, law enforcement**

87 UNICEF, 2018-2022 Country Programme Strategy Note.

88 UN CRC. 2016a. See for example: The Committee recalls the recommendation in its previous concluding observations (para. 9) and encourages the State party to continue harmonizing its legislation with the principles and provisions of the Convention. In particular the Committee recommends that the State party: (a) Take measures to ensure that the provisions set out in other relevant domestic legislation are harmonized with the Child Protection Act. In (CRC/C/BGR/CO/3-5).

personnel or education staff – should apply these principles in their daily contact with children; nor there are accountability mechanisms that can be invoked by children and their families when the child participation and best interest of the children are not applied. When it comes to the consultation with children, the existing legal framework establishes age limits and, for children below the age of 9, leaves the obligation to consult with all children in all matters concerning them to the discretion of the judge.⁸⁹

In terms of legal and policy framework to **protect children from violence**, the main acts establish obligations that are generally aligned with article 19 of the Convention on the Rights of the Child. In particular, under Bulgarian law, all forms of violence against children, including corporal punishment, are prohibited. And it is particularly noticeable that domestic violence assisted by a child is associated with psychological violence and therefore also prohibited. Nevertheless, children are not fully protected under the law from child marriage as exceptions can be made to lower the age limit of 18 to 16.

Amongst the administrative measures that have been put in place, the legal framework established Child Protection Bodies as well as coordination and cross-sectorial mechanisms at different administrative levels. The legal framework also provides for measures and mechanisms to identify, report, refer and investigate cases of violence against children. **The most noticeable gap rests in the lack of legal basis for prevention and response services to promote the physical and psychological recovery and social integration of child victims of violence** (as per article 39 of the Convention on the Rights of the Child).

The national programme on to prevent violence and abuse of children has a welcome focus on primary and secondary prevention, filling the gap in previous legislation (especially in the Child Protection Act and Family Code) and aligning the legal framework to the need for supporting parents and caregivers in their child rearing role. **The fact that some of these services are only foreseen in national policies – and therefore not mandated by law – as that they are not accompanied by any specific budget allocation** to be activated and make effective, risk of relegating these interventions to a second-class category.

In term of **alternative care of children**, the principles of necessity and suitability are somehow present in the different laws and policies; nevertheless, they have not been more explicit and accompanied by a clear definition to ensure a more systematic application of them.

A noticeable gap concerns the duty of the State to support parents and caregivers to understand, embrace and implement good child-rearing, based on knowledge of child rights, child development and techniques for positive discipline in order to support families' capacity to provide children with care in a safe environment.

Clear obligations and guidance on how to consult with children and assess their best interest are particularly needed in care of separation of the child from his/her biological family.

In terms of **access to justice for children**, major gaps exist and have been pointed out several times in relation to needed alignment of the normative framework with the international standards. The main discrepancies relate to:

- The lack of specialised juvenile justice courts/chambers separate from those dealing with adult cases;
- The definition of anti-social behaviour and status offences that are against international standards;
- The possibility for children below the age of criminal responsibility and as of the age of 8 to be deprived of liberty as a correctional measure;

⁸⁹ Art 15 CPA stipulates an obligation for the court and administration to hear each child above 10. Hearing of children below that age is discretionary.

- The deprivation of liberty is not used as a measure of last resort;
- The lack of free legal aid to children in order to guarantee due process;
- The lack of protocols and procedures (beyond the blue rooms) to guarantee the safeguards of child victims and witnesses of crime.

Box 5 – Good practice interventions: Child protection systems strengthening

UNICEF, UNHCR, Save the Children and World Vision, [A Better Way to Protect ALL Children: The Theory and Practice of Child Protection Systems](#), Conference Report, UNICEF 2013.

It is a report of a global conference on child protection systems that was held in Delhi in 2012. It presents the state of the art of the child protection system globally; it highlights how to develop a child protection system in different settings; it explains the necessary approaches and actors needed for a system strengthening; it underlines the priority that should be given to prevention and identifies the entry points, the obstacles as well as how to measure system strengthening. Amongst the added value that a child protection system approach brings, the report highlights:

- Increased coverage by serving all children, as well as focusing on particular children;
- Recognition of the interactions of multiple child protection risks as they affect many children promoting the efficient review and coordination of multiple protection risks and responses;
- Reduced fragmentation of programmes and policies and therefore increased coherence;
- Potential for greater efficiencies through the creation of synergies in administration and targeting, for example;
- Greater focus on prevention while an issues approach tends to focus on response to specific violations;
- A holistic approach that allows us to see a child and her/his problems from multiple angles;
- Recognition of child protection as both a sector and intersectoral and thus requiring integration with other sectors such as health and social protection;
- Involvement of many professionals who bring different expertise and perspectives.

European Commission, Directorate-General Justice and Consumers, 9th European Forum on the rights of the child, [Coordination and cooperation in integrated child protection systems](#), Reflection paper, 2015

It is the outcome document of the 9th European Forum on the Rights of the Child, held in 2014. The purpose of the paper is as follows:

- Promote a shared understanding among Forum participants of the value and remit of integrated child protection systems
- Enhance understanding of where and how the EU can act to reinforce national child protection systems and forge the necessary links between them to address cross-border protection needs
- Focus discussions around ten overarching principles of integrated child protection systems Identify where Member States and other actors can draw on and contribute to EU activities.



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MANAGEMENT AND CO-ORDINATION OF THE CHILD PROTECTION SYSTEM

2. MANAGEMENT AND CO-ORDINATION OF THE CHILD PROTECTION SYSTEM

This chapter aims to examine the overall institutional setup and coordination, on which the child protection system is based. It examines how institutions coordinate to develop and implement child protection policies, as well as the mechanisms to ensure the quality and the enforcement of the policies. The chapter first considers the overall central level policy coordination and overall institutional setup linked to policy development and implementation. It then illustrates some structural deficiencies by focusing in more detail on three aspects of the child protections system: the institutional coordination linked to the implementation of the policies on violence against children, on children without appropriate care, and on children in conflict with the law.

2.1. Overall policy coordination

2.1.1. Central level

Policy coordination of the child protection system in Bulgaria takes place via a consultative body at the State Agency for Child Protection – the National Council for Child Protection (NCCP)⁹⁰. The overall makeup of the Council is comprehensive, as it includes a balanced representation of all stakeholders concerned – including government institutions, civil society, service providers, and a representative of the National Association of Municipalities (NAM). Unlike many other consultative Councils in the government, the NCCP's work is supported by permanent thematic working groups. This contributes to a more practical approach for moving policy initiatives forward. The operational rules of the Council, though, do not necessarily guarantee its balanced and productive work. For instance, there are no limitations to the number of issues on the agenda, which in the past had resulted in excessive and ineffective number of issues to be considered. There are also no procedural guarantees that all participants (in particular NGOs) can get their issues on the agenda, which has created frustration amongst some members.⁹¹

Another issue concerns the chairmanship of the council. Many other government policy coordination councils that require coordination of horizontal policies and inclusion of a range of stakeholders (e.g. National Council on Trafficking in Human Beings, National Council on People with Disabilities, National Council on Anti-Corruption Policies) are chaired by a Deputy Prime Minister. A number of other councils on social policies are chaired by the Minister of Labour and Social Policy (e.g. National Council on Social Inclusion Issues, National Council on Labour Migration and Labour Mobility). This allows for a more effective decision-making process, as decisions carry more political clout, and participation at the political level of relevant ministries, e.g. Deputy Minister level, is more likely to take place.

One structural deficiency identified concerns the representation of municipalities. In theory, the NAM should present the Municipalities' point of view. In practice, with 265 municipalities, NAM does not have a coordination mechanism or administrative capacity of to consult each municipality on every point discussed in the Council. Therefore, the representation of municipalities by a single person is not sufficient to represent the diversity of opinions of the variety of situations in municipalities.

90 The Council has consultative and coordination role, and final decisions on child protection policies are taken by the Council of Ministers and its approved documents could be overruled

91 Meeting with NGO representatives 07.05.2019

2.1.2. Local level

On the local level, each of the 265 municipality must have established a **Commission for the Child**.⁹² These bodies, chaired by the municipality's mayor, are supposed to have **advisory functions**⁹³ coordinating the activities of municipal administration, central level governments' regional presentation⁹⁴, the Local Commission for Combating Juvenile Delinquency as well as NGOs. While in large municipalities, which provide child social services and invest in child protection policies and initiatives, these Commissions can add value to institutional coordination, in small municipalities they are largely defunct, and 'exist only on paper'.⁹⁵ This is due to the fact on the one hand that not all municipalities have representation of central government institutions, or NGOs working on issues of the child, or any initiatives that require practical coordination.

2.2. Control and oversight mechanism

The structure of the child protection system is presently built around three institutions with primary responsibility for oversight and control of social services and the quality of the child-protection system: SACP, ASA, and municipalities. However, the 2019 Social Services Act (SSA) envisages the creation of the Agency for Quality of Social Services⁹⁶ that will take over some of the control and oversight functions of SACP and ASA.

The current section evaluates the oversight and control system issues prior to the adoption of SSA.⁹⁷ Figure 4 illustrates the different control functions of the various institutions involved in the implementation of the child protection policies with the blue colour showing the currently existing system and the red ones showing the framework set in the new legislation⁹⁸. There are two largely overlapping aspects of control and oversight that ultimately define the quality of the child protection system in Bulgaria:

- Control and oversight over the management of child-protection cases
- Control and oversight over the social services

The issues identified may concern the first one or both aspects:

1) Overlapping responsibilities for enforcement of compliance with standards for social services

The first level of control is provided by the municipal administration, which may oversee the municipality's own providers of social services or contracted NGOs. Municipalities set the strategy and annual plans, and (are supposed to) control some aspects of the quality of the conditions of local social services for children, and ensure financial accountability of the delegated budgets. There are no standard set regulatory instruments (such as e.g. ordinances, methodologies) according to which these functions are carried out. Each municipality seems to have own approach. In one municipality, such as Stara Zagora, the 16 service providers were

92 According to Art. 7 Rules on the Implementation of CPA members of the Commission is setup by the Mayor of the Municipality (with 9-15 members), but it is up to the Mayor to decide on the institutions to be invited.

93 Their main purpose is assisting the DSAs in the development of the Municipal Programme for Child Protection; in the cooperation, coordination and exchange of information among competent authorities and legal entities in performing the work on child protection at the municipal level.

94 District directorate of the Ministry of Interior, the regional education administration, the Regional Health Inspection, the Directorate for Social Assistance

95 Interview with Member of local Commission in a small municipality.

96 Article 114 of the Social Services Act (Закон за социалните услуги) Available at: <https://dv.parliament.bg/DVWeb/show-MaterialDV.jsp?idMat=135546> [Accessed 30 April 2019]

97 The Respondents were largely not familiar with the new law and could not comment on its potential impact.

98 Based on the Rules of the State Agency for Child Protection, Available at: <https://lex.bg/index.php/en/laws/ldoc/-12311545>; Rules of the Agency for Social Assistance, Available at: <https://www.lex.bg/laws/ldoc/2135463381>; Social Services Act, Available at: <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=135546> [Accessed 30 April 2019]

divided in two groups of eight, each group overseen by a director, who in effect was the person exercising the control. In other cities, each service provider may have its own manager.

The second level of control is provided by both **SACP and the ASA Inspectorate**, both of which oversee the compliance with the standards for provision of social services as well as children's rights. In addition, the ASA Inspectorate also monitors the financial accountability of providers, ensuring the delegated budget spending is adequately spent. While in principle there is a division of responsibilities between SACP, ASA, and the Municipalities, there is little or no coordination in the control activities:

- Inspections of social service providers concerning human rights issues and quality of standards within social services, as well as inspections in CPD's work are carried out **by both SACP and the ASA Inspectorate**. Respondents were largely unclear about the division of work between both institutions, and the statistics reported by both institutions confirm these observations. In 2017, for instance SACP carried 79 inspections of social service providers, of which 29 were 'combined' (looking at rights as well as quality standards), and 1 was only on quality standards⁹⁹. In 2017 the ASA Inspectorate similarly carried out a mix of inspection on standards and children's rights.
- Planned inspections or larger scale 'thematic' inspections carried out by SACP or the ASA Inspectorate are not coordinated or planned in advance jointly. **Less than 10% of service providers are inspected annually** on quality standards in a planned manner. This would mean that statistically a provider could be subject to an inspection once every 10 years. In 2017, for instance, SACP undertook 53 planned inspections of social services providers, and another 23 inspections were based on 'signal'.¹⁰⁰ The ASA's Inspectorate's inspections at social services providers were even less¹⁰¹. Whichever institution receives the 'signal' initiates an inspection. CPD, DSA, or RDSA were similarly subject to inspection on similar issues by both ASA's Inspectorate and SACP.

2) Prioritization of administrative checks over substantive analysis of cases

ASA Inspectorate's capacity to oversee the work of the 619 social services for children and the 147 CPDs is very limited. These represent only a fraction of the overall number of social services or ASA departments that need to be overseen by the Inspectorate. With 49 person staff, and 60 inspections per inspector per year on average, substantive case control both of ASA's CPD/DSA and of the social services providers¹⁰² is hardly ever done, except a report ('signal') concerns a specific child case. Even ASA's Inspectorate most frequent 'signals' on children cases, though, are not in regards to child protection cases, but concern the handling of legal representation, such as divorce situations, where one of the parents files a complaint against a social worker.

SACP's capacity is also limited, their staff dedicated to control is 31.¹⁰³ But they are supposed to exercise control over around 23 000 other institutions beyond child social services providers (schools, kindergartens, healthcare institutions, etc)¹⁰⁴.

In practice the limited capacity in the majority of cases leads to the outcome that **checks are largely being carried out on documentary evidence and concern administrative dead-**

99 SACP, Annual Report 2017, <https://sacp.government.bg/sites/default/files/politics/politika-na-zakrila-na-deteto-288.pdf>, p.8-9

100 Ibid.

101 In total 59 inspections were as a result of a 'report', but only some of them were linked so social services providers to children.

102 Interview to SACP directive staff

103 Regulation on Structure of SACP, last amended 26.3.2015

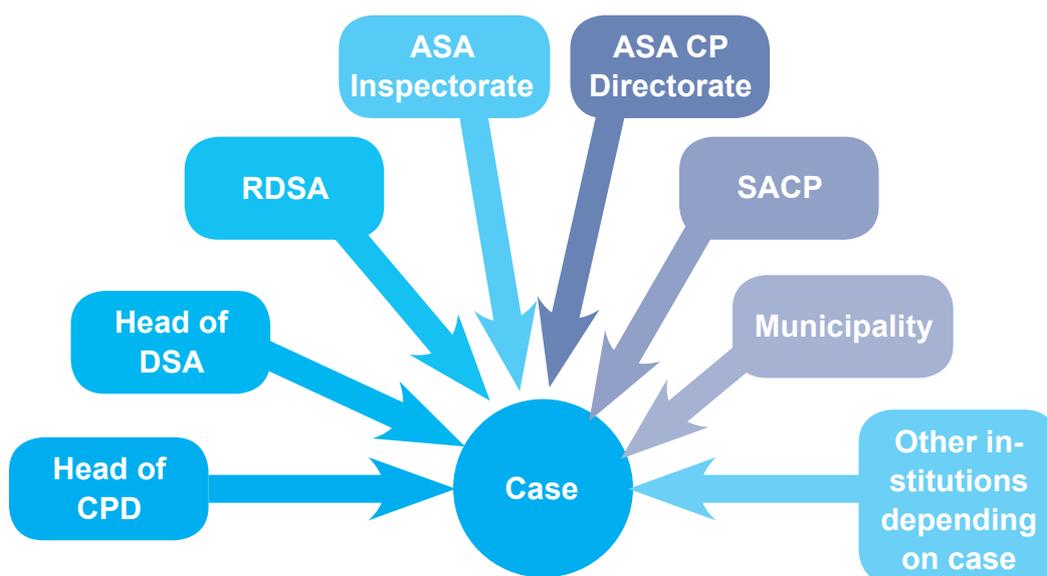
104 In respect to the child protection system, in 2017 SACP carried out 315 planned inspections and 81 inspections related to signals. Of these 221 were on CPDs, 37 on schools, 74 on healthcare institutions, and 3 on specialised institutions, and 79 on social services providers. (Source: SACP Annual Report 2017, p. 9), <https://sacp.government.bg/sites/default/files/politics/politika-na-zakrila-na-deteto-288.pdf>

lines rather than examining in substance of the reviewed cases. The control authorities rarely contact families and children, when they carry out checks and rely on the documentation prepared by social workers.¹⁰⁵

3) Multiple levels of control over cases and case management. Similarly to the oversight and social services providers, CPDs and social workers also face multiple levels of control. In addition to inspections from SACP, there are 7 different levels of control, depending on the case. The first and most direct control comes from the heads of the CPD and DSA.

There are two issues with this level – one is managerial and the other one concerns workload. The managerial issues concerns the fact that sixteen CPDs, serving the largest cities in Bulgaria, have over **ten social workers directly reporting to one head of CPD**. From a managerial perspective, and there have been numerous studies on this¹⁰⁶, this is not effective, and does not allow the manager to adequately consider in detail the work of the people reporting to them. In the absence of hierarchical structures (e.g. responsibility of social workers to report to senior social workers, who then report to the manager) or the fact that these CPDs often have high staff turnover ratios with new staff being appointed (without having gone through a training).

Figure 2: Institutions involved in oversight of CP cases



The second issue concerns the number of cases need to be overseen by a single head of CPD, which on average is 241, but in 17 of the CPDs is over 400 cases annually, and reaches over 900 in four CDPs (see table below). This indicates that additional sub-structures within CPDs (e.g. sectors) and management mechanisms (reporting hierarchies) are needed to ensure adequate management and oversight of the first level of control.

105 Interview to SACP directive staff

106 See for instance: <https://www.businessinsider.com/boss-direct-reports-optimal-number-employee-retention-2019-1>

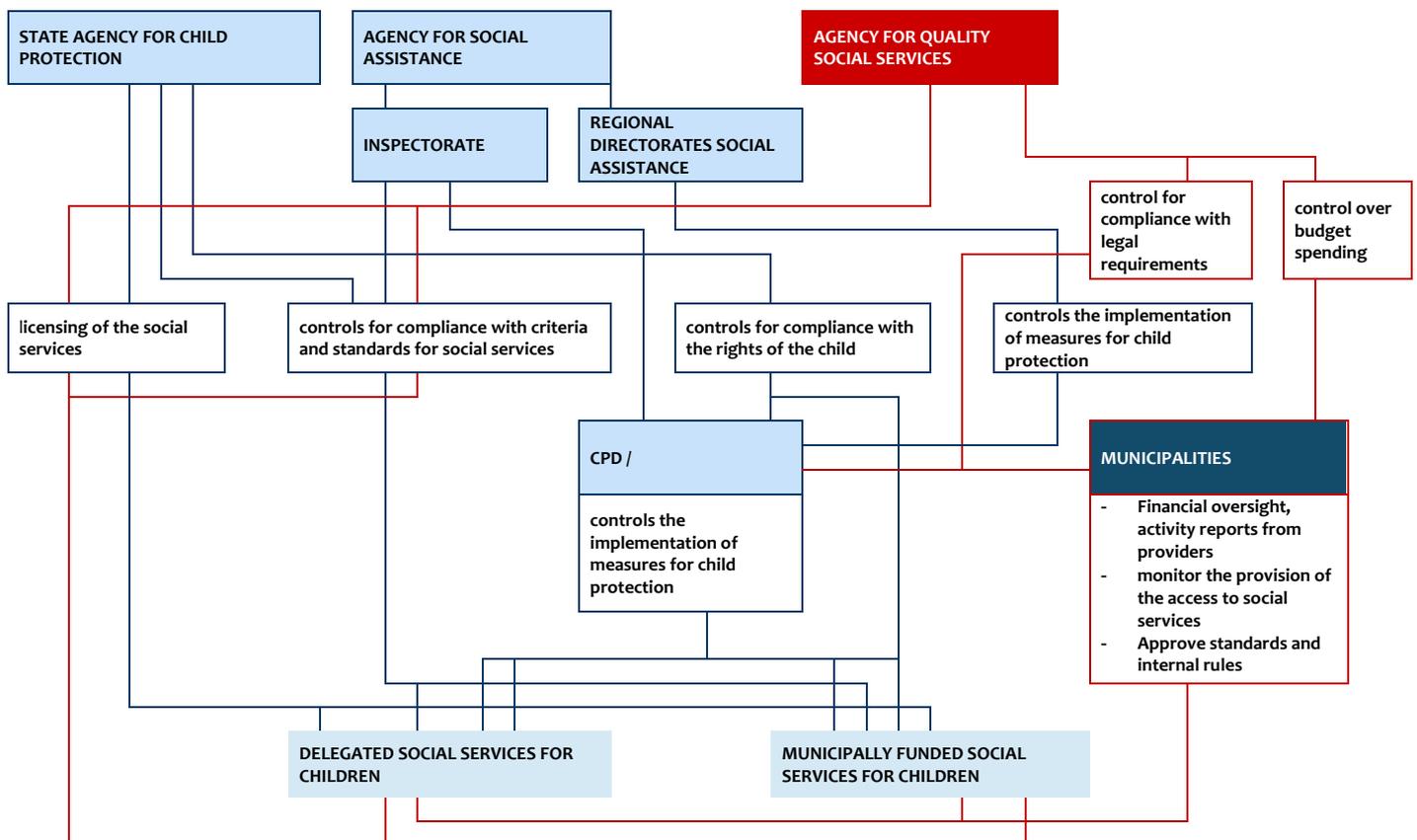
Figure 3: Number of social workers and cases overseen by CPD heads (2017)

CPD	Number of social workers overseen	Number of cases overseen	CPD	Number of social workers overseen	Number of cases overseen
Sliven	17	1,655	Vidin	10	538
Stara Zagora	17	1,038	Montana	9	520
Russe	14	994	Dimitrovgrad	9	510
Plovdiv	21	955	Yambol	7	492
Burgas	15	781	Kazanlak	8	486
Haskovo	11	719	Pleven	13	472
Varna	29	718	Gabrovo	10	470
Veliko Turnovo	16	550	Blagoevgrad	17	426
			Serdika	10	417

Source: ASA data

Social workers often end up focusing on complying with all procedural rules and preparation of documentation rather than substantive part of the case of the child, as the oversight and control that they receive is primarily on the ‘form’, not the substance¹⁰⁷. The social worker becomes an administrator of a case, rather than a manager, who has to address the needs of the child¹⁰⁸.

Figure 4: Structure of the control and oversight mechanism



107 SF-ASA-AD

108 Ibid.

Beyond the CPD level, the Head of the DSA, RDSA, or the ASA CP Directorate, and ASA Inspectorate also exercise various forms of control or oversight over social workers and cases. The case studies highlighted as a key gap **the coordination and management of cases that span multiple CPDs**. From the management point of view, cases are only transferred between CPDs when a child is moved from one social service to another, or to a family member. If the child and parents remain within different CPDs, the management of the case splits up, and there is no overarching coordination mechanism. Such cases often also prove to be methodologically complicated, and there is no formal mechanism for the ASA CP Directorate to provide assistance or to take over the supervision or case coordination.

Lack of capacity of municipalities to control social services

The municipalities not only need to develop municipal social policies (e.g. adopt an annual Municipal Programme for Child Protection, to run a Commission for the Child), but also to exercise financial and administrative control over social services and adopt and approve various internal rules linked to the provision of municipal social services. The administrative capacity to carry out all of the above in a quality manner is available only in a handful of municipalities. A little less than half of the municipalities, or 115 have no social services for children, while another 65 municipalities provide only one service¹⁰⁹. The administrative capacity of the municipalities has not been mapped during the present research, but even in Stara Zagora, which has 16 social services for children, has a Social Activities Municipal Department with 6 employees. Vratsa, which has 7 services, has 2 employees dedicated to social activities. The majority of municipalities do not have more than one dedicated employee or an employee that has other responsibilities. For instance, at the Municipality of Knezha, the sole municipal worker responsible for social activities was also responsible for culture, sports, and youth.

With the adoption of the Social Services Act, the municipal mayors, are entrusted with twelve different areas of administrative, financial, and implementation responsibilities related to social services (Art.25). Amongst these mayors are supposed to “*be responsible for adherence to the quality standards of social services funded by state and municipal budgets* (Art.25.6), to “*carry out monitoring and control of social services*” (Art. 26.8), “*to carry out analysis of the effectiveness of social services* (Art. 26.9). Clearly very few of the municipalities, have the administrative capacity, let alone the competency to carry out any of the above in a meaningful way.

2.3. Structure and coordination mechanisms for policy implementation

The child protection policies are implemented at the local level (also) through a number of “coordination mechanisms” that aim to facilitate and clearly designate the roles and responsibilities of all stakeholders involved. This chapter discusses three aspects of institutional coordination regarding the cases of children victims of violence, children in conflict with the law, and children of risk from family separation. Other mechanisms, such as for instance the *Mechanism for joint work of the institutions on the coverage and retention of children and students in the educational system*, *Mechanism for the protection of bullying and violence in the institutions in the system of pre-school and school education*, or the *Coordination mechanism for referral and care of unaccompanied Bulgarian children and child victims of trafficking in people returning from abroad* are not considered.

The field work in all three sites showed that in practice the coordination in smaller towns, and even in larger regional centres, such as Vratsa, is substituted by informal connections and the fact that employees in different state and municipal institutions have known each other for a

¹⁰⁹ Based on data provided by ASA.

long time. Nevertheless, such informal mechanisms can only substitute a formal mechanism only to a certain extent, as gaps and system failures in institutional responses to the various types of cases take place regularly.

2.3.1. Violence against children

In cases of a child, victim to violence or at risk of violence, the Child Protection Act envisaged the prompting of a multidisciplinary *Coordination Mechanism for Interaction in Cases of Children Victims of Violence or at risk of violence*¹¹⁰. This mechanism, adopted in 2010, as of 2020 will become legally obliging with the most recent amendments to the CPA, which now codify the roles and responsibilities of the different participants¹¹¹. The aim of the interinstitutional mechanism is to facilitate the complex tracking of cases of violence against children and the adoption of swift and effective protection measures¹¹². The participation in the mechanism includes a sufficiently wider range of stakeholders from various institutions, some mandatory¹¹³ and others need-based.¹¹⁴

Since the interinstitutional agreement was signed in 2010, there has been an annual monitoring of the coordination mechanism, conducted by the SACP, in cooperation with the Ministry of Interior, the ASA and the Regional administrations. The annual monitoring reports show that after an initial good start of the coordination mechanism in the country, there is a decrease in the coverage and quality of the interinstitutional cooperation in the last two years¹¹⁵. While in 2013 97% of the respondents approached by SACP confirmed that there are multidisciplinary teams created at local level, in 2017 this percentage fell to 87%¹¹⁶. The poor interaction is evidenced by the diverging data that the institutions gather on the ongoing cases. Some municipalities also report a low number of meetings of the multidisciplinary teams relative to their population.

2.3.2. Not all alert channels work properly

The majority of alerts for children, victims or methodology

at risk of violence, come from their parents (26% of all alerts in 2017), the Ministry of Interior (22% of all alerts in 2017), educational institutions (16% of all alerts in 2017) and the National Telephone Line for Children (12% of all alerts in 2017)¹¹⁷. Over the years the percentage of alerts coming from health institutions (hospitals or general practitioners) has been steadily

110 Signed on 15 March 2010 by: The Minister of Labour and Social Policy, The Minister of Interior, The Minister of Education, Youth and Science, The Minister of Justice, The Minister of Foreign Affairs, The Minister of Culture, The Minister of Health, The Chairperson of the SACP, The Executive Director of the ASA, The President of the Management Board of the National Association of the Municipalities in Republic Bulgaria.

111 Art. 36g and 36d, of CPA, amended SG No.24 of 2019.

112 Article 4.3 of Cooperation agreement and coordination of the territorial structures of competent authorities in cases of children, victims or in risk of violence and crisis intervention.

113 A social worker from the Child Protection Department of the Directorate Social Assistance, who has been in charge of the initial verification of the alert and is leading the multidisciplinary team; The municipality authority; The regional departments of the Mol – regional inspector, inspector Child Pedagogic Room or operative officers. Source: Annex I to the Cooperation agreement and coordination of the territorial structures of competent authorities in cases of children, victims or in risk of violence and crisis intervention)

114 The participation in the mechanism is needs-based for a representative of the regional directorate for Ministry of Health; the child's GP; a representative of the emergency room, head of the hospital department, issuing the alert. A representative of the Regional education inspectorate to the Ministry of education, youth and science; the director or psychologist of the child's school, nursery; the main teacher of the child's school group; The Local Commission for Combating Juvenile Delinquency; Regional Judge / Regional Prosecutor; The manager of a resident social service (in case the child might be placed there); specialist within the social service, if such is needed. (Source: Ibid.)

115 2017 Report Monitoring of the functioning of the coordination mechanism for interaction on cases of children, victims or in risk of violence and crisis intervention, 2016 Report Monitoring of the functioning of the coordination mechanism for interaction on cases of children, victims or in risk of violence and crisis intervention, 2013 Report Monitoring of the functioning of the coordination mechanism for interaction on cases of children, victims or in risk of violence and crisis intervention. Available from: <https://sacp.government.bg> Accessed on: 2 May 2019

116 Ibid.

117 2017 Report Monitoring of the functioning of the coordination mechanism for interaction on cases of children, victims or in risk of violence and crisis intervention

low¹¹⁸. This is a worrying sign, given the overall high percentage of physical violence alerts (on average 46% of all alerts). Low reporting from health authorities has also been noted in relation to cases of domestic violence¹¹⁹. According to the monitoring reports, the self-reporting from children is also low, evidencing that the state institutions fail at making children feel supported and aware of their rights. The reporting from educational institutions is also not satisfactory provided that media reports suggest that there has been an increase of bullying in schools over the last years¹²⁰. An additional indicator that the reporting from authorities (health and education institutions) is that the majority of reported cases concern violence within the family suggesting that additional steps should be taken for recognizing the signs of violence and its obligatory reporting.

2.3.3. The participation of the alternative participants in the mechanism is limited

Only 66% of the meetings of multidisciplinary teams in 2017 have been attended by the alternative institutions' participants. The majority of alternate representatives (70%) come from the social services, the Local Commission for Combating Juvenile Delinquency, NGOs or the judicial system. The lack of engagement of the health and educational institutions in the coordination mechanism is also visible in their limited participation in the multidisciplinary teams.

With regard to the alternate participation in the mechanism the National Network for Children noted that the Coordination Mechanism should be amended to provide for mandatory involvement of providers of social services for children through the participation of municipalities or victim support organisations¹²¹. This will be in line with the existing system for Crime Victim Assistance and Financial Compensation.

Unclear role of the Ministry of Foreign Affairs

The Interinstitutional agreement requires that the Ministry of Foreign Affairs is alerted about cases that might concern children with non-Bulgarian citizenship. The mechanism does not set their obligations for involvement in the case from that point forward¹²².

2.4. Children in conflict with the law

2.4.1. Dualist system

Two different systems set out the national policies and services with respect to children in conflict with the law. On the one hand, the juvenile justice system targets the prevention, deterrence, investigation and punishment of children who have committed crimes or engaged in 'anti-social behaviour'. On the other hand, the child protection system established by the Child Protection Act looks the children from social and development perspective. Since 2001 both systems coexist but there are little if any functional coordination mechanisms. This misalignment is deeply rooted into the radically different legal and philosophical premises on which the two systems are build. Juvenile justice posits the children in conflict with the law as causes of problems. The child protection system looks at the children in conflict with the law as individuals in need of protection and support. In theory, the two systems should provide holistic approach based on the best interest of the child and respect for the fundamental rights of the

118 Ibid.

119 Animus Foundation, Coordination mechanism for help and support of domestic violence

120 BNR (2017) International study: Bulgarian youth is among the most bullied (Международно изследване: Българските юноши са сред най-тормозените в училище). Available from: <https://www.bnr.bg/vidin/post/100803018>. [Accessed on 2 May 2019]

121 National Network for Children (2019) 2018 Report Card Available from: <http://nmd.bg/lek-rast-v-otsenkite-na-darzhavata-za-grizhite-kam-detsata-ottchita-dokladat-belezhnik-2019/> [Accessed on 2 May 2019]

122 Article 7.2 and 7.3 of Cooperation agreement and coordination of the territorial structures of competent authorities in cases of children, victims or in risk of violence and crisis intervention

children. In practice, the juvenile criminal justice and the child protection system co-exist in relative isolation. The respective case study in this report demonstrates how the interactions between the two systems are result of chance rather than careful institutional design.

2.4.2. Outdated and uncoordinated juvenile justice system

Presently, the main coordination mechanism of the juvenile justice system are based on the Local and National Juvenile Delinquency Commissions. They are largely based on the premise of administrative coercion, which is deemed ineffective in the contemporary circumstances.

First, the National Commission, in theory, has methodological and controlling functions towards the local commissions. In practice, there are no policies to demonstrate the existence of rules, procedures, responsibility and accountability mechanisms. The National Commission's diminishing administrative capacity (less than 5 employees) and lack of proactive approach to regularly coordinate the development and monitoring of local commissions has impacted the effectiveness of the overall mechanism. Second, the effectiveness of the local commissions in most municipalities relies solely on the activities of a single Commission Secretary, with limited or no budget. The case study demonstrates how a child has been registered by the police for minor for systemic violations of the law, but the LCJD has not been notified. In most cases, the local commissions are notified by the offices of the public prosecutors which is a clear sign that the coordination takes place too late. This is also an indication that many cases are registered by the police but are not further investigated or prosecuted, and do never come to the attention of the LCJD.

2.4.3. Insufficient interaction between juvenile justice and child protection systems

The case study annexed to this report illustrates well the isolated approaches of the two systems central for helping the children in conflict with the law. First, there is no communication and coordination mechanism to signal that deterioration of relationships in the family, or of challenging educational and socio-economic environment can result in situations of conflict with the law. There is a clear lack of shared knowledge, experience and expertise within the two systems. Second, there are also limitations with the data and knowledge flows from police towards LCJD and the social services. Third, the child protection services and the LCJD do not communicate to find the best measure for the child and most importantly – to link the corrective measure/s, support and development services into a coherent set of measures which is in the best interest of the child and is most effective.

2.5. Preventing Family-Child Separation and Child Abandonment

At present Bulgarian legislation focuses on preventing child abandonment, rather than family separation. The roles of the institutions are stipulated beyond the CPA in the *Ordinance on the Conditions and Rules for the Implementation of Measures to Prevent the Abandonment of Children and Their Placement in Institutions, and for their Reintegration*. However, the regulation only provides general procedures and a template of a social report for assessing alerts for children at risk and for working on cases, and considers institutional coordination mainly in respect to abandonment of new-born children, children with disabilities or 'children left in health institutions'. Other relevant institutions that may be involved and contribute effectively to coordinating efforts in a case of family separation or child abandonment are not involved in a multi-institutional approach. With the new amendment of the Ordinance, it is envisaged that if there are significant difficulties in fulfilling the objectives set out in the action plan or in the activities in a prevention of family-separation case, in order to achieve them, at the request of SAD, the Commission for the Child should provide assistance and coordination, but under art.

20(3) of the CPA this Commission is “a unifying and coordinating policy unit for all children on the territory of the municipality and forms and ensures the implementation of the local child protection policy” – this definition is broad and does not specify the means of the Commission’s involvement in cases of family-child separation.

2.5.1. Shift of focus

Cases of family separation do not only affect the child, or one of the children but the entire family. Therefore, both prevention and intervention measures are supposed to cover the child and the family, as they are often related to building parental capacity within families, consulting children and parents, assistance in improving the living conditions at home etc. This stems from the facts that family-child separation or “child abandonment” can be the result of one or more of the following reasons:

- Poverty and lack of means to support or raise the child
- Lack of “parenting capacity” – lack of knowledge and skills on parenting or a underdeveloped sense of responsibility to raise the child
- Lack of skills or conditions to care for children with physical or mental disabilities
- Sexual or physical abuse of the child
- Risk for the child to be sold by parents
- Parents in conflict with the law

Due to the diverse nature of the drivers for family separation, it could be expected that each category of cases may involve multiple stakeholders into the efforts for early identification and prevention. The case studies showed that presently the coordination between concerned institutions takes place informally, and relies on the personal relations between municipal, state, and social workers. The provision of various forms of municipal (e.g. social housing or other forms of social assistance) or state (e.g. employment) support, is often ‘shopped’ around the social workers.

The measures for protection in the family environment which are listed in the CPA suggest that additional resource is needed for successful prevention of family separation than just the social workers at the CPA, as they include consultations on multiple topics related to personal development, career paths, educational assistance, as well as tackling conflicts and even providing advice in assistance in bettering living conditions or aiding children of 16+ years in finding employment.

2.5.2. Streamline legislation on family separation

In their current state, efforts to prevent family-child separation suffer due to the fact that the guidelines and measures are scattered in multiple documents. The *Ordinance on the Conditions and Rules for the Implementation of Measures to Prevent the Abandonment of Children and Their Placement in Institutions, and for their Reintegration* provides a general outline for how members of society and medical personnel should alert the authorities, but it does not give social workers at the CPD concrete guidance as to how to properly identify early risk of family separation and implement ex-ante measures. Instead it describes the usual steps to managing a case¹²³ and refers social workers to seek appropriate measures in the procedure in Chapter 3 of the Rules of Implementation of the CPA.

Several further documents give guidelines to the effort of prevention of separation: the *Methodology for management of a case for protection of a child at risk by the Child Protection Unit*,¹²⁴ the *Methodology for conditions and approaches for the provisions of social services at the*

123 Assessment of the case, meeting with the child, with the parents and with relevant specialists, preparing an action plan, reviewing the action plan, assigning measures.

124 SACP & ASA, Methodology for management of a case for protection of a child at risk by the Child Protection Unit, Available at: http://www.asp.government.bg/documents/20181/103247/metodika_za_upr.pdf/506ccc9f-8435-4dc6-af19-6019a318780e

Centre for Social Support,¹²⁵ *Methodology for conditions and approaches for the provisions of social services "Mother and Baby Unit"*.¹²⁶ This work on prevention of abandonment of newborns is also complemented by the *Methodological Guidance on the Prevention of Abandonment of Children in Maternity Wards*, which arranges the roles of CPD and health authorities.¹²⁷

These documents largely concern the first steps of the alert, but not any of the subsequent coordination between the institutions involved and the subsequent steps that need to be taken in order to prevent the family-child separation or abandonment.

2.5.3. Gaps in the current system

While the Ordinance provides a backbone for combating abandonment, it fails to build a grid of intertwined measures and efforts for prevention, doesn't include **mechanisms for early identification of children at risk** but rather focuses on response to signals of such children. It does not establish a **system for institutional cooperation** that regulates the roles and responsibilities of the relevant stakeholders - ASA, social services providers, or other external stakeholder institutions involved (health-care, educational, or criminal justice institutions).

Cooperation and coordination of prevention efforts is described in methodologies, listed in the previous section, but they don't have the binding power of an established mechanism created via interinstitutional agreement. Linking CPDs with other social infrastructure (stronger connection to other aspects of the welfare system via the Integrated Information System of ASA, programs to combat unemployment, provision of public housing) is essential to prevention of separation. The existence of such mechanism would not only ease coordination and cooperation, information-sharing, early identification and response, but would also provide for **enforcement of strict quality and professional standards** and means for oversight bodies to regulate and inspect this aspect of work. This should be done either by further elaborating the CPA (beyond Art. 36a-d) and specifying the role of municipal or central government institutions in cooperating to prevent abandonment and institutionalisation, as well as expanding the scope of the *Ordinance on the Conditions and Rules for the Implementation of Measures to Prevent the Abandonment of Children and Their Placement in Institutions, and for their Reintegration*.

2.6. Conclusions on Management and Coordination

Policy level

- **Review statute, functions, membership and regulations for the NCCP effective and efficient work.** Consider elevating the chairmanship of the National Council for Child Protection to a higher political level, possibly at Vice Prime minister level, in order to raise the profile of its decision-making power. Provision to have a permanent secretariat in order to have the capacity to monitor policies and their implementation. Reaffirm the mandate of the SACP and assign sufficient funds for exercising its role.
- **Increase role of municipalities in National Council on Child Protection.** In light of the municipalities' growing role with the new Law on Social Services, their participation in the National Council could be strengthened. This could be done broadening the number of seats on the Council for municipalities or introducing a rotation principle that includes

125 Centres for Social Support not only care for children at risk, referred to them by the CPD for whom there is an 'open case', but also as a measure of 'risk prevention' purpose, without CPD opening a case, or for the purpose of risk assessment: 'assessment of parenting capacity, needs assessment, assessment of the case [проучване], psycho-social support' (p.7). Centres for Social Support need to have as many as 32 different procedures regulating all different aspects of their activities.

126 The legal base is Art. 36, para. 2, Rules for Implementation of the SAA, Additional Provisions, p.30

127 Methodological Guidance on the Prevention of Abandonment of Children in Maternity Wards, Available at: <http://ksuds-plovdiv.org/documents/Methodi4esko-1.pdf>

small and large municipalities as Council members. This would allow a variety of opinions from municipalities with different administrative and financial capacity to be considered.

- **Providing legal alternatives to the present municipal commissions, such as regional or territorial commissions for smaller municipalities.** Small municipalities can form or be members of territorial commissions where they can coordinate with regional government authorities and NGOs. This would allow for more effective coordination with local representations of central government authorities.
- **The role of the State Agency for Child Protection should remain central for the child protection policy process.** Despite the establishment of the Agency for Quality of Social Services and the transition of some responsibilities from the SACP, the SACP should remain central to providing leadership in coordination of policy processes, oversight of the protection of children's rights, and further driving the improvement of the child protection system and policies through oversight, monitoring, and analysis.

Oversight and control

- **Improving CPD level control over case management.** ASA should consider introducing either additional levels for management and control at the CPD level, or establish a possibility to form 'sectors' within CPDs (i.e. sub-units to CPD), in order to ensure adequate management and oversight of cases and social work force, where 5 to 6 social workers report to a single manager.
- **Strengthening control and support to CPDs. The focus of control should be on the development and implementation of effective individual plans for care and action plans.** The quality control structure is focused on addressing signals and post-verification of rules and procedures, and compliance with international rights framework. The efforts of the control institutions focus on whether the measures envisaged in the action plan have been taken, rather than whether the measure has served its purpose and improved the situation of the child.

Social workers within the Child Protection Departments should be supported in the management and **coordination** of complex cases by the ASA's Child Protection Directorate or a mobile group of external and internal for the system experts.¹²⁸ The same holds true for supervision which could be effectively supported by establishing a list of experts, including experienced supervisors, who CPDs can choose from. The Child Protection Directorate could also provide extensive methodological support and advice, including group and individual supervisions. In addition, when external experts are used for supervision, the CP Directorate can play an important role in coordinating this process.

- **Streamlining and coordinating the lines of control over social services providers.** With the new Agency for Social Services, there is a risk that the controlling institutions will further multiply. SACP will supposedly exercise control over 'children's rights', but the possibility for 'combined' checks has not been excluded. The ASA Inspectorate will still exercise control over financial and management matters. The Municipalities will have now an expanded role for control over standards of quality.

In practice, the issue of **standards of quality of service** is mixed with the issue of children's rights and financial management. Poor financial management can lead to substandard quality of services, and that can in turn impact children's rights. The control activities of all these institutions need to be standardized and coordinated, and to the extent possible, separated. Joint planning of inspections and handling of signals through a coordination mechanism can ensure that one service provider is not checked again and again by multiple institutions. Rather, an objective could be set to inspect, for instance, 30% of all child social service providers annu-

¹²⁸ A similar group of psychologists has been established at the MoE. This experience could be used.

ally, and ensure that every 3 years, for instance, each service provider undergoes a targeted inspection. The coordination, could easily be handled via an integrated IT system platform, where, before undertaking or planning inspections, controlling institutions can have access to the results from inspections of other institutions.

- **Improving quality of oversight and inspections of service providers:** The newly established controls of the Agency for Quality of Social Services and Municipalities will only add value beyond the current status quo, if they go beyond the superficial control of procedures and administrative rules. This will be possible if significant efforts are made to further develop the child-protection case management IT systems, to include service providers, and include sufficient 'checks' and analytical functionalities within these systems to allow the administrative monitoring to be automatized (such as dealing with ensuring administrative deadlines are respected, or case documentation is thorough), and allow oversight institutions to focus on substantive and qualitative issues of case management.

Even more importantly, the control and oversight mechanisms should be improved by defining clear **substantive, i.e. 'outcome' indicators** for successful child protection interventions, as well as detailed inspection methodologies that include requirements for substantive assessment based on (1) a **standard minimum random sample from all cases** managed by certain CPD or Social Services Providers (2) mandatory quality assessment that include meetings with the range of stakeholders involved in the case, and use of independent methods to assess condition and development of the child.

Coordination mechanisms

- **Strengthen the normative and legal basis for coordination mechanisms.** In order to ensure that the existing or future coordination mechanisms are implemented in practice, they need to be further developed in legislation (either ordinances or amendments in the laws). This would ensure that procedures and actions of all institutions, as prescribed by the mechanism, are followed through.
- **Further improve the monitoring of the effectiveness of the *Coordination Mechanism for Interaction in Cases of Children Victims of Violence or at risk of violence*.** The implementation and the reporting of the effectiveness of the Coordination mechanism could be improved by introducing new indicators on the quality of the cooperation, such as response speed, regularity of the meetings, follow-up of the case¹²⁹.
- **Improvement of the procedural rules of the multidisciplinary teams.** Currently Annex I of the Interinstitutional agreement on the *Coordination Mechanism for Interaction in Cases of Children Victims of Violence or at risk of violence* describes the procedure for convening the multidisciplinary team. However, the research does not identify any procedural rules of the multidisciplinary team on how to handle the case, ensure its monitoring and reach agreement on its closure. The procedural rules could also guarantee to the responsible social worker that he would receive **support from the potential members of the multidisciplinary team at the stage of the evaluation of the alert a child, victim to violence or at risk of violence**.
- **Switch the focus from prevention of abandonment to the prevention of family-child separation** by linking the child protection system more closely with social protection, health and education sectors. In particular, in the implementation of the new law on social services, ensures that the integrated approach that it foresees also applies to the prevention of family-separation by establishing clear protocols of collaboration between ASA, social service providers and health and education institutions as well as other social assistance services (employment services, municipal housing, etc.).

129 Ibid.

Focus on data

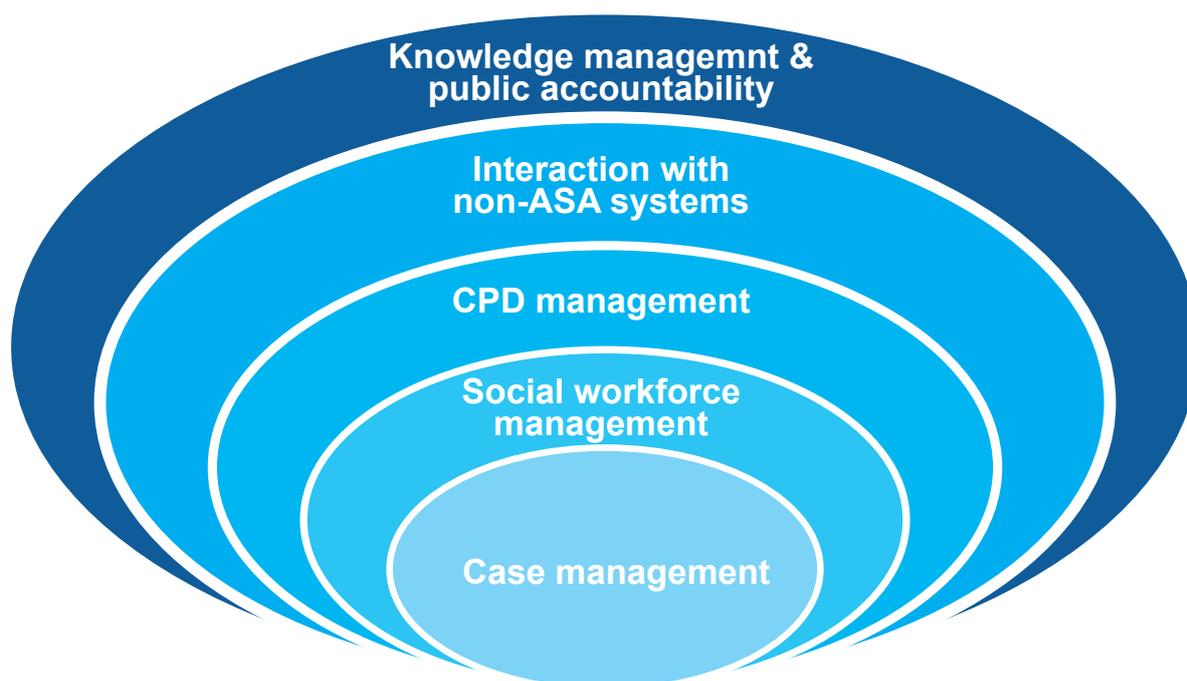
This section of the report aims to cover the information management within the child protection system, with a focus on the ASA's work. From a case-management perspective, a child protection case may be transferred or require interventions from various institutions. An initial report on a case may be started via the SACP, the police, a school or a health institution before a child at risk is reported to the ASA. Further on, when a child is transferred to a service provider, a case file is opened there as well. Each institution has its own information of case-management system, and in all cases the exchange of information between institutions is paper-based. At the core of this documentary exchange and information management is the **ASA's Integrated Information System (IIS)**¹³⁰. The present analysis focuses on the information management at the ASA, and the interaction with other systems.

The ASA information management was assessed along five criteria:

- **Child protection case management** – assesses the ability of the ASA IIS to provide for an effective management of child protection cases, providing a possibility for quick and efficient management of administrative tasks, tracking of case history, efficient management and access activities surrounding a single case; the ability of the case management module to interlink with other relevant ASA information systems or relevant external information systems.
- **Management of the social work force** --- assess the ability of the ASA IIS to monitor the work of social workers. On the one hand it assesses the extent to which CPD heads (or other hierarchical levels – regional ASA officers, ASA Inspectorate, or ASA Main CP Directorate can monitor the work of individual child protection workers, their overall workload, and assist the managers in providing the periodic professional evaluation of social workers or CPD heads or Regional ASA officers.
- **Oversight of child protection departments (CPD)** – examines the extent to which the ASA system allows the Inspectorate or the Main Directorate to oversee and evaluate the work of CPDs. In particular it examines the extent to which the ASA system collects sufficient data to assess the workload and performance of CPDs
- **Knowledge management and analysis** – assesses the extent to which the ASA systems allows relevant analytical and statistical information to be extracted that allows for (1) generating evidence for public policies on child protection and to monitor their implementation; (2) evaluation of overall risks and underlying causes that lead to children entry into child protection system (3) evaluation of the overall trends in the management and results of the work of ASA – i.e. the effectiveness of prevention work, or social services provision, or family reintegration, or adoption processes. (4) Ability of the system to produce public reports that allow for high level of transparency and public accountability.
- **Interaction with external systems** – examines the extent to which ASA IIS is exchanging or interacting with other systems, such as the SACP (automatic transfer of case data); with Social Services Providers (access or automatic exchange of data with social services providers), interaction with other systems or government institutions (eg. health, educational, or law-enforcement institutions);

130 The legal base of the IIS is Art. 5.1.6 of the Rules of Establishment of the ASA, and its operation and procedures are stipulated in Order RD01-0728/16.06.2017 of the ASA Executive Director.

Figure 5. Child Protection Information System Components



Overview of ASA's Integrated Information System functionalities

As of 2016 the Agency for Social Assistance has at its disposal a new **Integrated Information System (IIS)**. The system is divided into three modules -- Social Assistance, Child Protection, and Social Services. Three years into its use, the system holds all Child Protection case files which have been opened after its launch, as well as briefs of cases which had been open prior to its introduction. It provides social workers with templates of documents sectioned into multiple blank fields with instructions and specific questions to be filled out. The system then automatically consolidates the information into pre-structured text.

All relevant case-files have to be typed in and generated through the system or when a document or protocol is drafted by the social worker during meetings with families or other authorities, a brief about the meeting should be uploaded to the system.

There is hierarchical level of access, where each level in the ASA hierarchy has access the levels below¹³¹.

Child protection case management

The assessment of the case-management capabilities of IIS identified the following issues:

- Limited functionalities ASA IIS facilitating or assisting social workers in cases management
- Prevalence of paper-based processes in internal administrative and coordination processes of the case;
- Architecture limiting the ability of the system to manage cases moving or 'shared' between two DSA / CPD (e.g. when the child is moved to an institution in another city, while the parents remain).

¹³¹ The social workers have access to all case files and all cases they have worked on; The head of the CPD has access to all case files by all social workers at their CPD; The head of the SAD has access to all case files by all social workers at the SAD in all modules, not only CP; The head of the RDSA and the CP expert at the RDSA have access to all case files by all social workers in all CPDs in the region; The head of the CPD at ASA and the CP experts at the Directorate have access to all case files by all social workers in all regions.

Data entry and analytics

The initial entry of information related to opening a new case, as well as adding of case development information into the system as the case develops is straightforward and largely mirrors the paper-based process that existed pre-2016. The social worker is presented with various templates¹³², which closely mirror the paper-based process. The templates are structured as boxes where the social worker has to type in the information in open text format.

The software does not provide any 'smart' functions: not only pre-filled drop-down menus with various criteria and factors are missing, but also analytical functionalities that may assist in the evaluation of risks factors or in the assessment of parenting capacity are also not available. There is very limited use integration with other government registers and systems that could allow for case worker to quickly gain information on various aspects concerning the child and family members. The possible connections and integration with other government registers that may shorten the time spent by the social worker to enter information, and also improve the quality of case management are not explored (these possibilities are presented in section 1.5 below).

Case management

The second aspect, which reduces the effectiveness of case-management capabilities of IIS, is the need for multiple paper based steps in the case management process. All steps in the case management process (e.g. opening a new case, reporting and proposing measures by the social worker, approval of order the child to be taken away from the family, approving a request for a social service, etc.) are developed in IIS, but then printed out and passed for coordination or for approval from heads of CPD or DSA. Movement of documentation within the ASA, though, does not require electronic signature, and the paper process is unnecessary. It remains unclear if and how the 289 electronic signatures are used for communication with other government administrations or municipalities.

Collaboration between CPDs

As the fieldwork for the present study demonstrated, a significant number of cases requires collaboration of several CPDs, as the children or families are moved from one town to another. While administratively, such cases are transferred to another CPD, as soon as the child is moved to another town, in practice the situation often requires collaboration of CPDs, and continuous monitoring of children and parents that may reside in different towns, e.g. while the child may be in a social institution in one town, the parent(s) where the child needs to be reintegrated remains in another town. In theory, one social worker and CPD should be monitoring the situation of the child, while another CPD may be working with the parent on improvement of their parenting capacity. The IIS is not geared towards managing such more complex collaborative situations. The hierarchical architecture of case management prevents effective cross-department collaboration and keeps the cases in 'silos'.

The issue with the collaboration between CPDs is also linked to the overall case management system stipulated by legislation and implemented by ASA, where a case is created and managed for each individual child. In practice, very often families split up, and the child is lives in one region, while the parent or parents in another, and they fall under the jurisdiction of different CPDs. In such complex situations a more comprehensive and integrated approach is required both in terms of the development of the action plans and in terms of the management of the case, and coordination between CPDs and the CP Directorate of ASA. Thus, the case

132 There are templates for signals, for social reports, for individual plans, for needs assessments. There are templates for candidates for adoption, templates for erasing candidates for adoption, as well as similar ones for foster care. Additional templates include those for subpoenas, opinions requested by the court, and an open option for other pieces of information, such as documenting meetings or phone calls etc

management functionalities of the Integrated Information System might provide for options, such as joint management of a case and/or linking individual cases that are related (e.g. a family with a few cases) and/or developing family action plans. This will improve not only the collaboration between CPDs, but will also allow a more integrated approach towards the family and improve the accountability on cases.

The effect of the above described shortcomings of IIS, and the continuous 'hybrid' approach between IIS and paper-based processes have led to an increase in administrative workload of social workers¹³³.

Social Workforce management

The ASA does not look at the IIS as a tool for managing of social workers. The system does not provide a functionality for monitoring of the work done by a single social worker or track its progress on cases. It is child-centred and it does not keep a record of social workers. The information in the system is presented case by case. The CPD director or other oversight institutions, cannot quickly get an understanding of the social workers' workload, complexity of cases, or tracking of progress or adhering to deadlines in the management of cases.

The integrated search engine does provide the possibility of tracking social workers via using their names as key words, but this is not something the experts at the ASA do. While significant part of the management in small CPDs can take place via day-to-day contacts, in large CPDs, where several hundred cases are opened at the same time, tracking work on all cases, or even employee workload and case distribution, may greatly be facilitated by software functionalities.

Further on, work on cases and the results of the work on the cases, could provide some basic analytics allowing to carry out professional evaluation of each social worker. Such metrics could include various criteria correct identification of risk factors, positive outcomes in prevention or reintegration work; complaints linked to certain social workers, etc.

CPD oversight

The different levels of access in the IIS provide a hierarchical control mechanism – each level can monitor the ones below. The biggest drawback, however, is that at present CPDs still rely mostly on the paper copies of documentation which is stored at their offices, and the Integrated Information System can be used to track overall performance, but a detailed inspection of cases can be done only via an in-person check. Therefore, distance oversight via the ASA Inspectorate or the RD of ASA does not take place.

The second way to monitor the work of CPDs is via a system of indicator (this is discussed more in the chapter on Social Work Force). The IIS as it stands does not produce sufficiently detailed output or outcome indicators that allow to evaluate or assess the overall performance of individual CPDs. Thus, the information system fails to support the oversight both over the proper preparation of the case documentation and over the results of the case management.

Knowledge management and transparency

At present the great majority of the valuable information about the child protection cases that is contained in the various documents (e.g. signal / alert, social report, reports justifying the need and proposing opening of a case, action plan on the child, social care plan) is unstructured textual data. Such an approach greatly limits the usability of such data for analytical or public reporting purposes.

The information system provides limited possibilities to generate statistical information for ev-

133 Interviews with social workers.

idenced-based development of policies for child protection. There are several aspects of the IIS that need to be developed to allow for strategic level analysis to be further developed:

- Developing identifiers allowing to assess in depth the underlying reasons leading the need for child protection (e.g. violence, conflict with the law, poverty, lack of parental capacity, etc). Presently, such data cannot be provided by ASA.
- Developing of criteria that allow for risks and children at risk to be better managed. This could include a data-driven pro-active approach that identifies children at risk prior to reaching the child protection system (i.e. while they are still primarily handled by the health or education systems), and prior to receiving a 'signal'. Many of the cases analysed for the present study suggest that available government registers and data were sufficient to intervene or work with parents many years prior to the opening of a case; The system could indicate to which services parents of children at risks were referred to, including social protection, employment services, housing services;
- Developing identifiers to track progress of cases and effectiveness of social workers' actions
- Developing identifiers allowing to assess complexity of cases and workload of social workers.
- Developing criteria, allowing for comparative CPD/DSA level analysis and public transparency.

Interaction with other systems

According to the annual reports of the AAS, the IIS has been upgraded to interact with most other systems available in the government's online system integration management platform – RegiX.¹³⁴ The inter-registry data exchange functionalities available to social workers in the current version of the IIS seems to be limited. There are two categories of integration that could add value to the overall case management and effectiveness of child protection:

- Extending and opening the IIS to other institutions, such a SACP and social services;
- Connecting the system to various registers to facilitate case-relevant information gathering.

Regarding the first aspect, as noted in the beginning the State Agency for Child Protection as well as Social Services have their own proprietary systems. Most likely, the new agency for Control of the Quality of Social Services will also develop some sort of proprietary system. Once the child accesses or is accommodated in a social service, all oversight institutions start a process of monitoring of the case, which often boils down to verification of various administrative documents and procedures. This work of the CPD could be significantly facilitated if social services provide and maintain electronically various documents on children inside the IIS. Institutions that could 'send signals' can also be provided with a module, where a signal can be entered electronically. This will avoid a significant amount of repetitive data entry by social workers.

The second aspect concerns access of IIS to other government registers. The IIS could gain access to various data that could assist with the early identification and prevention of risk. At present some of these integrations seem to be in place, but it is unclear if and how they facilitate the work of social workers. Access to the data is passive and is not used to automatically populate the various reports or outputs produced by social workers.

Possible integrations of the IIS with other government registers that are already public and accessible via RegiX, that could add analytical functionalities to the case management, save time

134 See: <https://e-gov.bg/bg/143>

to social workers, or allow for better oversight of their work include:

- **Initial entry of data on a case:** Population Register (Family Situation)– could automatically populate personal data on the child, parents and all other family members (e.g. brothers, sisters, etc.). Such integration would immediately provide the social worker with a view of the family. Bulgarian State Documents (Ministry of Interior) could provide data on documents and IDs.
- **Assessment of the financial / economic situation of the family:** (1) Property register – to assess if and what kind of housing is owned by the person; (2) Commercial register for participation in companies (3) Vehicle register (Mol) provides information on vehicle ownership; (4) Register of work contracts / indebted individuals (National Revenue Agency) could draw a picture on the financial situation of the family; (5) Register of persons seeking employment; (7) Register of persons receiving / or having received unemployment, maternity, and disability payments.¹³⁵
- **Risk Factors:** Criminal Record – this would allow immediate assessment of risk factors linked to the parents of the child (or the child); Register of [children in] schools and kindergartens could provide data on children having dropped out of school.¹³⁶
- **Social Assistance IIS module** – to assess current / past receipt of social assistance of children / parents- at present the CP Directorate and CPDs do not have access to information in the Social Assistance module. The existence of connectivity in the modules is linked with the number of cases where it is possible to identify risks early and trigger outreach by social services to those families presenting multiple risk factors.¹³⁷

As explained above, IIS consists of a number of registers. Two of these are public and accessible via internet --- Providers of social services and List of Social Services. All other registers, though, such (e.g. children at risk, children placed in kinship, foster, institutional care; children under police protection) are not accessible to other institutions via application programming interface (API) and the government's platform for data exchange of registers data - RegiX¹³⁸. Such opening could potentially provide other institutions, such as State Agency for Child Protection, Ministry of Education, Ministry of Health, or the future Agency for Control of Quality of Social Services to identify early risks, or even to reduce or make automatic certain aspects of information exchange. The opening to other institutions either of Register of Children at Risk or Children in Foster Institutions, and linking these with other registers, such as population register, could allow other institutions to intervene or early identification of children at risk (e.g. by identifying new cases of children of risk of new-born siblings).

Conclusions and recommendations

Launching the ASA's Integrated Information System is a step towards modernization and optimization of the Child Protection system in Bulgaria, as it provides authorities with a tool to collect, store and easily access relevant information without delays. While the current functionalities of the system aren't built for wider analytical purposes and provide general statistics taken from the multiple registers it holds, there still seems to be untapped potential in its use, as it can provide more insight into case and workforce management, as well as double as a

135 This provision for interoperability of public administrations should be crosschecked with the regulation in EU law on data protection and privacy for all individual citizens, the General Data Protection Regulation (EU) 2016/679 („GDPR“).

136 This provision for interoperability of public administrations should be crosschecked with the regulation in EU law on data protection and privacy for all individual citizens, the General Data Protection Regulation (EU) 2016/679 („GDPR“).

137 An example would be if the Social Assistance component could track a risk profile of certain families who are affected by poverty and unemployment, and may be receiving social or unemployment benefit assistance, while the Child Protection has received signals of the children in the past but has decided not to open a case or has successfully prevented child abandonment. This way if there is a change in the situation of the family and one of the risk factors (be it one of the parent loses of home and applies for social housing, or for unemployment benefits etc.), it can be automatically identified as a risk and prevention measures can be taken in a timely manner.

138 ASA's has four other registers for social assistance accessible.

monitoring tool for control of CPDs.

The Integrated Information System should become truly integrated, giving access to all relevant information from all modules to the social workers, as that would enable them to run situational analysis and identify risks ex-ante and work towards prevention. Additionally, in order to have a well-functioning CP system, a great benefit would be if the Information systems of various institutions tasked with CP could interact with each other, as this would provide a wider point of view, easier access to more data and a means of facilitated coordination of institutions.

The ASA should also put plans in place to populate with sufficient data on pre-2016 past cases with sufficient data that allow for fully-fledged case management. The scanning and entry of such documentation made be a daunting task, but such services could be outsourced and with high-speed commercial scale scanners it could be done within reasonable time, effort, and cost.

The lack of sufficient or integrated data prevents the Bulgarian government and SACP to monitor in depth, the outcomes of the work ASA and service providers. It also prevents it from fully understanding the driving factors and forces that put children into the Child Protection System. The SACP should lead process via the National Council of the Child, whereby all stakeholder should agree on a:

- **National cross-sectorial child protection Monitoring and Evaluation plan and framework in Bulgaria.** Such overarching strategic framework for child protection spanning all relevant sectors will help to identify the strategic data needs of the national child protection bodies. Child protection goals, objectives and targets must be clear and agreed across all sectors.
- **Set of core and sectoral child protection indicators (quantitative and qualitative – from administrative data sources, as well as survey data)** to measure progress and results against the strategic framework. There are a number of internationally agreed and sector specific indicators that should be used in this process.¹³⁹ Many of them are already in place in Bulgaria, but additional ones are needed to support a comprehensive M&A framework.
- **Formulate and agree on data requirements that each concerned institution should develop and provide. This process should lead to** harmonization of data systems of different institutions, and improved data quality.

The above actions would stimulate a process, where all key stakeholders will be develop capacity to provide SACP with child protection data. The availability of such data would empower the SACP to improve the national planning, policy formulation, propositions for budget resource allocation, analysis and policy review, and evaluation of programmes. It will also support policy makers in the decisions making process, while assisting the ASA in the management of CP activities and consequently better outcomes, such as strengthened performance in child protection and improved effectiveness of child protection programmes.

139 For instance, general indicators may be found in: UNICEF and the Better Care Network (2009), Manual for the Measurement of Indicators for Children in Formal Care https://www.unicef.org/protection/Formal_Care20Guide20FINAL.pdf; Indicators related to violence against children are available in INSPIRE Indicator Guidance and Results Framework (2018) <https://www.unicef.org/protection/files/UNICEF-INSPIRE-Book.pdf>; Indicators related to juvenile justice are available in UNICEF and UNODC (2009) Manual for the Measurement of Juvenile Justice Indicators, https://www.unodc.org/pdf/criminal_justice/Manual_for_the_Measurement_of_Juvenile_Justice_Indicators.pdf



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PREVENTION AND RESPONSE SERVICES (IMPLEMENTATION)

3. PREVENTION AND RESPONSE SERVICES (IMPLEMENTATION)

This section focusses on issues of effectiveness *at the level of service delivery point*. Some consideration is given to the dimension of efficiency as well.¹⁴⁰ Particularly, this chapter looks into issues of the process flow of service provision, the tools for case management and its usage. As an effective child protection system aims at both prevention (of family separation, of neglect and violence) and response (identification, referral, assistance and recovery), both of these dimensions are reflected.¹⁴¹ The chapter then considers the three main issues of a child protection system, namely protection from violence, alternative care and justice for children, and mentions some specifically vulnerable groups, that is Roma children, children with disabilities and migrant/refugee children.

Box 6 – Good practice intervention: Family strengthening and support to prevent child-family separation and violence against children

UNICEF, Innocenti Research Centre, [Family and Parenting Support, Policy and Provisions in a Global Context, 2015](#)

This report examines and analyses policies and provision for family support and parenting support. New evidence was gathered and existing evidence systematized and analyzed from 33 UNICEF national offices, located in different parts of the world, and detailed case studies of nine countries (Belarus, Chile, China, Croatia, England, Jamaica, the Philippines, South Africa and Sweden). The evidence suggests that, where it exists, family support is being developed in two main forms, through:

- Services – especially social, health and psychological services to families
- The establishment or re-orientation of economic support to families, especially cash payments.

3.1. Child Protection in practice: Prevention and case management

Effective child protection is based on two dimensions: (1) prevention of right violations at an early stage through change of social norms and capacity strengthening of child carers/parents, local communities, and institutional environments (schools, health care centres) and early detection and intervention, and (2) efficient case management of children at risk of violence, abuse, exploitation or neglect, which needs to be multi-sectorial and integrated.¹⁴²

¹⁴⁰ **Effectiveness** measures the extent to which an activity attains its objectives. In evaluating the effectiveness of a programme, it is useful to consider the following questions: To what extent were the objectives achieved / are likely to be achieved? What were the major factors influencing the achievement or non-achievement of the objectives? Efficiency measures the outputs -- qualitative and quantitative -- in relation to the inputs. It is an economic term which signifies that the public service uses the least costly resources possible in order to achieve the desired results. This generally requires comparing alternative approaches to achieving the same outputs, to see whether the most efficient process has been adopted. When evaluating the efficiency of a programme or a project, it is useful to consider the following questions: Are activities cost-efficient? Are objectives achieved on time? Is the programme implemented in the most efficient way compared to alternatives? The dimension of efficiency is treated in more detail in the chapter "focus on finance"

¹⁴¹ The findings are based on evidence from the field research with service users and frontline staff, much of which has been summarized in the annexed case studies. We also consider interviews with policy planners and service directors. Likewise, it is grounded in an extensive literature review.

¹⁴² Unicef 2015 (Resource Pack), UNICEF 2012 (Measuring and Monitoring), EC 2015 (10 principles), UNICEF, UNHCR, Save the Children, and World Vision. 2013. (A Better Way).

Box 7 – Good practice intervention: case management

Child protection working group, [Inter agency guidelines for Case Management and Child Protection](#), 2014

Although developed for humanitarian responses, these guidelines aim to provide a common understanding and step-by-step guidance on how to do case management. They put the child at the centre of the intervention, focusing on child friendly procedures and language.

3.1.1. Prevention and early detection and intervention

Despite the fact that recent Government policies foresee more preventive action focussed on fostering parenting skills and the support to child-friendly environments, the bulk of work of the CPDs is still focussed on response and reactive interventions. The shortcomings on translating policy aspirations of a more preventive approach into action on the ground have already been documented in chapter 1: Whilst primary legislation such as the Child Protection Act or the Family Code barely consider primary prevention, policy and secondary legislation, such as the National Programme to Prevent Violence and Abuse of Children, and more so its Action Plan (2017-2018), or ordinances, such as the Ordinance to Prevent the Abandonment and Institutionalization of Children (2003)¹⁴³, do so by identifying specific lines of action. However, most often these are not supported in practice in the day-to-day work of the child protection front-line staff: neither through proper evidence-based monitoring, nor by budget allocation, nor applicable guidance nor staff incentives or performance assessment. In the practice of local CPDs, this is then reflected in the fact that most work is focussed on tertiary prevention or case management for children that have already entered into a need for state intervention in order to guarantee protection.

In general, the practice of social work is oriented in a reactive manner to give support to demand, as opposed to proactively searching for vulnerable and marginalized individuals to focus the effort on them and their families.¹⁴⁴ This might lead to being unable to reach out to the most vulnerable and marginalized population groups. It also leads to taking on cases once exposure to child protection risk - such as abandonment, neglect or abuse – is well underway or chronic. The current setup thus ignores the potential that early prevention and detection have both for avoiding harm to children, as well as saving public funds as downstream interventions frequently are more expensive. An approach towards prevention and early detection would require the definition of tools and intervention types to supplement the case management work. Amongst these are community interventions, mapping of families in vulnerable situations, regular home visits and outreach activities.

The survey, undertaken for this study, depicts that only a minor part of all social work is dedicated to prevention. Likewise, the interviews with social workers by and large confirm that the primary focus of all work is on dealing with cases of significant vulnerability or violations of rights. Hence – to translate the picture towards the realm of urban development – the professional profile of the front-line social worker in Bulgaria could be defined as “fire-fighter” rather than “town planner”.

3.1.2. Case management

An ideal process of case work can be structured in the following steps, which are often reiterative: (1) Identification/Registration, (2) Assessment (initial & comprehensive levels of assessment), (3) Case Planning, incl. definition of an intervention plan, (4) Implementation of the

¹⁴³ Recently updated, see chapter 1.

¹⁴⁴ WB 2017, 2018a, 2018b,

Case Plan, incl. referrals, (5) Follow Up and Review, (6) Case Closure.¹⁴⁵ Case management guidelines exist at present for CPDs, formulated by SACP as well as ASA.¹⁴⁶

Two general instructions have been published namely:

- Methodological indication of uniformity of practice in the application of the Social Assistance Act and its implementation rules¹⁴⁷
- Methodological guidance on how to prepare an individual assessment of support needs and individual support plan and use of social services¹⁴⁸

Furthermore a Common Services Portfolio, and respective processes and protocols, dubbed “terms and conditions of provision”, are defined for the following local services:

- Centre for Social Rehabilitation and Integration (CSRI)¹⁴⁹
- Community Support Centre (CSC)¹⁵⁰
- Centre for Family-Type Accommodation for Children and Youth¹⁵¹
- Crisis Centre¹⁵²
- Day Centre (DC)
- Social service „Foster Care“¹⁵³
- Centre for Street Children¹⁵⁴

Together with these services portfolios, there are guidelines how to relate to licenced providers of social care. These establish quality criteria and make periodic reassessment mandatory.

These methodological guidelines provide clear protocols for the accompaniment of a child at risk through the service structure. They define sequences, milestones and formats, as well as they assign responsibilities between case workers and oversight managers. Individual Assessment of Care Needs (IACN) and Individual Care Plans (ICP) are the main instrument for case management. They prescribe a structured process of diagnostics and prescription. They are to be fulfilled collaboratively by the members of multidisciplinary teams (MDT), which includes social workers, psychologist, and paralegal staff, amongst others. However, the practices of implementation are unclear. The nature and effectiveness of quality assurance mechanisms, namely a continuous follow-through of the case management system including processes of evaluation, supervision and closure of cases, seems to be uneven throughout the regions as well as interpreted with a wide variety according to each service point. No measurable and traceable goals and activities are specified in the ICP, and agency and participation of families, and particularly children are not fostered systematically. Furthermore, NGO representatives have described the current practice of case management still rather ‘provider-centred’ than ‘child-centred’. It refers much more to inputs rather than outputs and outcomes for children. The concerns are less about service quality, than about fulfilling due process such as the type of documentation required to be kept or broad infrastructural standards.¹⁵⁵

145 See UNICEF 2016 (Promising Practices), and Roelen et al 2012. “Referral” is the process of formally requesting services for a child or their family from another agency (e.g. cash assistance, health care, etc.) through an established procedure and/or form; caseworkers maintain overall responsibility for the case regardless of referrals.

146 See the comprehensive repository to SACP guidelines at this website asp.government.bg/metodiki-i-metodiceski-ukazania

147 Full documentation available at: asp.government.bg/documents/20181/103247/9100-0008+-+metod.ykazanie.rar

148 Full documentation available at: asp.government.bg/documents/20181/103247/CCI22112016.pdf

149 asp.government.bg/documents/20181/103247/METODIKA_CSRI_final_30+08+2013.doc/

150 asp.government.bg/documents/20181/103247/COP2011.pdf

151 asp.government.bg/documents/20181/103247/20140228124406.pdf

152 www.asp.government.bg/documents/20181/103247/metodika_Krizisen_centar.tif

153 asp.government.bg/documents/20181/103247/Metodika.rar/

154 asp.government.bg/documents/20181/103247/street_children_guidelines_final.doc/

155 These findings come up strongly in the fieldwork from both frontline staff as well as services directors. Likewise they have been reconfirmed at higher policymaking levels. The Findings have also been strongly reconfirmed in an NGO roundtable held on 8th of May 2018. See also UNICEF 2015 (Multi-country evaluation), Lumos. 2015a,

On the other hand, an element frequently mentioned in the interviews with social service staff is the administrative burden of documenting the child's circumstances and interventions in case files. Interviewees estimate a 50/50 distribution between field work and administrative tasks for front-line workers. Whilst proper documentation is deemed to be important, there are claims about the effectiveness of the protocols and formats. For one, a multiplication of forms requires to input much of the same information in different files. Then, it is not clear how revision of case files triggers action or decision from higher levels. Not always feedback loops ensure orientation and standard setting for case-workers. Therefore, the oversight function of CDPs, both in terms of control and support, gets diluted within the administrative slack and the extensive case overload. Coordination between frontline work and CPD directorates seems to work better in smaller CPD where informal coordination prevails and is efficient. However, this seemingly efficient organic working can also be counterproductive: Field research revealed the concern that in some more remote areas tightknit social relation will impede signalling poor performance or discrepancies towards higher level.

Social services need to be closely linked to and coordinated with other essential services such as education and health, as well as employment for adolescents. In terms of operational cooperation at municipal level with other public services, while in general interaction with municipal staff, teachers, health workers, police force and judiciary exist, there is a complaint about the integration into joint-up action. The survey found that, asked whether in last 6 months cooperation had been refused from cooperating institutions, good cooperation at municipal level (only around 3 percent of refusal), acceptable in justice and law enforcement (between 5-6 percent), and slightly worse with health and education (between 8-10 percent).

Coordination and linkages to social benefits generates a number of opportunities as well as contradictions. The Government of Bulgaria, assisted by the World Bank, promotes an approach of conditional-cash transfer which incentivises attendance to school and primary health screenings.¹⁵⁶ It attributes a key role to social workers as gatekeepers and stresses the need to condition social benefit payment to certain behaviour related to what is then dubbed as 'human capital investment'. Here the focus is primarily on control of benefit abuse, as well as using benefits to incentivise other public policies such as school attendance at all levels.¹⁵⁷ Whilst these monetary incentives might work out in some cases, the Bulgarian situation calls for some precaution in limiting access to social benefits. On the one hand, social workers are already perceived too much in their role as agents of controlling social deviance.¹⁵⁸ Reinforcing their role as 'gatekeeper', which has primarily a 'policing' character, might weaken their role as 'case managers', whose supportive role is substantially based on an interpersonal relation of trust.¹⁵⁹ On the other hand, as evidenced in Case Study 2 on "prevention of family child separation", destitute families suffer a whole range of multiple exclusion. An effective policy of adequate minimum income guarantees is lacking to ensure fundamental rights and invest in children.¹⁶⁰

156 In support of the measures to cover and retain children and pupils in kindergartens and schools, the Family Allowances for Children Act (FACA) focuses on the conditionality of measures and the interaction between different systems – social, health and educational. The most widely received family allowance – the monthly allowance for raising a child until the completion of secondary education, but not more than 20 years of age (granted under article 7 of the FACA) – are bound both to the requirement for children to have made all mandatory immunizations and prophylactic examinations according to their age and state of health, and with the condition that they regularly attend the pre-school groups and school (for children over 5 years old). See WB 2017a, 2017b, 2018b

157 Conditional Cash Transfers (CCT) are the default model of WB policies, see WB 2018c on linking benefits to positive parenting interventions and early childhood education. On CCT in Europe see Medgyesi 2014.

158 Bogdanov 2019,

159 Ladhani and Sitter 2018

160 In that respect the European Commission has been unusually outspoken in the annual report in the context of the European Semester "The adequacy and coverage of the minimum income remain limited and there is no objective mechanism for regularly updating it. The impact of taxes and benefits on reducing poverty and inequality is significantly lower than the EU average. This reflects the low level of social spending, the uneven availability of social services across the territory and the limited redistributive effects of the taxation system." EC 2019, 7. For more details see Zahariev and Bogdanov 2014; Bogdanov and Zahariev 2016. See the latest global research by UNICEF and ILO on Universal Child Grants: ILO and UNICEF. 2018.

Beyond the immediate technical organization of social services and their linkages to other sector, the research detected matters of the socio-political environment that are to be taken into consideration. Issues of lack of integrity, political interferences into staffing decision, misuse of resources and abuse of power have been reported throughout the interviews. While social work force, specifically at local directorate level, has a genuine commitment towards child rights, interferences from locally politically or economically motivated actors are difficult to prevent. The politicization of the administration reduces the quality of services.

Box 8 – Good practice intervention: social protection for children

ILO-UNICEF, [Towards universal social protection for children: Achieving SDG 1.3](#) Joint Report ILO-UNICEF on Social Protection for Children, 2019

This report provides an overview of the state of social protection for children to explore the potential of universal child grants to protect all children and develop inclusive societies. The report makes the following recommendations:

- Rapid expansion of child and family benefits for Children, including the progressive realization of universal child grants as a practical means to rapidly increase coverage.
- Ensure that universal approaches to child and family benefits are part of a social protection system that connects to other crucial services beyond cash, and addresses life-cycle risks.
- Institutionalize monitoring and reporting on social protection for children, including establishing a periodic interagency report

3.2. Violence against children

The practice of social work is confronted with violence against children throughout their day-to-day work.¹⁶¹ Violence is a fundamental factor for other front-line professions that are part of the Child Protection System such as teachers, health workers and police officers.¹⁶² Much of the children in conflict with the law and children deprived from parental care (or at risk to be) are exposed to violence, in the wider family, the community or at school. Often the boundaries of victims and perpetrators are getting blurred, specifically when adolescent children end up in social care after a prolonged exposure to neglect or abuse. Self-harm and risk-taking behaviour is one more dimension of dealing when having been exposed to violent mistreatment.¹⁶³

As specified in chapter 1, over the last decade, Bulgaria has developed a comprehensive legal framework as well as a specific policy, the National Programme for Prevention of Violence and Abuse of Children 2017-20. Corporal punishment is prohibited.¹⁶⁴ In the education sector, the law regulates the commitments for implementing measures against violence for all participants in the educational process, including parents.¹⁶⁵

161 The following description reflects and summarizes the findings of the primary field research. In the research design, a generic decision was taken not to interview any child victim of violence. Despite this fact, many of the services users sampled through the ASA, have shown experience to have been exposed to violence or violent environments. Thus violence against children seems to be a widespread phenomenon. This is confirmed by literature, see AfHR and BGRF 2017, BHC 2017s, BHC 2011.

162 The Violence against Children (VAC) approach of government had been revised by Jenney 2014, Issues of sexual abuse had been studied specifically by SAPI-BG 2010, Petrova-Dimitrova 2005, D'Arcy and Brodie 2015, Ivanova 2016, Nicolaidis 2018.

163 Violence against Children has recently risen in the Global Agenda when achieving to be assigned a specific development target, namely 16.2 of the Sustainable Development Goals (sustainabledevelopment.un.org/sdg16). A number of landmark reports and guidelines explore the prevalence, effects and give orientation for action, see Bernard van Leer Foundation 2011, Daley et al 2014, Pais et al 2011, UNICEF 2006, 2014b, 2014c, WHO 2016.

164 As per 2009 Family Code, 2009 Law on Protection against Domestic Violence and 2000 Child Protection Act.

165 As per School Education Act of 2015

3.2.1. Prevention of violence

Policy makers and civil society that are involved in child protection in Bulgaria share a general consensus that action on violence against children has to move up-stream from intervention to primary prevention. Primary prevention refers to action towards the general population, secondary prevention targets specific populations considered to be “at risk”, whilst tertiary prevention acts as a measure of remedy after abuse or neglect has occurred.¹⁶⁶

Recent studies show key determinants to be high societal tolerance and acceptance of violence, such as corporal punishment by parents or teachers. Furthermore, little attention is given on some its emerging forms, such as online sexual exploitation of children and abuse. **In practice, programmes that are oriented towards changing the underlying social norms that accept or justify violence against children are scarce.**¹⁶⁷ Parenting support programmes have long been identified as necessary line of intervention by both government statements and civil society reports.¹⁶⁸ However public policies to positive parenting have not taken off yet, the lack of political will for decisively promoting social norms change and the absence of public funds dedicated to innovative prevention programmes. Still, parents are rather treated by social services as a problem, and responded to with measures of penalties or negative perceptions, such as labelling them as “irresponsible”, as opposed to reinforcing their potentials as assets for the child’s development by strengthening their skills and attitudes.¹⁶⁹

A recent report on the child protection resumes

Given the divergent trends in the number of offenses against children (increase) and the number of cases of child victims of violence on which child protection departments worked (decrease), the data rather shows that social work efforts have been directed at more serious and more easily identifiable forms of violence but since there are no signs of enhanced capacity for management of cases, most probably this is at the expense of prevention work on more “unobtrusive” cases such as neglect and psychological violence.¹⁷⁰

These findings that most efforts are spent on treating severe cases rather than generally preventing their occurrence had been reconfirmed for the day-to-day activities in CPDs by the interviews to practitioners and policy makers undertaken for this research. Fostering community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect still does not enter in the portfolio of most CPDs and social services. Furthermore, primary prevention still needs to be defined as the responsibilities of sectors with universal outreach such as education or health, and fostered by training staff and defining protocols.

3.2.2. Interventions against violence

The examination by the CRC in 2016 diagnosed a “*general lack of understanding as to what constitutes violence against children, limited ability on the part of professionals to recognize*

166 See a more detailed definition of primary, secondary and tertiary prevention in the Glossary. These are adopted from the US Department of Health and Human Services www.childwelfare.gov/topics/preventing/overview/framework/

167 The National Programme for the Prevention of Violence and Abuse of Children (GoRB 2017) focusses for now principally on reporting incidence of violence and laying out general objectives. However, the action taken on it remains inconclusive. The research team, in cooperation with ASA, has been unable to identify examples of state-run and sustainable practice on violence prevention such as positive parenting programmes or school prevention. While there are a number of interesting pilot projects and programmes run by NGOs and other organisations (Jenney 2014, SAPI 2010), these have not been taken up sufficiently by public actors to provide a genuine coverage with preventive services.

168 See the EC per review on parenting support policies and the Bulgarian response Pourcheva-Bisset and Sotirova 2011. See the submission of National Network for Children to the CRC: NMD 2016

169 NMD 2016; see Davies et al. 2015 for good practices of public policies for positive parenting in Europe.

170 UNICEF 2017

cases of violence, insufficient cooperation and information-sharing among relevant agencies and inadequate follow-up".¹⁷¹ These critical findings have been confirmed only in part in the field research.¹⁷² The research generally found awareness of case workers in CPDs on the intervention protocols and the multidisciplinary and cross-sectorial responses towards violence. However, as the case study on family separation implicitly documents, there are substantial cuts in the information flow both between sector, such as health, police or the social work, as well as between municipalities. This makes a coordinated chain of intervention and a continuous monitoring of intervention and rehabilitation arbitrary.

In other words, the coordination mechanism of interaction in the cases of children who have suffered violence are still based on informal initiative and the good will of the actors. It seems that the cases have to come to a certain extreme, in order to trigger response. This makes most of the "less severe" cases unrecognized and impedes early intervention. Likewise, the coordination with National Programmes, such as the National Help-Line for Children, run by the Animus Association Foundation and managed by the SACP, remains limited.

The highest percentage of child abuse is committed in the family setting: more than 65% of cases handled by the child protection system. In the vast majority of cases the perpetrators are mothers or fathers. This is followed by public spaces and schools.¹⁷³ Violence in institutions remains an issue of grave concern. A report by the European Human Rights Commissioner, documented severe violations of rights, including physical punishment, psychological violence and severe negligence by caretakers.¹⁷⁴ Furthermore, it is specifically worrisome that the Correctional Institutions are not integrated into the deinstitutionalization strategy.

3.3. Children without parental care

A decade ago, Bulgaria had been reprehended for their appalling treatment of children without parental care which followed an Eastern Bloc model of large scale institutional care structures. Much effort has been undertaken to transition into community-based care structures that are more aligned with international standards.¹⁷⁵ The deinstitutionalization (DI) process has for long been one of the main foci of child protection policy. Being settled with the National DI strategy and decisively supported with European Funds, the focus has now shifted towards the quality of the alternatives, namely family-like formal care and foster care, as well as towards preventing the separation of the child from their biological family.

3.3.1. Deinstitutionalization

The deinstitutionalisation (DI) process began in 2000 with the approbation of the CPA and the creation of the State Agency for Child Protection.¹⁷⁶ Initially, progress had been slow, but it had taken pace since 2010. The DI reform started in 2001 and went through different stages, namely setting up the system and capacity building, development of legislation on the basis of NGOs and international organisations pilot projects, reforming and restructuring the homes.¹⁷⁷

171 UN CRC 2016

172 The field research in itself was guided through ASA that served as a gatekeeper for accessing both the primary rights holders (children and parent) as well as social workers and their superiors.

173 GoRB 2017 [National Programme for the Prevention of Violence and Abuse of Children]

174 CoE 2015, these include the use of physical restraint and incapacitating drugs. See SAPI 2010

175 Such as the "UN Guidelines for the Alternative Care of Children" and the "Common European Guidelines on the Transition from Institutional to Community-Based Care", see chapter 1.

176 The Child Protection Act and the adoption of the first Strategy and Action Plan for deinstitutionalization for the period 2001-2003, see Zlatkova 2015

177 In 2003, with a Decree of the Council of Ministers # 602/ 02.09.2003, a plan for reducing the number of children raised in specialized institutions in Bulgaria was adopted for 2003-2005. Subsequently, in 2008, the Council of Ministers adopted a National Action Plan for an Institutional Childcare Reform in the Republic of Bulgaria 2008-2011. Full deployment of the process started in 2010 with the adoption of the National Strategy "Vision for the deinstitutionalisation of children in the Republic of Bulgaria" and the Action Plan for its implementation.

This all led to the situation where the two systems – i.e. the preventative and alternative services with the institutional care system – effectively ran in parallel. With the adoption of the Vision which committed to close all homes by 2025, a horizon was given to phase out the latter.¹⁷⁸

EU Structural Funds financed a major programme: National Strategy 'Vision for Deinstitutionalisation of Children in Bulgaria. This was accompanied by an Action Plan for implementing the strategy. The large institutions were replaced by two kind of services. On the one hand, a large network of foster care families was promoted. These are overseen by Foster Care Units (FCUs), mostly provided under the "Accept me 2015" project. On the other, small residential units, called 'family-type placement centres' (FTPCs) were set up. These are usually small houses where up to 14 children live together, supported mainly by social workers.¹⁷⁹ The EU funded the development of other services such as family consultative services, early intervention, centres for mother and child health. However, these are not yet regulated in a comprehensive manner and require the framework of a shared vision for how this should be done in practice.

During the 2007-2013 and 2014-2020 period, much investment had been allocated to physical infrastructure aspect of deinstitutionalisation, as well as the development and maintenance of the Foster Care system. Significantly less resources have been dedicated on training of staff and supervision, and further development of the quality of services and of case management (See Annex 2.4 on detailed breakdown of EU funded initiatives).

The National Vision and the respective Action Plans, as described in Chapter 1, is trickling down to municipal level, posing new challenges for community integration and organization of services, including staffing and financing. As per CPA and DI Vision, Children with disabilities shall receive specific attention.¹⁸⁰

3.3.2. Practice of alternative care

The case study on alternative care reveals the struggling of the child protection system with a young girl bouncing between the various types of alternative care and failed attempts for family reintegration.¹⁸¹ Nonetheless, it also demonstrates the practice of Multidisciplinary Teams striving to protect the child's interest and searching for a stable care environment, namely through their instruments of the Reintegration Plan involving active meetings between the mother and child. The Centre for Community Support (CCS) is the pivotal point within the CP system from which follow up and consistent monitoring is pursued. However, the case reveals a number of weaknesses which might be systemic.

First, child placement is not a linear process with clear-cut decision points. The system seems to be oriented towards placing children in a stable care environment. However, as the case demonstrates, often parent behaviour is ambiguous and forces the case worker to hold the child in a prolonged situation of itinerarity – or "sitting on the fence" – where it is both in (loose) contact with the biological mother, as well as being permanently placed in foster care. To this insecurity comes the perspective of adoption which is perceived by the child rather as a menace than a horizon of hope. This chronification of an interim situation, which is meant to be a time-bound transition, is also reflected in the findings of the case study: It found that parents use FTPCs as a type of semi-permanent childcare service, where they still maintain loose contact but decline to take up their parenting role. They refuse the child to be enrolled in the adoption register and apply requests for reintegration at regular intervals, but do not come

178 The DI process in Bulgaria – situation, pilot projects and progress – has been documented in a number of publications, see Rogers 2014, Lumos 2015, Sammon et al 2017, UNICEF 2017.

179 For a detailed description see the case study on Alternative care.

180 Children with disabilities are described specifically in Chapter 3.5.2.

181 See case study on foster and residential care

back and work with the CPD and other social services in the community towards reintegration. Thus, the care or reintegration plan that have been prepared by the Centre for Public Support (CPS) need a perpetual revision.

Second, the case demonstrates a weak link of coordination within the social case work, as the communication between CPDs does not seem to be fluent and when shifting cases from one municipality to the other essential context information might get lost. Likewise, the coordination between the – separately set-up – Foster Care Units, that deal with selecting, training and supervising the Foster families, on the one hand, and the CPDs that deal with the case management, including Care and Reintegration Plans, tutelage via court order and the contact with the biological family, on the other, has been smooth in this case. However, a number of respondents from front-line services indicated frictions in the coordination between CPDs and FCUs.

Third, the case also shows that the court order for tutelage, which is supposed to be a guarantee for the best interest of the child, can turn into a conflictive point of decision-making. Court cases on tutelage also frequently generate an immense workload for case workers, both in advising families on administrative procedure as well as accompanying difficult emotional processes and exposure to traumatic experiences, which need to be handled by professional interventions, namely psychologists.

Fourth, the aim of alternative care, be it foster care or family-type placement, could be defined as offering security and opportunity. The first dimension, security, seems to be satisfied by providing a stable physical environment, housing, food and a constant relation to persons of trust. And this is what the monitoring by CPDs mainly focus on. The second dimension, opportunity, however needs the cooperation of the wider community, both public services, such as schools, as well as informal community relations, such as participation in social, sport and cultural life. Reportedly, this dimension is weaker and less under the focus of CPDs. It also is beyond the realm of control and is dependent on responses by municipal institutions, other public services (essentially of the education sector) and community networks.

Fifth, the quality of foster services, in the cases studied, has been found as highly satisfactory.¹⁸² However, the literature and interviews with key informants point towards some systemic contradictions. For one, in the wave of DI the demand for foster parents steeply rose, which possibly led to a focus on quantity rather than monitoring and ensuring the preparedness of the foster parents. This is reinforced by the incentive system. The case study describes how foster parenting has become a profession in an environment of economic precariousness. There is an official distinction between ‘voluntary’ and ‘professional’ foster parents. According to the *Ordinance on Conditions and Procedure for Application, Selection and Confirmation of Foster Families and Accommodation of Children in them* professional foster families must receive additional qualification for raising and upbringing of children by training. Their remuneration is sensibly higher than voluntary families, see case study on alternative care. Since 2017, the figure of “voluntary foster parents” have become marginal with only seven children being placed in this type of care environment.

A number of interviewees, amongst them parents, commented on the rather high remuneration of foster parents, which is in stark contrast to the insufficient social benefits for biological parents or kinship care whose economic situation is often taken as justification for separating the child from its biological parents. Although the selection of foster parents is formally done by the FC panel, the identification is often shared by FCUs and municipal agents. There are no upper age limits for foster parents nor educational minimum standards for professional foster parents. The system for assessing quality of foster services has not yet been settled entirely,

¹⁸² The recruitment of the interviewees was channelled via ASA, see the Methodology for the Field Research in the Annex. This might generate a certain bias towards successful cases, but allows as well to identify best practices.

as the system has grown at such speed. The members of the FCUs oversee the actions of the foster family and pay them monthly visits. FCUs are supervised within the “Accept me 2015” project. The monitoring of the quality of the foster care service and of the FCUs is implemented by a Project Monitoring Team. The focus on assessing the quality of foster care still remains on abiding to formal requirements and covering the basic needs of the child. Due to resource constraints, the system does not always allow for an in-depth follow-up of the psychological, developmental and educational progress of the child by FCUs or CPDs, despite the regulatory provision for care plans and case work. Furthermore, the coverage with alternative care services and the depth of supervision of their quality is highly variant according to regions and is substantially lower in remote and rural municipalities.

3.3.3. Prevention of child-parent separation

While much effort had been done in closing down large institutions and offering alternative care in small homes or foster families, this still means a separation of the child from his or her family. Significant advances have been made towards small scale and community based care options, but the removal of a child from the care of his/her biological family is still not entirely practiced as a measure of last resort, despite recent efforts and substantial judicial safeguards for the best interest of the child.¹⁸³ Likewise, the criteria for recognising that there are situations where child-parent separation could be in the best interest of the specific children, have become more explicit. Having focused heavily on closing large residential institutions during the last decade, now, the dimension of prevention of child-family separation comes up more prominently in the policy discourse, but has not yet reached frontline practice.

The preventive interventions are related directly to the development of support services in the community that enable children to stay with their families. However, the case studies and the interviews with actors and stakeholders show that prevention of family-child separation is still the exception.¹⁸⁴ In practice, still one of the main exit strategies is adoption (for younger children) or keeping children in foster care or residential care until turning 18.¹⁸⁵ Likewise, the reaction of social services is nearly always triggered by negative events that come to the attention of health workers, teachers or the police who then alarm the CPDs. Thus, any action of CPDs starts only with secondary prevention. Consistent programme of primary prevention, that would reinforce parenting skills and identify more vulnerable families before it comes to the decision of abandonment, does not yet enter into the portfolio of CPDs and municipal social services. This has been consistently confirmed in case studies and interviews.

Family-Child separation has many reasons, but entrenched poverty and lack of community support range high amongst them. Thus strategies to prevent family separation have to combine cash transfers, access to services and social work/case management. However, access to minimum income schemes and person-centred services are frequently combined in one

183 In accordance with the provisions of the legislation on the protection of the child and with the basic principles of social work, the placement of a child outside the family is a measure of last resort and is carried out after exhaustion of all support and protection options in the family, except in cases where the life, health and safety of the child are threatened or urgent removal from the environment is necessary. It is essential that any case of accommodation of a child outside the family is based on an individual approach, on a strict adherence to the regulatory procedures and, above all, an up-to-date assessment of the possibility of an adequate and more favourable protection measure to be taken against children. The placement of a child outside the family can only be done by a court decision. It is the power of the court to confirm or reject the administrative measure taken by the SAD. In addition, the work of the child protection system staff shall be subject to continuous monitoring and control by the competent authorities. [from a communication with the MoLSP]

184 See in detail the case study on “prevention of family-child separation”, annex I.1

185 It is regulated by law that the social worker organises periodic meetings to review the assessment and the implementation of the action plan with all interested parties. The meetings are conducted in accordance with the individual case, but at least every 6 months. In the case of prevention of abandonment and reintegration, at least once every 3 months. Furthermore under the Social Assistance Act, the period for the placement of children in specialized institutions could not be longer than three years. In the SSA, which will enter into force on 01.01.2020, the conditions for the use of resident care for children are defined, and the period of use of residential care as a child protection measure may not be longer than two years, and must be reviewed every 6 months. [from a communication with the MoLSP]

professional hand. This confuses the roles. Whilst administering financial benefits requires the role of “gate-keeper”, the personalised support services need social workers who are “case-managers”. Whilst the first role, entails a lot of bureaucratic handling of files, the latter needs a relationship of trust. As described in the literature and the discussion groups, social workers still have to counter the public image of “taking away children”, rather than being accepted as those who engage to help families find viable solution to stay together.¹⁸⁶ This fear is reasonably grounded in historical practices. On the other hand, “poverty and lack of means to support or raise the child” still figures, in isolated cases, as a reason to question the custody of a child, both legally as well as in court decisions.

There is a widely extended phenomenon which has not yet come to full attention of policy makers: “Children left-behind” by EU mobile parents. A number of social workers interviewed referred to parents that emigrate out of economic necessity and often have no specific time horizon for their out-of-country stay. Tutelage of children staying behind are frequently not administratively resolved, and parents keep figuring formally as carers despite their de-facto prolonged absence. Whilst some children are integrated into wider families, namely with grandparents, in other cases parental migration leads to abandonment and neglect.

A specific effort is made on maternity ward services to prevent relinquishment. Still, the orientation towards promoting the biological family as the first choice in many cases has not trickled down to the frontline.¹⁸⁷ Despite clear guidelines by SACP, the practice still seems to depend on individual case workers some of which have professional tendencies grounded in earlier practices, that are now outdated and contrary to international consensus on child protection. Thus in these cases, “prevention” is rather understood as preventing institutional care, specifically for children aged 0-3, but not necessarily the separation from the biological mother.¹⁸⁸ By diverting the new-born to small-scale family-type homes and foster care mothers, the mandate seems to be accomplished.¹⁸⁹ Fortunately, the formulation of social reports as main tools of documenting decision making and professional accountability towards multi-disciplinary teams, allows for better alignment of criteria. To that end, however, more means are needed for training and supervising staff, and oversight needs to be based on real case discussion, beyond formal revision of documents. The review of the standards and mechanism for prevention of abandonment at the maternity ward level through the latest ordinance fosters the coordination of the health care services with the teams of the CPD and CSC services and provides the opportunity for a consultation with a social worker in some hospitals with a maternity ward.¹⁹⁰

3.3.4. Reintegration of children into their biological families

Social workers, involved in reintegration cases, signal that little institutional response is yet given to work with parents on a prolonged basis, to build up parenting skills and to monitor the process of reintegration continuously. Frequently foster care arrangements and the parents are located in different municipalities. This makes two different CPD responsible for the attention. Therefore, the process for transitioning from foster care towards reintegration into biological families gets fragmented because insight knowledge on the best interest of the child and relation of trust with the child and its environment are not handed over.¹⁹¹

186 Bogdanov 2019

187 While separation can be in the best interest of the child, it should be a measure of last resort and clearly established with criteria and protocols for decision taking. See UN 2009 [Guidelines for Alternative Care]

188 This ambiguity is still not entirely resolved in the latest Ordinance on measures to prevent child abandonment (see Chapter 1 for a description)

189 Rogers 2017

190 The ordinance of the recently formulated ordinance on child abandonment (oriented to the social workforce) is mirrored in the Ordinance 26 (oriented to health care workers) which provides obstetric care to uninsured women and medical examinations for pregnant women out of the scope of public care.

191 The amendments to the Ordinance on the Conditions and rules for implementation of measures to prevent the abandonment of children and their placement in institutions, as well as for their reintegration, adopted as of 02.05.2019, aim to improve the work performance of the child protection system, including by improving the interaction and coordination between involved parties. For example, article 3 (1) of the Ordinance expressly states that the measures to prevent abandonment of children and reintegration measures are planned and conducted by the SAD at the current address of the child in a coordinated manner and in cooperation with the SAD of parents' residence.

The research found a number of challenges, some of which are exposed here: (1) the reinforced attempt to encourage family reintegration in some cases has led to a dynamic in which the child bounces between the foster care set-up and the family of origin, at a six month interval. (2) In some cases, a divergence of opinion between the local courts and the social work department on reintegration has been noticed. (3) There is a lack of clear procedures in relation to making and keeping contact with the family of children and young people living in FTPCs. In general, in many services providing and managing alternative care for children deprived of parental care there seems to be a lack of understanding on the importance to maintain the relation to their biological parents, despite the overwhelming evidence in international practice and research on its general positive effect.¹⁹²

3.4. Children in conflict with the law

This section provides a problem-focussed description on how the system of justice for children works in practice.¹⁹³

3.4.1. Protecting children in conflict with the law

The three types of institutions that act locally when children get in conflict with the law are barely coordinated and often follow a different logic, respectively. These are (1) the regular court, prosecution and law enforcement actors; (2) administrative system, at local level namely the Local Commissions and (3) the Child Protection system, at municipal level the CPDs and service providers. The legal ambiguity between “anti-social behaviour”, enacted in the JDA, and “child at risk” of the CPA bounces back on the front-line practice of social workers. The fundamentally punitive approach of much of the juvenile justice systems, limits a more educational or restorative dealing with deviance.

The underlying concept of the JDA is the “anti-social behaviour”, which is defined as ‘*an act that is socially dangerous and illicit or contradicts the morals and the good manners*’. This hugely imprecise concept leaves a wide space for discretion at local level, depending whether the authorities want to channel the case via the juvenile justice system or the child protection system. As the case study demonstrates sometimes these decisions are rather arbitrary, so that it depends on the fortune of the respective child in which of the systems its case is dealt with, either as ‘anti-social behaviour’ or as need for assistance.

Actors at local level do not seem to be aware of the options of alternative handling that are provided for in the Penal Code, namely diversion. Likewise alternative justice methods, such as mediation or restorative justice commonly do not yet enter into the practice of Local Commission on Juvenile Delinquency (LCJD). Therefore the local practice still has a long way to go to fully embrace the principles of detention as a last resort, the right to dignity of the detained child, fair trial and minimum age for criminal liability, and the necessity to offer alternatives to detention.

A specific attention should be put on children deprived of liberty.¹⁹⁴ The Socio-Pedagogical Boarding Schools (SPBS) and the four Correctional Boarding Schools (CBS) are not only a challenge because they do not form part of the DI strategy. In general there seems to be a blurring of institutions that tackle developmental and learning difficulties, psychiatric patterns and mental health issues, and deviant behaviour.

192 See UN 2009 [guidelines], Mulheir and Brown 2013, FRA 2017 [From institutions to community living], Crowther et al. 2017

193 In order to limit the extension, we apply a strict focus on criminal justice process. For a more detailed discussion see the Case Study on Justice for Children

194 The field research for this study did not touch upon this issue. However, for a comprehensive treatment of all options at disposition to the local operations of the Child Protection it seems necessary to signal the “extreme ends” of interventions. On the corrective institutions in Bulgaria see: Baeva 2014, NMD 2017, Institut International des Droits L'enfant 2015, MDAC 2015.

3.4.2. Prevention and early intervention

The prevention of ‘delinquent behaviour’ of children is one of the major functions of the central and local CJD under the JDA. It is regulated as a set of activities of those structures without any reference to the existing current institutions, structures and policies. For instance, the Central Commission is supposed to draft, take part in drafting and propose to the Council of Ministers programmes for education, vocational training, employment etc. (article 8 JDA). In fact, nowadays, this is a mandate of different bodies and there is no such programme submitted to or adopted by the Government.

The notion of „children at risk“ is flexible and ambiguous, and it’s being used in a fundamentally different approach whether in the framework of the JDA or the CPA. Therefore, authorities in charge, service providers and policy makers do not have a common standard or a reference point for clear communication between them, about what “at risk” means. Besides the potential punitive consequences or the threat of family-child separation, the concept of ‘children at risk’ as such has often a stigmatizing effect which then generates a self-reinforcing cycle of exclusion.

The JDA leads to a precautionary practice of “preventive detention” which is not only contrary to international legal standards, namely the CRC, but ineffective in terms of protecting society and helping the child to reintegrate into the community.

3.5. Children in vulnerable situations

Some specific groups of children are identified as having specific vulnerabilities, either due to their ethnic origin, namely Roma, their disadvantages due to disability or their situation as migrants or refugees.¹⁹⁵

3.5.1. Roma children

Roma children suffer deprivation, exclusion and discrimination. This is both due to entrenched poverty as well as to societal norms that exclude and discriminate against Roma. Beyond political systems and historical events, there is a continuum in the Bulgarian history of far-reaching and deep-rooted stereotypes and intolerance against Roma and their (perceived) way of living.¹⁹⁶ Romani Children are overrepresented in institutional care, representing up to two thirds of all children in Bulgaria.¹⁹⁷ There is a widespread segregation of schools, and even in mixed schools, Romani children are referred to separate classrooms.¹⁹⁸ Romani children are more often victims of violence from law enforcement agencies and other state agents. The Bulgarian Government has been called upon reiteratively to advance in measures for full inclusion of Roma, including children.¹⁹⁹ Under-age marriage of Roma girls is reported to be widespread, as are forced marriages.²⁰⁰ Research confirms that these practices can lead to child sexual exploitation, including trafficking.²⁰¹ As a child protection body, SAD through CPD have clearly regulated functions and powers in the work with these children and their families.

195 Despite the significant exposure to vulnerability (see Rorke 2012, D’Arcy / Brody 2015, RCM 2018, 2019, Bogdanov 2019), no specific focus was given in this analytic exercise on the issue of Roma children in the primary research undertaken for it, due to the resource limitations. We therefore focus on secondary sources. Likewise, refugee and migrant children keep being an issue of serious concern, despite the fact that the peak of the arrivals has been reached in 2015 and declined considerably due to European border control measures. No specific primary research could have been undertaken likewise. Some interviews were undertaken with children with disabilities, their care-takers and service providers (see annex).

196 Roma Civil Monitor 2018, 2019

197 ERRC 2011

198 EC 2018

199 EC 2018; ERRC 2016,

200 BHC 2011; ERRC 2016; AfHR, BGRF 2017.

201 EC, 2016b; CSD, 2015b; GRETA, 2015; D’Arcy and Brodie 2015, ERRC 2011

Roma children are particularly vulnerable in all three dimension: lack of parental care, exposure to violence and getting in conflict with the law. Roma children suffer from a double exclusion based on discrimination and poverty. Therefore, specific attention needs to be put on Roma children and youth, to include them in mainstream services and compensate disadvantages.²⁰²

3.5.2. Children with disabilities

In the Region, children with disabilities are almost 17 times more likely than other children to be institutionalised.²⁰³ The situation of children with disabilities in Bulgaria, particularly in institutional settings, has been repeatedly criticized.²⁰⁴ The CRPD has been arguing strongly for substantial reforms in the social assistance, accessibility, and community integration of children with disabilities.²⁰⁵ Whilst Deinstitutionalization generally is lauded as a progressive step, civil society oversight detects this process to get stuck in *transinstitutionalization*, and leaving children with disabilities with little to no communal support for independent living.²⁰⁶ Likewise, much of the European Funding is invested in building and renovation group homes, which can qualify as micro-institutionalization rather than pursuing the goal of community integration. Whilst much alignment to international standards has been achieved on paper, the practice of disability assessment follows a medical approach and the public responses in service provision continues to treat children with disabilities based on old-fashioned institutional care and dependence on family support.

A medical model of disability still prevails. This limits the effectiveness of communal support services for children with disabilities and their families. Services for children with disabilities are often parallel services and segregated from mainstream kindergartens, schools, social, health and other community-based services. A medical view persists equally in early intervention services, which are mainly focussed on maternal and child health rather than provided as multidisciplinary service oriented integrally on early childhood development.²⁰⁷

Furthermore social assistance and allowances are extremely low and do not permit to cover basic needs, independent living and family integration. Users' opinions are not being sought and taken into account on the services provided, neither in their design, their provision or when they are evaluated. Additionally, no systematic complaints mechanisms are in place.

The Child Protection Act subsumes all children with disabilities under the legal category of "children at risk" which guarantees the protection of children. This entails protection from all forms of violence.²⁰⁸ However, civil society reports claim that for a child with disability, placed in any kind of residential care, protection against violence from a person living in the same

202 D'Arcy and Brodie 2015; EP 2017; ERRC 2016; GoRB 2012; GRETA 2016; NMD 2010; Roma Civil Monitor 2018, 2019; Rorke 2012

203 UNICEF 2012

204 BHC 2017;

205 CRPD 2007, 2017;

206 children with disabilities have been considered as a separate priority group in the process of deinstitutionalization of child-care, both in the previous and at the current stage of the process, as well as the results achieved, including that during the first phase of the process all homes for children with physical disabilities and intellectual difficulties were closed. Policies have been developed to support children with disabilities and their families, including the SSA legislative regulation of the "substitute care", as a specific activity, which will create an opportunity to provide support to parents of children with permanent disabilities, families of relatives and close friends, foster families, families and carers in a home environment for adults with permanent disabilities in inability to self-service and for elderly people in a self-service inability. The measures for providing support in home environment by providing two social services - "personal assistant" and "social assistant" – are also contributing to the measures to support children with disabilities and their families. An essential element of the measures taken to support families raising children with disabilities are the allowances under FACA. In 2017, a new type of monthly allowance was introduced for the rearing of children with permanent disability, which aims at assisting families in their upbringing in the family environment and their social inclusion. (communication from MoLSP)

207 Rogers 2016, Spirov and Gyllensten 2016; CRPD 2018;

208 FRA 2017a, 3 (Selected Passages)

service or from staff is practically unavailable.²⁰⁹ Children with disabilities require a specific attention, both by in terms of fostering full inclusion in the community as well as protecting them against violence. More effort is needed to prepare mainstream services to include children with disabilities, namely in ECEC, schools, vocational training and work-places. Likewise, Access to justice for children with disabilities has been highlighted as an area where further reform is needed.²¹⁰

Our research, however, detected some positive practices in some of the day-care centres that were inquired into.²¹¹ Amongst the factors for success the following issues were identified by service directors and social workers: (1) a strong leadership of the institutional oriented at social values, often provided through independent licenced NGOs, (2) a clear definition of protocols and care plans, oriented through guidelines provided through CPD, and the proactive oversight of SACP, (3) a multidisciplinary team with systematic human resources development, supervision and intervision and action to maintain staff motivation (beyond monetary compensation which is generally agreed to be too low and does not compare to similar remunerations such as for teachers), (4) outreach to other comprehensive public services, and (5) a listening and supportive relationship to families and the wider community. These centres of excellence – based on a mix of leadership, oversight/guidance, staff development, embeddedness in social services and client orientation – which is achieved in some structures, could be a guiding light for further development of the system as such.

The case study on alternative care highlights that the new service provision structure of FTSP stills needs to be adjusted to serve the specific need of all children with disabilities. Little effort is put on initial examinations in order to determine the best care option. Children with disabilities of various natures are cared for in a common environment which might help with socialisation but could prove to be detrimental for the development of children. Also, medical care is only provided by municipal GPs, which might make a return to all-inclusive institutional options more attractive in the light of the lack of specific home visiting offers.

3.5.3. Migrant and refugee children

The European Consensus on CPS foresees transnational and cross-border mechanisms to be in place.²¹² In principle, children from refugee and migrant families shall have access to the same services than autochthonous children, along with supporting the integration of these children in Bulgaria (i.e. ideally, have them accommodated in the same public services as children who are Bulgarian citizens, rather than separating them). Furthermore, due to their specific vulnerability, targeted protection schemes are needed. This applies specifically to unaccompanied minors. Migrant and refugee children are also more vulnerable against violence, specifically sexual based violence.²¹³ Bulgaria has been in the centre of the refugee movement which saw a peak in 2015. Migrant and refugee children in Bulgaria have not been the specific attention of this report. A number of evidence have been gathered in other studies.²¹⁴

209 Bogdanov / Zahariev 2018; EP 2014; NGO/DPO Group 2017; MDAC 2015; BHC 2017; Woodin 2017; Bogdanov 2019

210 MDAC 2015

211 Whilst there is a clear contrast to the general issues of concern identified by the CRPD and the shadow reporting procedures above mentioned (which might be due to a sampling bias because of the selection process facilitated through ASA), we consider it useful to highlight some of the good practices that come out in the interviews for further learning.

212 EC 2015 (10 principles)

213 UNICEF 2018 (Mapping of GBV Services for Refugee)

214 BHC 2017; Bogdanov 2017; CoE 2015; CRPD 2017; CSD 2015; EP 2017; GRETA 2016; NMD 2016, 2017; Tisheva, Macheva, and Hadjimitova 2017; UNICEF 2018

3.6. Conclusions on Implementation

This chapter has provided an overview on the working of the child protection system focussed namely on the work of the CPDs and their on-the-ground coordination with other departments, as well as their specific operability towards the key topics of child protection: violence against children, alternative care and justice for children.

The following conclusions come up

- After years of intensive reforms, principally driven by the DI process, the local services see themselves immersed in a process of restructuring and settling-in. The case-management is defined by procedures and protocols, but the quality of its operationalization on the ground is still arbitrary as staff training, oversight and supervision is mostly formal and does not yet support an integrated quality management based on monitoring the development of each child.
- The day-to-day practice of determining the best interest of the child could be better structured and guided in order determining the best protection measure for children. To that end a combination of guidance by SACP, definition of protocols by ASA, training of case workers and monitoring and supervision beyond formal checks of accounts need to be reinforced.
- The surrounding systems of the social services which form an integral part of the Child Protection System, such as justice, police health and education, do cooperate with the CPDs, but a more formal approach and local coordination practices could enhance effectiveness of the intervention and avoid that cases fall through the grid of detection, which leaves them to further deterioration until their severity finally triggers the attention of either police or social work.²¹⁵
- The system is still focussed on reactive interventions and when the situations are already in very critical stages and multiple vulnerabilities exacerbate the effects on children. A preventive approach has not yet taken root. Given the stress of workload and the reform back-log, a systemic shift towards more upstream interventions can only be taken if high level priority is communicated to frontline staff and supported by respective reorganization of means. CPDs and Social services need to cooperate with other sectors – such as health and education – that are still to take up their role in preventing the need for child protection. A focus on “investing in children” could avoid much suffering, as well as ultimately save public funds necessary for downstream interventions.
- Poverty remains a persistent factor of family-child separation. A smart combination of social benefits and integrated enabling intervention for families, which include access to housing, active labour market policies and social work at schools, could provide better solutions for destitute families and protect their children.
- Justice for Children awaits a comprehensive reform shifting from a punitive to a reintegration approach. This will need top-down legal and policy reform. However, alternative concepts of justice – such as diversion, mediation or restorative justice – are available even within the current Penal Code and JDA. The SACP could promote best practice and guidelines to into the practice of Local Commission on Juvenile Delinquency (LCJD), to inform the pending reform with bottom-up experiences.
- The court system and the proceedings that involve children, both when in conflict with the law, as victims or in civil proceedings such as divorce or placement decision, need a comprehensive revision, that departs from the best interest of the child. Measures have to be devised to protect children from unnecessary strain as well as to have their voice systematically taken into consideration.

²¹⁵ The CPA amendments, which are to enter into force in January 2020, foresee a coordination mechanism against violence. Thus the coordination will be anchored in the legislation and this will regulate and formalize officially these relations.



EF Bulgaria/2017

FINANCIAL ANALYSIS OF THE CHILD PROTECTION SYSTEM

4. FINANCIAL ANALYSIS OF THE CHILD PROTECTION SYSTEM

This section aims to provide an estimate of the financial resources dedicated to the child protection system. The analysis focuses on the core budget related to the child protection system, including the ASA, SACP, and municipalities. The wider expenses linked to the child protection system, such as the expenses of institutions listed as having responsibilities in respect to the Child Protection Act or involved in various coordination mechanism,²¹⁶ have not been taken into account due to the significant overlap with other systems and responsibilities, and lack of transparency of such detail of budgetary data. There are two broad objectives in this section:

- **To assess the overall amount of the funding related to the core institutions** within the child protection system, in particular (1) the relevant part of ASA's and SACP's budget; (2) the total delegated amounts from state budget to municipalities for child protection; (3) the total EU funding / government bilateral aid, namely to (a) central administration and (b) municipalities for CP; (4) the total municipal funding for CP in terms of service maintenance; CP Programmes, staff costs; (5) the amount funded by private donors (to NGOs or state institutions);
- **To highlight the most pressing problems related to the financing of the system.**

The assessment indicates that in 2018, the core funding for the provision of child protection in 2018 was **BGN 227.912.211**. Further explanations and details are provided in the sub-sections below.

Table 2: Annual sources of financing of the child protection system (2018, BGN)

SOURCE	INSTITUTION	2018 BUDGET
State budget programme "Child Protection through Transition from Institutional Care to Alternative Care in a Family Environment"	Ministry of Labour and Social Policy through its secondary budget spending authorities – The Agency for Social Assistance (ASA) and the State Agency for Child Protection (SACP)	20,343,100
Delegated state budget for social services for children	Municipalities	141,752,993
Municipal funding (estimated)	Municipalities	16,133,952
Project-based European Union funding	Ministry of Labour and Social Policy	44,325,733
Donations (estimated)	Private social services providers NGOs	5,356,433
TOTAL		227,912,211

Source: Ministry of Finance on ASA, SACP, and municipal delegated budgets, EU funding; Municipal funding based on extrapolation of data from the municipalities of Sofia, Burgas, Russe, Blagoevgrad, Varna, Plovdiv, Dobrich, Stara Zagora, Veliko Tarnovo, Vratsa, Gabrovo, Kardjali, and Kyustendil; Donations – estimated based on budgetary data from six NGOs (SOS Children's homes, Foundation "For Our Children", Cedar Foundation, Foundation Concordia Bulgaria) for 2017 or 2016 (Karin dom).

State budget

The work of SACP and the child protection departments of ASA is mainly covered by the state budget programme "Child Protection through Transition from Institutional Care to Alternative Care in a Family Environment".²¹⁷ In 2018, 47.6% (BGN 9 688 100 or EUR 4 953 447 euro) of financial resources are allocated to institutional expenses, while 49.6% (BGN 10 105 000,

²¹⁶ Police and Ministry of Interior, Judiciary (Courts / Prosecution), Institutions related to trafficking in human beings, Institutions related to protection of unaccompanied migrant children, Educational institutions, Healthcare institutions, Ministry of foreign affairs, Child Delinquency Commission.

²¹⁷ GoRB. 2017. Decree No 332 of 22 December 2017 on the Implementation of the State Budget of the Republic of Bulgaria for 2018.

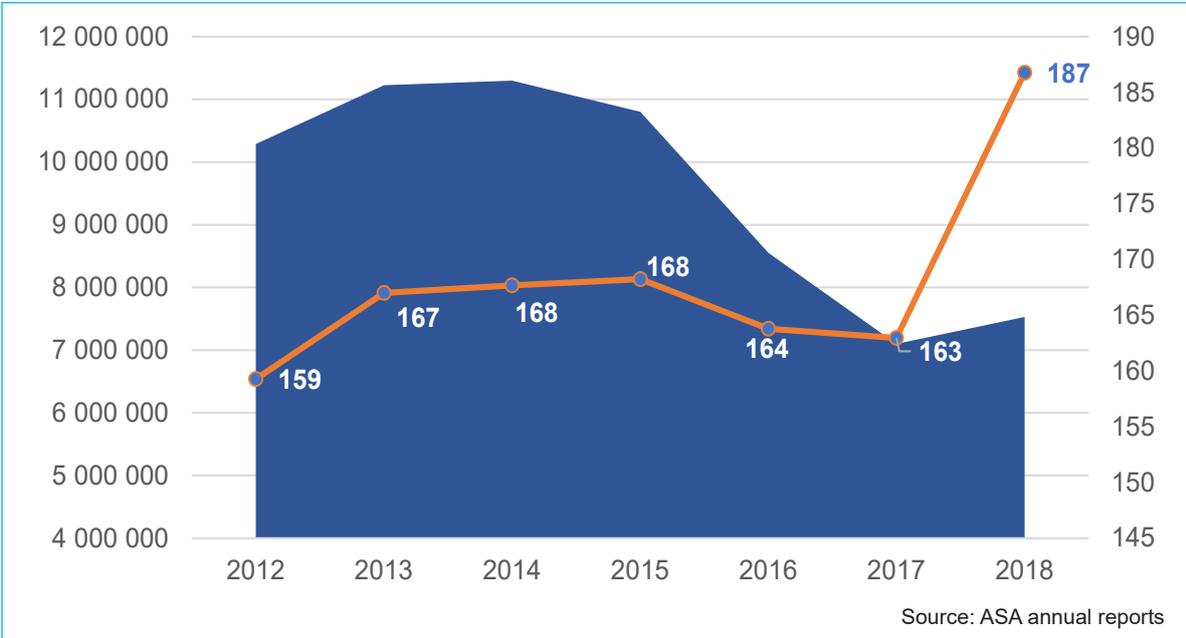
EUR 5 166 605) to targeted financial assistance for children and families under the Child Protection Act (CPA) (see Annex II.4 – financial analysis).²¹⁸

The institutional expenses are allocated to salaries (87.6%), operational expenses (12.4%) and capital expenditure (0.05%). The capital expenditure is negligent in comparison to the overall budget, but this is commensurate with other ministries and agencies, which largely depend on EU funding or ad-hoc funding for major capital investment.

The 2019 budget for salaries is mainly allocated to the ASA (84.5%, BGN 8 183 600 / EU 4 184 208) and SACP (12.0%, BGN 1 166 000, EUR 596 166). However, assuming that this budget programme covers the staff of the child protection departments of ASA and that the budgeted job positions are 883,²¹⁹ the average monthly allocated budget for a social worker is only 772 leva (394 euro) (see further information on the salaries in the sector in the box). The financial data also confirms that the operational expenses are underfunded. Interviewees noted that there are not enough state budget resources for provision of trainings and supervisions.²²⁰

The second aspect of the spending concerns the provision of financial support **for prevention of abandonment, reintegration and placement of children in families of relatives**. Figure 6 shows the trends in their total amounts in the period 2012 - 2018. Since 2015 the total amount paid as financial support under the CPA has decreased substantially with approximately 33% (from 11 227 026 leva in 2013 to 7 528 794 leva in 2018). This decrease could be largely attributed to the drop in the average monthly number of cases, where such financial support is provided (from 5602 in 2013 to 3359 in 2018 or approximately 40% decline). This substantial decrease, however, was not accompanied by an increase in the average amount of the individual financial support provided.²²¹ Only in 2018 it was increased with 12%.

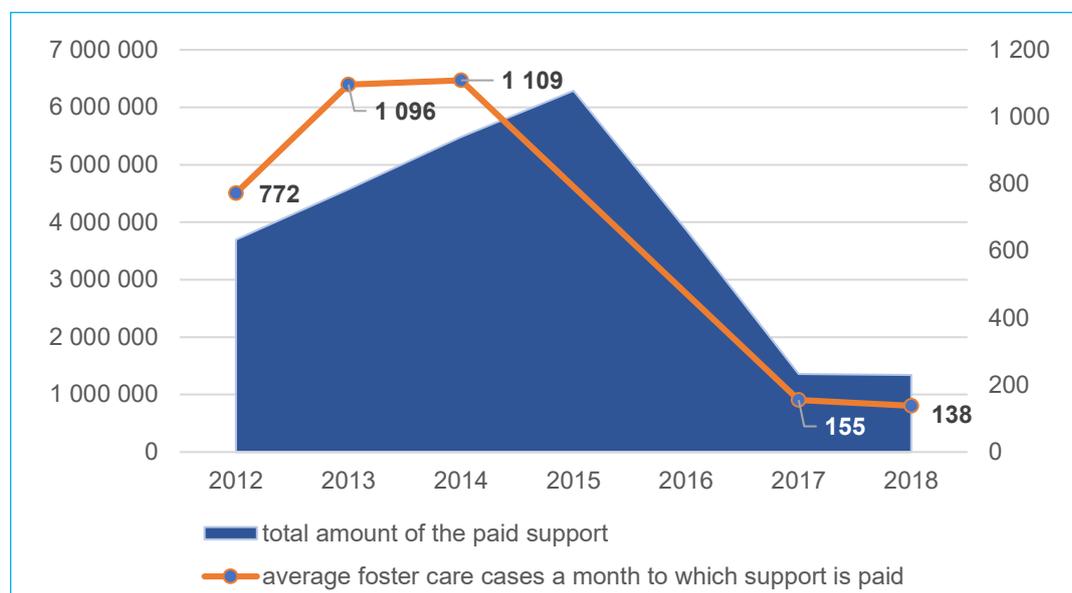
Figure 6: Total Amounts for prevention and reintegration support provided under the Child Protection Act (2012-2018, BGN)



218 These are not to be confused with general social assistance benefits.
 219 GoRB MLSP. 2018.
 220 SF-ASA-SAD, SF-NNC-E, SF-ASA-SAD.
 221 It is calculated by dividing the total amount of support paid by the number of months (12) and the respective average monthly number of cases.

Similarly, the state funding for foster care decreased sharply with the starting of the 2015 EU-funded foster care project (Figure 7). From 2015 to 2018 there was a 79% drop in the amount of state financial support paid for foster care. Thus, the European Union funding successfully covered some of the state budget costs for child protection.

Figure 7: Trends in the financial support for foster care provided under the Child Protection Act



Source: ASA annual reports. Data on cases missing for 2015 and 2016

The comparison between the allocated state budget and the paid financial support under the Child Protection Act shows that the administration does not manage to utilize all available resources (see Annex II.4 – “financial analysis”). In 2018 13% (1,106,206 leva, 565,594 euro) of the allocated state budget for financial support on prevention of abandonment and reintegration cases and 9% (128,844 leva, 65,877 euro) of the budget for foster care under CPA was not spent. In this regard, one of the interviewees noted that the extent to which a social worker understands how to use properly the financial support in prevention of abandonment and reintegration cases differs according to his/her experience and training. In addition, the procedure does not always allow the provision of immediate urgent financial support for children at risk.

Apart from the financial support under the CPA, there are various other types of financial allowances provided to families with children, such as one-time childbirth support and monthly support for raising a child up to one year of age (see Annex II.4). While these are general allowances provided to all families with children, they have a role in ensuring the proper care for children and thus contribute to the prevention of abandonment policies. Families with low income are also entitled to monthly child-raising allowance, provided that the child is not placed outside the family under the CPA and that the child attends school regularly.²²² The conditions for the provision of such assistance and its abuse regularly attract media attention. In the beginning of 2019, there were proposals for legislative changes providing the suspension of these benefits, when the child makes five unexcused absences from school.²²³ While the measure aims at ensuring responsible parenting, it might put more families with children in dis-

222 Family Child Support Act (Закон за семейни помощи за деца), In force since 01.04.2002, Last amended 30 April 2019. Available from: <https://lex.bg/en/laws/ldoc/2135441920> [Accessed 19 April 2019]

223 Tightening the rules on provision of family benefits (Затягат правилата за получаване на семейни помощи) Available from: <https://www.investor.bg/ikonomika-i-politika/332/a/zatiagat-se-pravilata-za-poluchavane-na-semeini-pomosh-ti-279588/> [Accessed 19 April 2019]

advantaged financial position and thus increase the risk of abandonment. This situation has been denounced recently by the Council of Europe's European Committee of Social Rights who found that certain provisions of the Family Allowances for Children Act in Bulgaria violate the right to appropriate social, legal and economic protection for the family. They are also found to be discriminatory against Roma, particularly towards Roma girls.²²⁴

Delegated state budget

Annually municipalities receive budget for the state delegated activities, including the social services for children and the Local Commission for Combating Juvenile Delinquency, prevention centres and cabinets for consultations (see Annex 2.4). It constitutes approximately 62% of the overall financial resources for child protection. The allocated delegated budget is calculated on the basis of standards, developed and adopted by the Council of Ministers annually.²²⁵ According to interviewees²²⁶ these standards are not sufficient and ensure the bare minimum for the functioning of the social services. The problem is more immediate with regard to the 24/7 services, such as family-type placement centres, where the provision of adequate care without some co-financing is almost impossible. Cases of violence in such family-type placement centre have been attributed to the inadequate financial standard: that does not address the specific needs of children and youth and does not provide for adequately qualified and trained personnel.²²⁷ To partially address the underfinancing in 2019 the financial standard for the types of family-type placement centre was increased with between 11-13%.

The municipalities either develop and manage the social services themselves or procure them to an external provider. In the former option, they manage to redistribute the delegated budget between the various services and compensate to a certain extent the underfinancing. Furthermore, they can use the residue from the delegated budget from the last year. A review of the financial reports of the municipalities showed that some of them do not manage to spend all allocated state financial resources to social services.

In the cases, where the social services are procured to a private provider, their only option is to try to raise donations to cover any additional costs. Another challenge before the private providers is that they have the status of a third-level budget spending authority, which prevents them from fully managing their budget and acquiring fixed assets.

The new Social Services Act introduces different rules on the financing of the social services. While the supplementary ordinances would provide more clarity on the intended new model for financings, the following rules will apply:

- The long-term planning of the social services by the state budget will be based on on the National Social Services Map.
- The standard for the state-delegated activity for each social service will be determined on the basis of the type of social service, the way the social service is used, the environment for provision of the service, the type of the client, the duration of provision of the social service, the quality standards and the requirements for qualified personnel.

224 CoE statement on the compliance of Bulgarian social benefit practice with the European Social Charter: <https://www.coe.int/en/web/portal/-/bulgarian-legislation-on-family-allowances-for-children-violates-certain-provisions-of-european-social-charter>

225 Decision № 667 of 1 November 2017 amending and supplementing the Council of Ministers Decision No 286 on the adoption of standards for delegated by the state activities with natural and value indicators in 2018 (Решение № 667 от 1 ноември 2017 година за изменение и допълнение на Решение № 286 на Министерския съвет за приемане на стандарти за делегираните от държавата дейности с натурални и стойностни показатели през 2018 г. Available from: <http://www.minfin.bg/bg/96> [Accessed 19 April 2019]

226 Open letter regarding the family-type placement centers and the deinstitutionalization process. (2018) Available from <https://sosbg.org/news/otvoreno-pismo-po-temata-za-tsentroвете-za-nastanyavane-ot-semeen-tip-i-protsesa-na-deinsti-tutsionalizatsia-na-detsata/> [Accessed 19 April 2019]

227 Open letter regarding the family-type placement centers and the deinstitutionalization process. (2018) Available from <https://sosbg.org/news/otvoreno-pismo-po-temata-za-tsentroвете-za-nastanyavane-ot-semeen-tip-i-protsesa-na-deinsti-tutsionalizatsia-na-detsata/> [Accessed 19 April 2019].

While there is lack of clarity on the details of this model creates risks and opportunities, unless information management on CP cases, as well as risk assessment and quality standards methodologies substantially improved, the **risks of ineffective distribution of funds and oversight will be quite real**. The ambition for a more effective and fairer distribution of the available funding will not materialize.

Municipal funding

The municipal budget could either co-finance the state delegated social services or provide additional services. The review of the planned budgets of the municipalities for 2018 showed that some regional cities manage to secure co-financing of the social services for children. However, the share varied greatly – from approximately 20% in Varna to 0% in Dobrich. Based on the data from regional municipalities and assuming that smaller cities do not co-finance the social services, the municipal co-financing was calculated as 2% of the delegated state budget for social services for children.

Some of the bigger municipalities (Sofia, Varna, Plovdiv) also manage to allocate own resources for the provision of additional local social services. Their planned budgets for 2018 does not indicate how these municipal funding is distributed among different types of social services for children, adults and elderly. Based on the description of the municipal activities, it could be assumed that at least 60% of them are directed towards children and families. In 2018 Sofia municipality provided close to 8 million leva and Varna 4,5 million leva for further developing their local services. In Sofia the funding is following the strategic priorities of the Regional strategy for development of social services in Sofia region (2016 – 2018).²²⁸ Some municipalities also manage to provide financial support to local children at risk through decisions of the municipal council.

Although gathering data on the municipal funding for child protection and on the implementation of their municipal programmes for child protection is difficult, it could be suggested that there are significant differences between the capabilities of the stronger economic regional centres and the poorer cities. There is a need for development of electronic system gathering data on the financing of policies focused on children. This will provide a better idea of the regional differences in the investments on children.

Salaries in the child protection system

The salaries of social workers within both the Child Protection Directorate and the social services are close to the minimum salary for the country. With regard to the Child Protection Directorate, up until the end of 2017 the average salary of a social worker there was 661 leva (approximately 338 euro) and with a 10% increase in 2018 it reached 717 leva (approximately 367 euro).²²⁹ At the same time, the average salary in the education system reached 1273 (approximately 650 euro) in 2018.²³⁰ It is also evident from the feedback to the survey that this lag in the level of remuneration compared to similar positions creates significant frustration among social workers. Most respondents (98.1%, n =581) considered that at least 40% increase of their net salary is needed to feel motivated at their workplace. The management officials within ASA also considered that **unless the salaries within the Child Protection Directorates are increased, all efforts to improve the implementation of the child protection policies would be useless. Salaries should be also increased within the State Agency for Child Protection.**

228 Regional strategy for development of social services in Sofia region (2016 – 2018) (Областната стратегия за развитието на социалните услуги в област София (2016 – 2020 г.)) Available from <https://www.sofia.bg/social-protection-strategy> [Accessed 19 April 2019].

229 GoRB MLSP. 2018.

230 National Statistical Institute data on average salary at national level. Available from: <http://www.nsi.bg/bg/content/3928/%D0%BD%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%BE-%D0%BD%D0%B8%D0%B2%D0%BE> [Accessed 11 April 2014].

With regard to the workforce of the social services, the interviews suggested that there are no significant differences in the remuneration compared to the Child Protection Departments. The interviewed directors of social services also considered that with the current state standards they hardly manage to provide decent remuneration to their employees. The policy of increasing the minimum salary led to gradual remuneration alignment between the specialised and non-specialised personnel of the centres, which further hampered the recruitment of qualified personnel. Overall, the limited increase of the salaries of the social workers and psychologists in the last years combined with the increase of the minimum and average salary in the country led to deterioration of the living standard of the working in the sector.

European Union funding

European Union funding for child protection policies in Bulgaria comes from both the European Regional Development Fund and the European Social Fund through three operational programmes: „Regions in growth“, “Human Resources”, “Science and education for smart growth” (see Annex 2.4). In the 2014-2020 financial period, the largest share of the support is allocated to the foster care project (44%, annually 19,486,285) and 12% is allocated to projects related to the development of services for early child development.²³¹ The other initiatives supported cover capacity building for social workers and development of new standards for social services. The European Union funding has contributed to the introduction of innovating practices in the protection of children at risk and the improvement of capacity of the relevant institutions and social services providers in delivering support to them. At the same time, however, in some cases it has been used to substitute state funding.

Donations

In order to account for the donations in the system, information was extracted from the annual reports of the five most prominent social service providers and non-governmental organisations working on child protection.²³² The available data shows that the share of donations from the total income of the NGOs varied between 38% - 44%. The overall donations of the five organisations constituted only 2% of the financing of the child protection system. Some of the NGO had also some negligible income from their small social enterprises. However, the gathering of donations and the management of social enterprises requires internal capacity of the organisation, which only a few organisations in the country possess.²³³

Conclusions and recommendations on financing of the child protection system

As a first step in optimizing the financing of the child protection system, **the authorities should develop a mechanism to regularly assess how much and how effective resources are invested in children in general and in children at risk.** The current analysis showed that there is limited information about the overall resources invested in in the child protection system and services, as there is no understanding of the financial and material resources that municipalities and NGO partners invest. A comprehensive financial analysis and an assessment of the actual funding of the child protection system would:

1) **Provide an opportunity for central and municipal authorities to start discussing the contribution of the municipal authorities to the delegated social services.** Such discussions should concentrate on the resources needed by municipalities to carry out the control tasks entrusted to them by the new Law on Social Services Act (see Chapter 1); their experience of municipalities in managing social services; their understanding of how much resources are needed for their proper functioning of the social services.

231 For a more detailed breakdown on investment in child protection and the European contribution, see the Annex II.4

232 Annual reports of the organisations (SOS Children's homes, Foundation “For Our Children”, Cedar Foundation, Foundation Concordia Bulgaria) for 2017 or 2016 (Karin dom).

233 Ibid.

2) Provide information for development of a model for financing of the social services.

According to the current evaluation the established state standards manage to cover only the basic social services of children. A proper system should be based on funding the actual needs of the children in social services, such as need for psychological support, rehabilitation, legal consultation.²³⁴ The funding of the social services should also ensure adequate remuneration of their qualified staff. The adopted provisions on financing of the delegated social services in the new Social Services Act are a step in the right direction and the future implementing ordinances should make sure that the actual needs of the children in social services are the cornerstone in the development of the state standards. In addition, clear rules on how the new standards for social services are adopted should be introduced. These rules should list the mechanisms for consultations of the amounts and ensure that the opinion of the institutions managing the social services (municipalities and NGOs) are taken into account.

Implementation of the new financing model

The implementation of the new approach to financing of social services under the Social Services Act should go hand in hand with improving the information management on CP cases (see Chapter on Focus on Data), as well as improvement in the assessment of risk and of quality standards methodologies (see Case Studies). This will help avoid **ineffective distribution of funds and oversight will be quite real**, as it will needs for particular services will be better identified and control institutions will be better placed to assess necessities of children and the management of the cases.

Financing of the CPDs and the CP System

Consider gradual benchmarking of salaries in the CPDs, social services and SACP with the educational system: While the under-financing and low-pay are well known issues, unless certain types of salary benchmarking for ASA staff to related systems, such as educational system is introduced, there is real risk that staff turn-over rates will increase. A significant number of ASA Staff has the educational qualifications to move into the educational system, and prolonged difference in salary rates may have such a 'displacement' effect.

Balancing the budgets in the CP system: The underfinancing of the ASA, directly affects the quality of the management of child protection cases. The insufficient operating expenses, and in particular lack of means of mobility directly affects the quality of case management and increases the inefficient use of the available workforce. If inadequate means of mobility limits the ability of a social worker to visit children and families, then either quality suffers (i.e. cases are managed via less visits) or efficiency suffers (as one social worker can handle a much smaller number of cases).

EU Funding Priorities

Priorities for the 2020-2027 Financial Period are already being defined, and the main focus should be on improving the quality of social services and case management. The further expansion and integration of (IT) systems, capacity of social workers, building the capacity of municipalities and the AQSS to fulfil their new mandate should be amongst the key priorities for the new Multi-annual Financial Framework.

²³⁴ This includes the need of additional human and financial resources in cases of unaccompanied refugee and migrant children, including when they are GBV survivors, e.g. social workers, cultural mediators, interpreters, etc. to address language barriers, cultural specificities, additional professional assistance with rare practices for the Bulgarian context forms of violence (e.g. FGM), see UNICEF 2018 [Mapping of GBV Services]



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SOCIAL SERVICE WORKFORCE

5. SOCIAL SERVICE WORKFORCE

The existence of competent and committed social service workforce is a key driver of effective social protection and child protection systems including successful prevention and response to violence, poverty, discrimination and social exclusion.²³⁵ It adopts the definition of social service workforce provided by the Global Social Service Workforce Alliance (GSSWA) that states “paid and unpaid, governmental and non-governmental, professionals and para-professionals, working to ensure the healthy development and well-being of children and families. The social service workforce focuses on preventative, responsive and promotive programmes that support families and children in communities by alleviating poverty, reducing discrimination, facilitating access to services, promoting social justice and preventing and responding to violence, abuse, exploitation, neglect and family separation.”

This chapter provides an overview of the state of play of social workforce within the Agency for Social Assistance, with a focus on the child protection department’s staff. Many of the issues discussed in this chapter also apply to the social workers employed by municipalities or social services providers (either municipal or NGO run), but they fall outside of the scope of this analysis. The chapter examines all aspects of the social work force – from recruitment and qualification issues, to professional development, and oversight and management.

5.1. Qualification

Unlike other related professions such as school teachers,²³⁶ the minimum professional qualifications required for the position of a “social worker” is a high school degree. The ordinance for career development of the social workers further includes a requirement for possession of a specific knowledge of the *goals* of social work, ethical standards in working with clients and the legal framework for social protection, and some additional soft skills (teamwork, computer literacy).²³⁷ There is a requirement for a bachelor’s degree for the positions of chief social worker, but no **specific areas** of education have been mentioned²³⁸. Similarly, while higher education is required for heads of child protection departments (CPDs)²³⁹, there are no specific educational or professional qualifications requirements (such as specific academic degrees or number of years of experience) stipulated in Social Protection Act or other relevant laws. In addition, there is no requirement for specialisation on child protection or any prior experience working with children.

235 Olofsson, G. et al. 2010 and UNICEF 2018 [Concept note, Europe and Central Asia regional conference on planning, developing and supporting the social work and social service workforce, 18 September 2018]

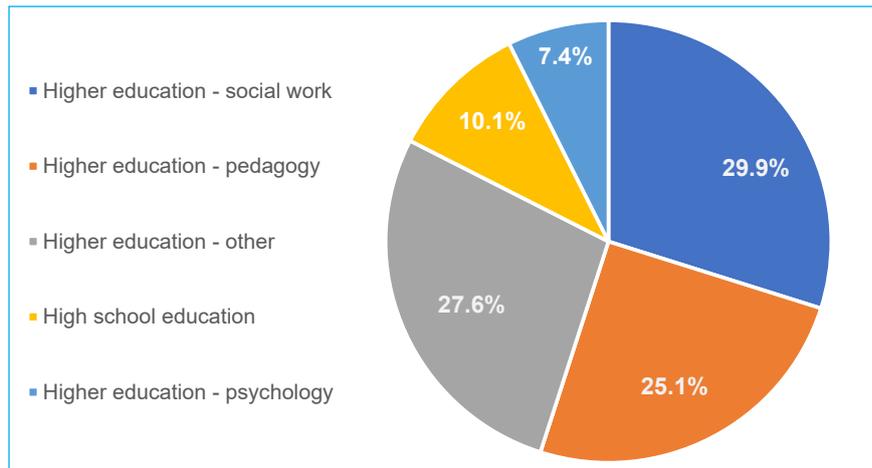
236 See GoRB. 2016. Ordinance on State Requirements for the Acquisition of professional qualification „teacher“, in force since the school year 2017/2018. The requirement is the possession of a university degree in pedagogy or in the professional area of the study subject.

237 Article 9.1 of GoRB. 2012. Ordinance for career development of social workers in the State Agency for Social Assistance.

238 Ibid. articles 9.2 and 9.3

239 In accordance with article 7.8 of the Civil Servants Act.

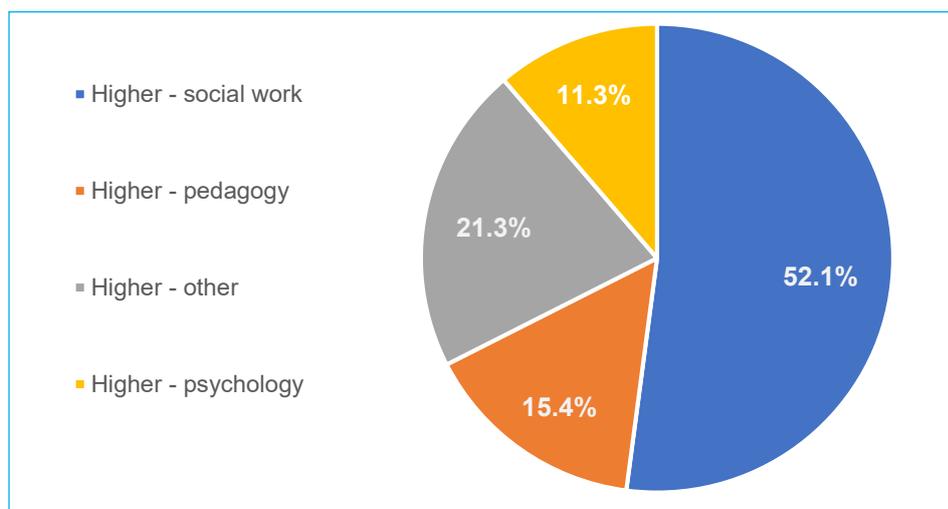
Figure 8: Type of education degrees among social workers



Source: Online survey results

Despite the low education standards, about **90% of the Agency for Social Assistance (ASA) social workers possess a university degree**. Approximately 10% (n = 44) of the social workers who participated in the survey stated that they have only high school education²⁴⁰ (Figure 8). The administrative data of ASA also shows that around 8% of the social workers have only high education. Interviewees²⁴¹ explained that despite the minimum requirements set in the legislation, there is a preference towards candidates with higher education in recruitment procedures. Nevertheless, it is apparent from the data that the low qualification of the social workforce is an issue in a number of territorial Child Protection Units. While in 73% (n = 107) of the departments there were no social workers with only high education degree, in 6 departments (Valchi Dol, Dimovo, Kozloduy, Mezdra, Chiprovtsi, Batak) the majority of the staff had only high school education. The main challenges in attracting qualified candidates are faced by small municipalities, where there are few candidates with university degrees due to a combination of socio-demographic and economic factors affecting these regions (such as population decline, poorer access to university education, better opportunities in bigger cities). According to the interviewees²⁴² this is the reason why the legislator has decided to include only “high school education” as a job position requirement and make sure that the available job positions are filled.

Figure 9: Type of education degrees among chief social workers and head of units



Source: survey results

240 Based on 435 survey respondents who stated they are a “social worker”, answered the question about the education degree and had a survey fill-in time of above 3 minutes. The category “higher education - pedagogy” includes both social pedagogy and general pedagogy. According to a clarification provided by a representative of Sofia University “St. Kliment Ohridski” the social pedagogy prepares, as well as the “Social activities” specialty, prepares social workers. The preparation there is quite different from other pedagogies that are teachers’ professions.

241 SF-ASA-CPD, SF-ASA-SAD.

242 Ibid.

While most of the respondents had a degree in a relevant field (such as social work, pedagogy, psychology), **about one third of ASA social work force (27.6%, n = 120) had a degree in an area unrelated to social work, such as engineering, agricultural studies, economics, business management.** Similarly, interviewees²⁴³ or survey participants expressed concern that some of the social workers do not have relevant educational background and prior experience with social work when being hired. Most survey respondents agreed that there is a need for increasing the minimum educational qualification for new candidates for the position of social worker with 82% (n = 482), stating that it will increase the overall social workforce motivation. While all chief social workers and head of units who participated in the survey asserted that they have a university degree, only half of them studied social work (52.1%, n = 125) or pedagogy (15.4%, n = 37) (Figure 9).²⁴⁴ These results show that at least for the higher positions within the administration, the appointed persons have better and more adequate qualifications.

The pool of potential candidates for social work positions is not particularly large. Thirteen universities in Bulgaria offer social work training at bachelors, masters and PhD level programmes²⁴⁵. They are located in different parts of the country and there is at least one university offering publicly sponsored social work education in each of the country's six regions. In 2018 there were 2142 students studying social work and a successful graduation score of 84.6%.²⁴⁶ No data is available for the students, graduating in social pedagogy, which also offers education, adequate to the requirements of the social work profession. This means that only a 400-500 new graduates per year, but only half of them seek employment related to social work (49.3%). According to an interviewee²⁴⁷ the educational programmes offer a good balance between practice and theory. They provide for a compulsory internship, but there is still a limited use of real field cases in the educational process due to data privacy concerns²⁴⁸. On the other hand, data from the university ranking system shows that the social work programmes scored **worst** in terms of evaluation of the employers of the knowledge and practical skills acquired by the students.²⁴⁹ Similarly, the students also considered that the university education did not properly prepared them for the practical work²⁵⁰. In addition, despite the availability and accessibility of educational programmes on social work, students are often poorly motivated, and many enrol in social work degrees because of their poor entrance exams scores, and later try to move to other degrees.²⁵¹ This is evidenced by the relatively low average score of the high school diploma of the students enrolling in social work university programmes.²⁵²

5.2. Recruitment and staffing

Interviews and administrative data suggested that there is a problem with recruitment and high-staff turnover only in some departments. For example, the respondents in the three sites visited (Stara Zagora, Knezha, Cherven bryag) did not consider it a significant issue. Indeed, in 2018, 48% of the Child Protection Departments did not have any vacant positions or people resigning.²⁵³ However, in some very small departments, consisting of only 2 social workers, a vacant position or a resignation could lead to significant disruption of the work process

243 SF-ASA-SAD.

244 Based on 240 survey respondents who stated that they are "chief social worker" or "head of Child Protection Unit", answered the question about the education degree and had a survey fill-in time of above 3 minutes.

245 Bulgarian University Ranking System Available from: <http://rsvu.mon.bg/rsvu3/> [Accessed 4 March 2019]

246 Ibid. The Bulgarian University Ranking System, however, did not provide for the statistics for the number of students graduating in social pedagogy.

247 SF-ASA-SAD.

248 Ibid.

249 Bulgarian University Ranking System.

250 Akesson, B. 2016.

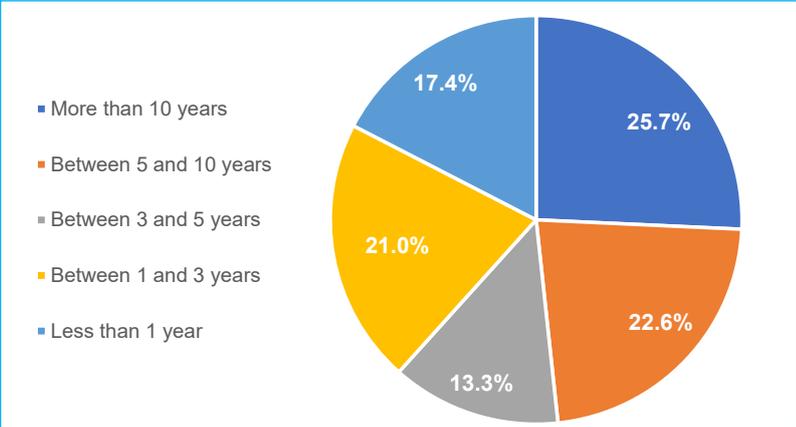
251 SF-ASA-SAD.

252 Bulgarian University Ranking System.

253 Based on the administrative data for 2018 provided by ASA Human Resources department.

and workload (for example, in 2018 in Tvarditsa, Ihtiman, Topolovgrad). Some departments in larger regional cities also face difficulties with the recruitment and retention of staff. In 2018, in Sofia city municipality²⁵⁴ approximately 17% of the available positions were vacant and 40% of the personnel resigned. In 2017 the problem was most pressing in the Directorate “Social Assistance” in Sliven, where in less than a year 13 people out of the 14 allocated personnel resigned.²⁵⁵ Similarly, in Ruse in 2018 10 people resigned out of the 9 allocated positions and in Yambol four social workers resigned. The main reasons to leave the job are the low salaries, high workload and work pressure.²⁵⁶ Part of the people, who resigned continue their career with the providers of social services. The majority, however, started working within the educational system, which provides better remuneration and career development opportunities. The recent increase in teachers’ salaries was quoted as possible reason for a recent trend by some qualified personnel to leave. Having in mind the fact that about 25% of all social workers have the required qualifications for teachers (i.e. a degree in pedagogy), the significant discrepancy in salaries is justifiably considered as a risk for the ASA to lose some of its qualified and experienced employees.

Figure 10: Years of experience of the social workers and psychologist within the Child Protection Departments



Source: survey results

Despite the turnover, both survey results and interviews suggest that the social workers and psychologists within the Child protection departments have more than 3 years of working experience there (Figure 10). Only approximately 13% (n = 59) of the social workers and psychologists had less than a year experience on child-protection related work²⁵⁷. At the same time, almost 74% (n = 177) of the head of units and chief social workers had more than 10 years of working experience within the Child protection departments and 17% (n = 41) - between 5 and 10 years.²⁵⁸ According to the interviewees the turnover does not affect the working experience indicators because the new recruits are the once quitting the job only a few months after its start.²⁵⁹

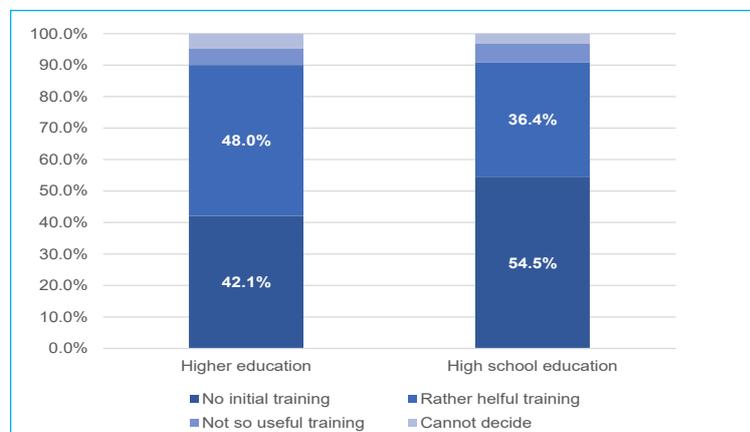
5.3. Training

There is no formal initial training introduced in the ASA system and no consistent policy in this respect.²⁶⁰ Trainings are generally provided on ad-hoc basis and fairly short (typically less than

254 Estimated for all 9 Child Protection Units in Sofia city municipality
 255 GoRB MLSP. 2018.
 256 Ibid, SF-ASA-I, SF-ASA-SAD.
 257 Based on 443 survey respondents who stated that they are “social worker” or “psychologist”, answered the question about their work experience within CPD and on child protection in general and had a survey fill-in time of above 3 minutes.
 258 Based on 240 survey respondents who stated that they are “chief social worker” or “head of Child Protection Unit”, answered the question about their work experience and had a survey fill-in time of above 3 minutes.
 259 SF-ASA-HR.
 260 SF-ASA-I.

a weeklong). Ad-hoc trainings are provided either at the Ministry of Labour and Social Care training facility near Sofia or are mostly organised on-site around the country via EU-funded projects or by NGOs. This situation is generally considered inadequate, especially in light of the fact that less than a third of ASA social workers have social work university degree.

Figure 11: Training experience of the social workers, psychologists and heads of unit per type of education received



Source: Survey results

A substantial part of the social workers (42%) within ASA have not had an extensive training, when they started working.²⁶¹ The percentage of employees with high school education that did not have any initial training was even higher (approximately 55%) (Figure 11). Those that had an introductory training were generally positive about it, with 47% stating that it was rather useful. Most survey respondents (86%, n = 515) considered that the introduction of compulsory basic training for new recruits, lasting a minimum of 2 weeks, will increase their motivation and decrease the turnover. The majority of survey respondents have had subsequent trainings organised by ASA (73%) and/or NGOs (65%) and considered them helpful.²⁶² While the training curriculum of ASA benefits from the NGO's expertise and efforts to provide further training, there is no practice of coordination of the curriculum agendas with NGOs.

At the same time, the 2012 *Ordinance № RD-07-6 for career development of the social workers at ASA* provides that a system for introductory training should be put in place for recruits to ensure their general and specialised preparation.²⁶³ The interviews, however, showed that no proper budgetary resources have been allocated to this requirement and is not consistently implemented. Trainings are usually irregularly organised under projects, funded by European funds.²⁶⁴ For instance, in 2017 and 2018 there was a project for introductory training of new recruits, which is conducted by head office experts and lasts 3 days. However, often this formal first trainings take place 8 months after the starting of the job.²⁶⁵ Instead of the introductory training, the head of units couple a recruit with a senior social worker, who shares his experience in the work process.²⁶⁶ One of the interviewees suggested that at least 3 months of such on-the-job training is needed for the employee to get an understanding of all aspects of the work.²⁶⁷ Thematic trainings are often organised by the Human Resources Department in Sofia, but there is no system in place guaranteeing that the social workers who need these specialised trainings are able to attend them.²⁶⁸

261 Based on 578 survey respondents who stated that they work as "social worker", "chief social worker", "psychologist", "head of Child Protection Unit" and answered the question about their introductory training.

262 Based on the survey respondents that stated that they work as "social worker", "chief social worker", "psychologist", "head of Child Protection Unit" and answered the question about their specialised trainings

263 Article 10.1 of GoRB. 2012. Ordinance for career development of social workers in the State Agency for Social Assistance.

264 SF-ASA-SAD.

265 VR-ASA-CPD-SW2.

266 SF-ASA-SAD, VR-ASA-CPD-H.

267 VR-ASA-CPD-H.

268 SF-ASA-HR.

5.4. Professional development and professional motivation

Besides *Ordinance № RD-07-6 for career development of the social workers*, there is no overarching concept or written policy for professional development of social workers at ASA. In practice *Ordinance № RD-07-6* is also only partially put in place. In theory, a social worker within the Child Protection Department could be promoted to a senior and chief social worker.²⁶⁹ While the legislation sets some additional requirements for these positions, it does not mention how many years of experience enable a person to apply for them and/or the relevance of the annual attestations. The human resources department organizes competitions for these higher positions, when they are opened or vacated. The survey results, however, showed that nobody within the Child Protection Department holds the position of senior social worker. The interviews and the administrative data showed, that position openings for senior social workers have not been made available by the ASA. Currently there are only 99 chief social worker positions filled, which constitutes only 15% of the social service workforce.²⁷⁰ This shows that while there are some opportunities for career development provided in legislation, in practice the career path is not clearly defined and enforced. The interviewees also considered that the career development options for employees are limited.²⁷¹ For a regular social worker to be gradually promoted to become a head of Child Protection Department is an exception, rather than the rule.²⁷² There has also been a certain level of politization of the system at the level of Director of Social Assistance Directorates²⁷³. At the same time, the survey respondents confirmed that the introduction of a genuine system for professional development, that provides for professional growth and development of competences would improve their work, with approximately 92% (n = 547) agreeing that it would **highly contribute to their motivation**.

Another important issue related to the motivation of the social workers is the public image and attitude to the social profession. The public outreach for the work of SAA is not very high, mainly they are involved complicated cases (showed negatively in the media).²⁷⁴

According to the survey results the four changes that would contribute the most to the increase of the staff motivation are:

- **Increase of the salaries by 40%** - 98% of the survey respondents agreed that there should be an increase of the salaries by at least 40% (see more on Salaries in the Section on financing.)
- **Improvement of working conditions and environment** – 97% of the survey respondents agreed that an improvement of the working conditions and environment would increase their motivation at the workplace. In particular, the survey respondents noted the lack of suitable premises for individual counselling with children and families.
- **Full resource provision for day-to-day activities** – 97.3% of the survey respondents agreed that the adequate financial provision of their day-to-day activities would contribute to their job satisfaction. This will include provision of necessary hardware and software, and proper transportation means to visit remote locations.
- **Ensure protection from physical threats and insults** – 97.5% of the survey respondents considered that measures should be taken to ensure their safety, when carrying out their professional duties. In addition, some of them consider that the public image of the profession should be improved as media attention is focused on them only when there are problematic cases.²⁷⁵

269 Article 9 of GoRB. 2012. Ordinance for career development of social workers in the State Agency for Social Assistance.

270 Administrative data provided by ASA HR Department.

271 VR-ASA-CPD-SW2, SF-ASA-SAD, SF-ASA-I.

272 VR-ASA-CPD-H.

273 SF-ASA-SAD.

274 Currently there is a campaign against the Social Protection system led in social media. The main accusation is that social workers are incompetent and not responsive to the needs of families.

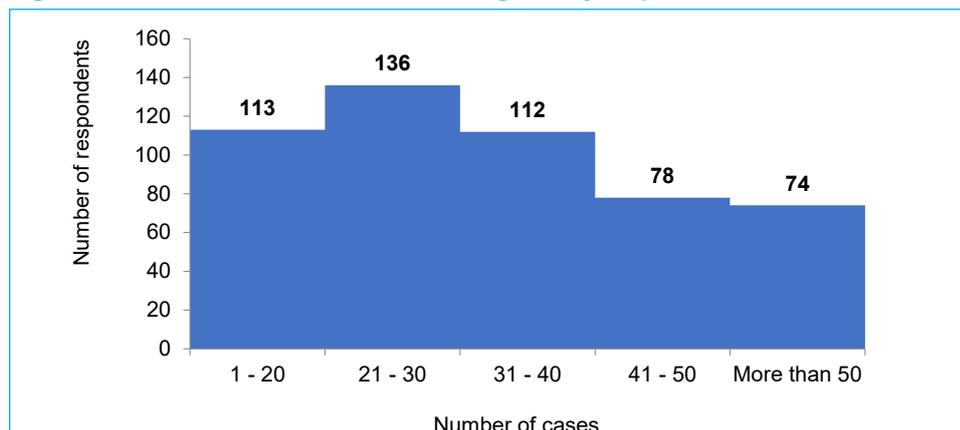
275 Apart of the sporadic threatening situations due to assaults by social service users, a general flaw in the public image of social workers has to be added: In a number of recent social media debates social workers are portrayed as administrative agents principally charged to “take away the children from their parents”. While in part this negative image is rooted in a general mistrust of the public, which has been growing due to the disconnection between announcement of actions in plans and insufficient implementation lack of budgetary assignments or organizational definition (Bogdanov 2019, 33), it also responds to an increasing confrontational mobilization of fundamentalist and populist ideologies around supposed “family-values” in social media networks.

5.5. Work organisation

Case load

The lack of professional development prospects and good working conditions are accompanied in some CPDs by high levels of workload. The survey results, the interviews and desk research showed that the average number of cases, on which a social worker is working is approximately 40.²⁷⁶ However, close to 30% (n = 152) of the social workers had to deal with a higher number of cases (Figure 12).

Figure 12: Variance of the workload among survey respondents

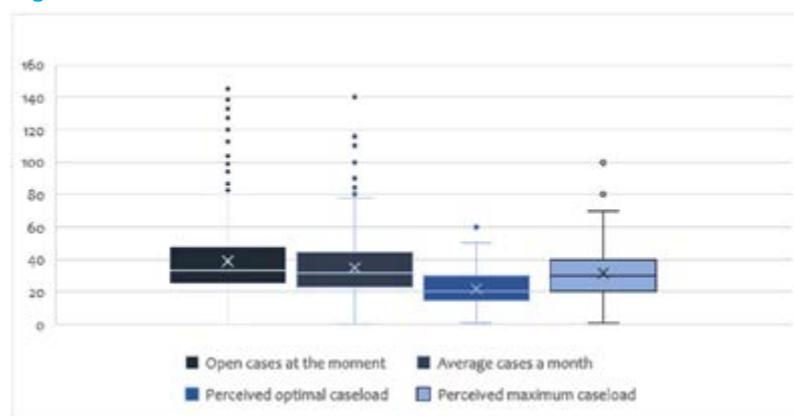


Source: survey results

In the survey, social workers were asked to state what they perceived as optimal or excessively high number of open cases. The average perceived optimal number of open cases that allows one social worker to deliver quality work, according to the responses in the survey, was 22 cases. The average perceived maximum number of open cases per social worker, beyond which some sort of work reorganisation and hiring of additional personnel is needed -- was 32 cases. Therefore, it could be concluded that a majority of social workers feel that their workload is beyond the number that allows them to deliver quality work, and that some sort of reorganisation is needed. According to the survey results there is a possibility for such restructuring of the workforce, as approximately 50% (n = 258) of the social workers had less than 32 cases on average a month.

In addition, the survey results showed that the workload varied significantly amongst social workers, with some of them stating that they are working on 145 cases at the given moment. Figure 13 shows how some respondents have indicated a substantially higher workload by representing the outlying values with dots. At the same time, the survey respondents agreed (95%, n=563) that the introduction of caseload standards will highly contribute to the effectiveness of their work.

Figure 13: Caseload of the social workers

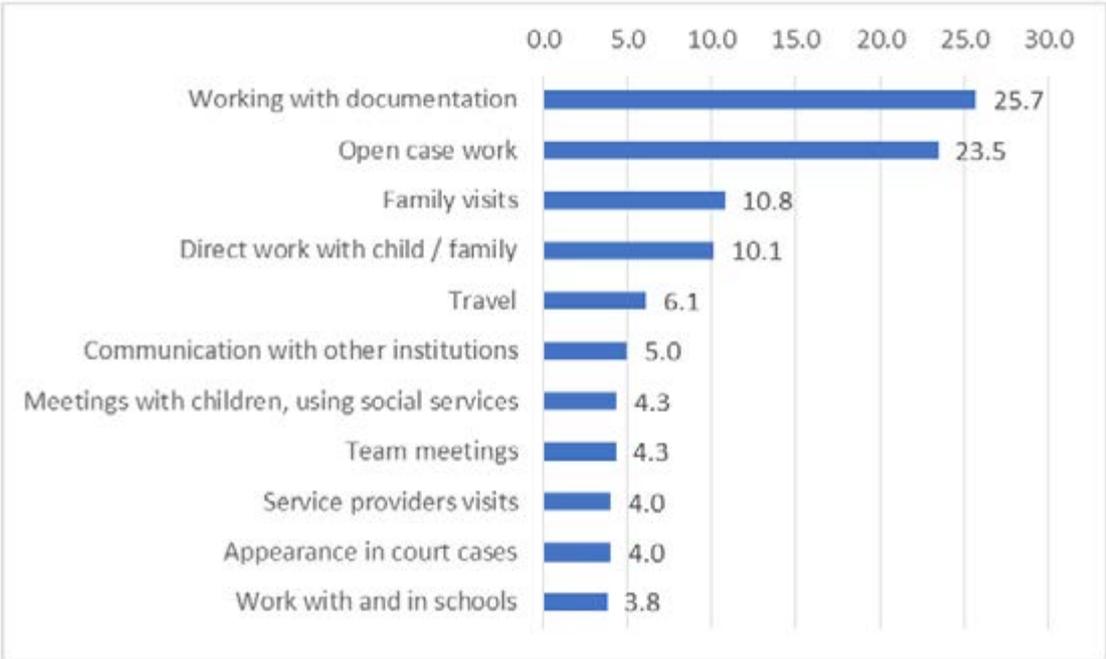


276 see also the parliamentary inquiry GoRB MLSP. 2018.

The ASA performs an annual assessment of the workload of social workers. The survey responses, however, indicated that not all cases managed by the social workers are accounted for in the assessments of their workload conducted by the ASA. It takes into account only the number of child protection cases without estimating their complexities. The different types of signals entail different obligations on behalf of the social worker. Thus, the time that a social worker spends on a case varies significantly even for similar cases. According to interviewees and survey respondents the system for workload assessment does not consider some of their most time-consuming activities, such as their involvement in court proceedings on custody battles or as witnesses and their work on dropout cases. The social workers have been given these obligations under legal acts other than the Child Protection Act, such as the Preschool and School Education Act and the Family Code. In fact, this contributes to the vagueness how and how much the social workers work on these issues and who bears the responsibility for these cases.

On the basis of the administrative data provided by the ASA and on assumptions based on the survey result, a further evaluation of the social workers at the level of Child Protection Departments was conducted. **It suggested that the workload of a social worker could reach an equivalent of 62 open cases on average.** This number includes types of cases not accounted for in the ASA information system – prevention of dropout, court appearances, adoption cases, cases of children in conflict with law, cases of children with risk behaviour, as well as the assessment of alerts for children at risk. The estimation provided for different weights for the different types of cases, depending on assumptions made about their complexity and the tasks they involve. The work on prevention of abandonment and family reintegration cases was given the highest loading (1,2), while the work on alerts – the lowest (0,1). Although the proposed methodology is limited by the lack of statistics on certain types of cases and the assumptions made, it shows the need for a more sophisticated mechanism for workload assessment of Child Protection Directorates. It should include all types of tasks of social workers and take into account their different levels of complexity. This would improve not only the planning of ASA's workforce, but also provide evidence that further financial resources are needed to ensure the proper functioning of the system or that some of the tasks of the social workers should be entrusted to other institutions (such as school dropout and court appearances).

Figure 14: Average share of the different types of activities of the social worker



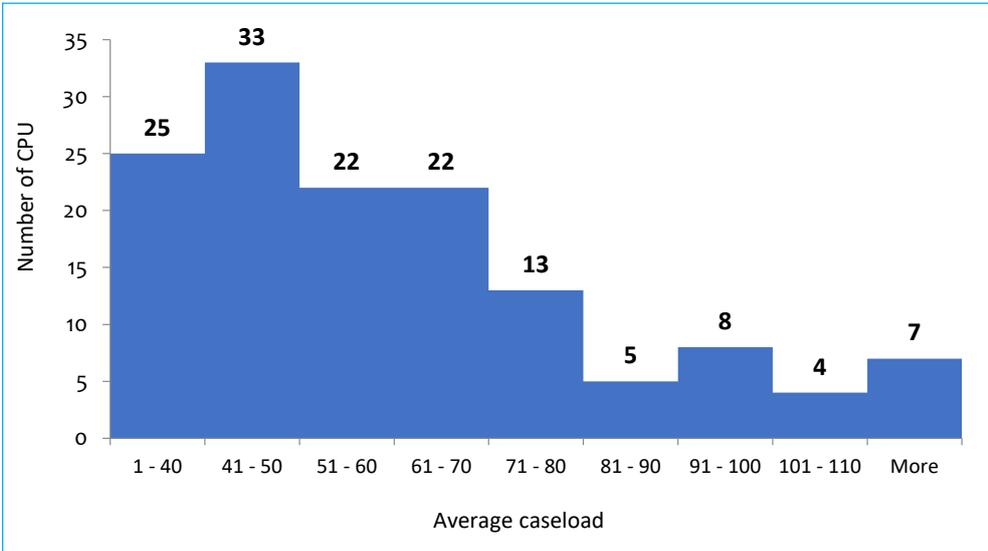
In addition, the survey respondents considered that they are overwhelmed with documentary work, which limits their time for actual work with the children at risk. In addition, according to them it is not accounted for in their caseload assessment. Indeed, the survey respondents stated that on average approximately 26% of their work in the last month is processing documentation compared to the 10% they spent in direct work with families and children.²⁷⁷ Thus, the reduction of the administrative burden and the optimization of the document processing is mentioned as the measure that would increase to the greatest extent the effectiveness of social work (98% of the survey respondents agreed with this statement)

Coverage

Interviewees state that there has been an improvement in terms of the caseload in recent years. The reason, however, has not been an increase in the number of employees, but a consequence of the decrease in the overall number of cases or other broader social factors. In some regions, such as the Northwest, the population decrease or migration has affected the workload, and the perception was that there were fewer cases per social worker, compared to 10 years ago. Such socio-demographic factors or the availability of social services in the region, however, have not been fully considered in the distribution of budgeted social worker positions in the CPDs across the country. Interviews suggested that the distribution of the number of social workers in Child Protection Departments is currently not based on a comprehensive assessment of the various factors that determine needs or workload. Interviewees mentioned that in the past an unsuccessful attempt was made to develop a methodology for distribution of the CPD capacity. One of the encountered challenges is the different territorial coverage of the Social Protection Directorates.

The uneven territorial coverage is also evidenced by the survey results. The respondents stated that on average they spent travelling 6% of their worktime, but the responses varied significantly with some of the respondents claiming that they travel up to 30% of their time. The size of the territory covered by each CPD together with population density and geographic dispersal, coupled with the poor public transport services in some areas and lack of vehicles available to CPD staff, makes the field work in some parts of the country time-consuming and inefficient. Some Directorates develop a schedule for the use of the institution’s vehicle and manage to organise the field visits of children and families despite these difficulties, sometimes at the cost of spending an entire day for a single visit.

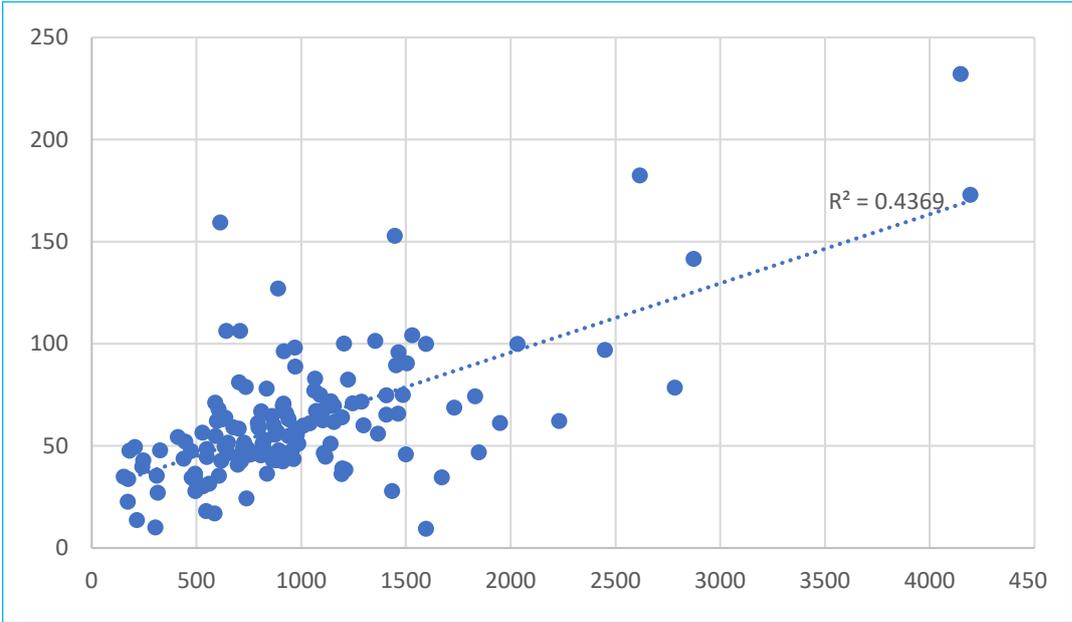
Figure 15: Histogram of the average caseload of a social worker at CPU level



²⁷⁷ Based on 539 survey respondents that stated that they work as “social worker”, “chief social worker”, “psychologist”, “head of Child Protection Unit”.

The workload assessment based on the administrative data provided by ASA showed that the workload varies significantly among Child Protection Units (Figure 15). According to this assessment the workload was the lowest in CPU Kirkovo (10 cases per social worker), CPU Bobovdol (14 cases per social worker), CPU Dzhebel (17 cases per social worker) and CPU Etropole (18 cases per social worker). These four departments had also a high number of social workforce relative to the population under working age, which they were servicing (between 215 and 586 children per social worker, below the average of 1005). At the same time, there were Child Protection Units in which the caseload of a social worker reached 232 cases per social worker (CPU Yambol), 183 cases per social worker (CPU Ruse), 182 cases per social worker (CPU Kardzhali), 153 cases per social worker (CPU Sliven). In most of these departments the social workforce was not adequate to the population under working age (In Yambol, for example there is one social worker for 4147 children). Figure 16: Correlation between caseload and workforce to children population ratio shows that the caseload is relatively strongly correlated to the ratio between the CPU workforce and the children population. While the population under working age alone could not be used as a proxy for allocation of social workforce position, it shows that a combination of socio-economic indicators and historic information about all types of cases at CPU level could provide a good human resources planning instrument.

Figure 16: Correlation between caseload and workforce to children population ratio



5.6. Oversight and monitoring

Within the Agency for Social Assistance structure the social workers at the Child Protection Departments follows the typical management organisational structure of other government institutions (central-regional-municipal / territorial level administration), with oversight provided by the Inspectorate of the ASA and regional offices of the SACP. While in principles there are no major structural issues with this organisation, the following issues were identified:

- The Head of the Child Protection Department should distribute the cases among the social workers and provide oversight of the everyday work on the cases. However, they rarely have the time needed to properly examine all cases in the department and limit their checks to the formal examination of the social worker’s reports. Thus, when the head of unit identifies a flaw, it is usually related to the documentation of a case. The

head of the department is also in charge of the direct evaluation of the social worker's activities according to the applicable rules.²⁷⁸

- The size of some CPDs with more than 15 social workers reporting to a single head of unit is beyond what the adequate oversight capacity for a single person.
- The attestation is based on a monthly report of the social worker to the head of the department that lists the open cases, what actions have been taken on these cases and the alerts that have been addressed.
- Director of Social Assistance Directorate - controls the work of the Child Protection Department and decisions on cases should be consulted with him/her.
- The Regional Directorates "Social Assistance" coordinate and control the overall activity of the Social Assistance Directorates as well as provide them with methodological support on the activities related to child protection²⁷⁹ According to one of the interviewees the Regional Directorates mirror the checks carried out by the head of the unit. They verify cases' dossiers and prepare a report that lists the identified omissions and provides methodological instructions. The Regional Directorate is also available to provide clear and precise advice and instructions on more complex child protection cases.
- The Child Protection Directorate (within SAA) is in charge of the methodological management of the child protection activities, including the development of methodological instructions and materials.²⁸⁰ According to one of the interviewees there is a poor communication between the central Child Protection Directorate and the territorial departments. Within the current system the central Child Protection Directorate has to communicate with the Regional Directorates, which interact with the territorial child protection units. Thus, in urgent and crisis situation, a social worker could not ask for a guidance or second opinion from the directorate, managing child protection policies within ASA.²⁸¹ At the same time, more than 81.3% (n = 473) of the survey respondents have considered that an opportunity for personal interaction and methodological guidance from the Child Protection Directorate at the ASA would greatly contribute to the effectiveness of their work.
- The Inspectorate of the Agency for Social Assistance controls the activities of the Child Protection Departments of the Social Assistance Directorates²⁸² and carries out checks on the social services' providers. However, these checks are often formal and closely verify whether the methodological instructions for Working on child protection cases and normative requirements have been followed, but do not examine the effects of the adopted actions and practices.. In order to issue an instruction, they should examine at least 10 – 15 cases in a given Child Protection Department and establish a flawed pattern in the work process. However, due to the limited human resources within the Inspectorate and wider range of obligations, their checks are often limited to a single case. The Inspectorate also performs planned checks of the whole Directorate Social Assistance, which cover different policy areas – for example, adoption, foster care.

278 GoRB. (2012). Ordinance on the terms and rules for assessment of the work of officials within the state administration. (Наредба за условията и реда за оценяване изпълнението на служителите в държавната администрация) Adopted by Council of Ministers Decree No. 129 of 26.06.2012, In force since 01.07.2012, last amended 15.03.2013. Available at: <https://www.lex.bg/laws/ldoc/2135799917> [Accessed 9 April 2019]

279 Articles 14.2 and 14.3 Structural rules of the Agency for Social Assistance (Устройствен правилник на Агенцията за социално подпомагане). Adopted by Council of Ministers Decree No. 25 of 7 February 2003, In force since 01.01.2003, Last amended on 22.02.2019. Available at: http://www.asp.government.bg/documents/20181/20946/USTROJSTVEN_PRAVILNIK_na_Agenciqta_z_a_socialno_podpomagane.pdf/b07d375d-72a9-4f1f-ba5b-cdeb0a956e7f [Accessed 9 April 2019]

280 Article 16a.3 and 16a.4 of Structural rules of the Agency for Social Assistance.

281 Ibid.

282 Article 6.3 (3) of the Structural rules of the Agency for Social Assistance.

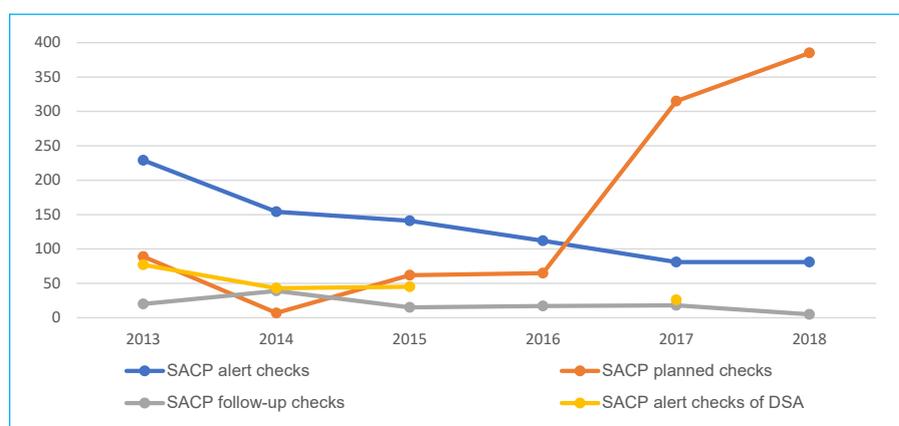
Control and monitoring by the State Agency for Child Protection

SACP executes control over the compliance with the rights of the child in Child Protection Departments both as planned checks and as checks triggered by alerts.²⁸³ It could issue mandatory prescriptions for addressing violations of the rights of the child, accompanied by methodological guidelines for their implementation and a mechanism for interaction between the responsible institutions.²⁸⁴ It could also recommend to the Executive Director of ASA to impose disciplinary sanctions for violations of the rights of the child.²⁸⁵ Over the last six years the SACP has started to carry out more planned checks, while the number of alert checks has decreased (Figure 17).²⁸⁶ The share of the follow-up checks from all the control activities is limited, with only on average 7.7% of the checks verifying whether the SACP instructions have been complied with. One of the problems for carrying out thorough checks is the limited human resources within the Control Departments (35), who have to control a substantial number of institutions – schools, social service providers, all Child Protection Departments and others.

There was some missing data on the SACP checks on the Social Assistance Directorates, but overall the number of alert checks on them decreased over the last six years (Figure 17). In 2017 SACP carried out two planned checks of the Child Protection Departments. The first focused on the procedures of dealing with cases of parental conflicts in 42 Social Assistance Directorates. Particular attention was paid to the obligation of the Directors of the Social Assistance Directorates to issue mandatory instructions to non-cooperating parents and whether sanctions were applied in cases of non-compliance.²⁸⁷ The second control concentrated on the compliance of the 147 Social Assistance Directorates with the legislation, applicable to cases of placement of children outside the family and their inclusion in the adoption registry.²⁸⁸ The desk research suggested that there is no information on how the themes of the planned controls are decided, i.e. they are not linked to any indicators, such as increase of the signals on the topic or the number of instructions issued on the topic.

As a result of both alert and planned checks, the SACP issues on average 64 mandatory instructions annually to the Social Assistance Directorates. Due to the limited number of follow-up checks, however, it is unclear to what extent these instructions are subsequently considered in the work of the Child Protection Departments. Annually the SACP receives at least 100 alerts from individuals, concerning the work of ASA social workers. Most often the alerts concern measures (taken or not taken) for the child protection, dissatisfaction with the reports and opinions produced for court proceedings or with consultations on procedural issues.

Figure 17: SACP control activities over the last six years



Source: SACP annual reports

283 Structural Rules of the State Agency for Child Protection (Устройствен правилник на Държавната агенция за закрила), Appendix 1 to Art. 1 of Council of Ministers' Decree № 38 of 15.02.2001, last amended 26.01.2016. available from <https://www.lex.bg/bg/laws/ldoc/-12311545> [Accessed 9 April 2019]

284 Ibid.

285 Ibid.

286 The Chairman of the State Agency for Child Protection plans and organises checks of the compliance with the rights of the child and the standards for social services of all national institutions, including the Social Assistance Directorates. The checks could be planned, but also organised as a result of an alert or follow-up checks on the implementation of issued mandatory instructions.

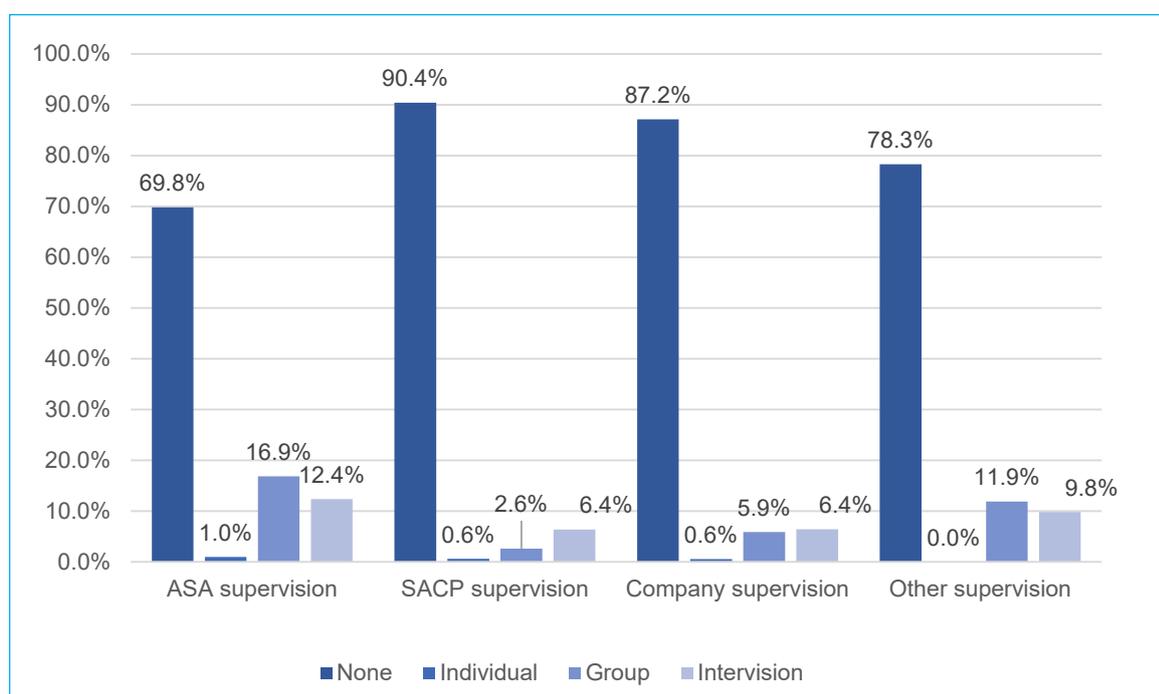
287 Bulgarian Agency for Social Assistance, 2017a.

288 Ibid.

5.7. Quality assurance

Supervisions and interventions of the social workers are one of the measures to ensure the quality of their activities. The supervisors monitor the work process and identify its problematic and tension-rich aspects. Subsequently, a number of meetings are conducted with the social workers in order to support and guide them in handling these problematic aspects. The aim of the supervision is to support the social workers, but in some cases, it is perceived as an inspection of the quality of the work of the employee. In addition, the interviewees noted that the Agency for Social Assistance lacks the capacity to carry out proper supervisions. To that end an external company has been contracted to conduct supervisions and interventions with all the social workers within the Child Protection Departments by the end of 2020. In the future there are plans to restructure the central Child Protection Directorate and build internal capacity for supervisions.²⁸⁹

Figure 18: Share of the social workers who have had supervision



The survey results show that by April 2019 only a limited part of the social workers within the Child Protection Department has had any form of supervision/intervention (Figure 11). Only approximately 34% of the survey respondents have had some form of supervision.²⁹⁰ Most commonly, group supervisions conducted by ASA have been organised, with approximately 17% of the respondents stating that they had one. While a limited number of social workers had supervisions, the majority had a positive attitude towards them. Approximately 89% of them agreed that the introduction of a system for professional supervision and methodological support would increase their motivation and decrease the turnover in the department. Similarly, 91% agreed that regular supervisions would increase their effectiveness at the workplace.

289 The evidence provided in this paragraph has been compiled through the interviews with social services staff and ASA personnel. See a comprehensive list of the profiles of the interviewees in Annex II.2

290 Based on 685 survey respondents.

Box 9 – Good practice interventions: social workforce strengthening

UNICEF, '[Guidelines to Strengthen the Social Service Workforce for Child Protection](#)', UNICEF, New York, 2019

The Guidelines strategic and practical guidance on how to strengthen the social service workforce across all sectors, especially for child protection programming. Strengthening the social service workforce is a long-term endeavour. Short-, medium- and long-term results in each country will vary depending on the socio-economic context, current human and financial resources, and political will, as well as the capacities of the workforce. The Guidelines highlight examples from low-, middle- and high-income country contexts in both development and humanitarian/emergency settings, and outline strategies for planning, developing and supporting the workforce.

UNICEF, *Strengthening the Social Work and Social Service workforce in Europe and Central Asia as an Investment in Our Children's Future: A Call to Action*, 2018

This call to action seeks to ensure that functions, competencies and qualifications across the social service workforce are aligned so there will no longer be unqualified professionals in roles requiring professional competencies and qualified professionals in roles that do not require professional competencies.

The call to action and regional monitoring framework are focused on social service workforce planning, developing and supporting actions and on developing for the allied workforces (in social assistance, social insurance, employment, health, education and police) to strengthen competencies that are required for their engagement in social processes such as a person-centred approach, interpersonal communication and community mobilisation and to facilitate cross-sectoral training to reinforce a common understanding of goals and concepts.

5.8. Conclusions on the social workforce

To address the lack of professionalism and specialisation of social workers in child protection the following measures could be considered:

- **Professionalise the social work and make it an officially recognised profession. Improve initial training and continuing education opportunities for workers should be taken.** This could be done either by developing and introducing a mandatory initial training for ASA staff (either in-house by ASA or contracted out to universities), or creating alternative approaches, such as the introduction of a registration (enrolment in a tracking system), certification (evidence of competency in a specific area) or licensing (legal approval to engage in professional practice) systems. Such a system could be provided and managed by higher education institutions in the country. It would ensure the introduction of a minimum set of educational/training standards, and minimum standards of practice for different occupational levels (i.e. professional/specialist; junior specialist; qualified workers; paraprofessional; worker). Such a system could provide both the flexibility needed to find candidates for social workers in some regions, as well as ensure that the hired personnel has the necessary qualification and has been properly trained. Such a system could also allow the differentiation of role boundaries of the various cadres within the workforce. Such a system could also elevate the status of the profession as well as the individual's social status.
- **In the short term, a qualification requirement for a relevant university degree or specialisation (social works, social pedagogy, psychology) could be officially included**

as a requirement for getting a social worker position or alternatively, a requirement for relevant work experience. Although the higher education option was included to address the lack of workforce in some municipalities, it is evident that most of the workforce already has a relevant degree. Furthermore, the surveyed social workers have recognised that competences to work with children are needed. To ensure the recruitment of people, an option to hire people who are pursuing a relevant degree can be included or commit to start pursuing. With regard to already hired social workers who have only a high education degree, the new qualification requirement they could be waived and there should be an opportunity for validation of their competencies. This is also in line with the evidenced availability and accessibility of education programmes, as the current lack of official requirement for a degree undermines also their relevance and importance.

- **The government could work with universities to increase the quality and attractiveness of the available university programmes in social work should be improved.** This requires better coordination between the Agency for Social Assistance and the Universities in the development of the study courses, which should involve training on actual ASA cases and the introduction of more structured and attractive internship programmes.

To address the recruitment and turnover challenges in some municipalities and the lack of motivation among social workers, the following measures could be considered:

- Introduce a functioning career development concept based on clear rules for career advancement and professional development. This could be **based on an objective staff evaluation system, which includes criteria related to the promotion of quality work in the interest of the child.** Such criteria could involve the number of cases that resulted in effective prevention of separation or reintegration in families, the number of family or child visits, etc. In addition, there should be a similar system for evaluation of the work of Child Protection Departments. These evaluations should also be linked to the professional development of the social workers.
- **Adequate financing of the system should be provided, ensuring that salaries of social workers are comparable to the increasing living standard in the country and the remuneration in the health and education systems.** Binding of the salaries to the indexation of the minimum working salary could be considered, to guarantee consistency in the remuneration policies.
- These direct financial incentives should be combined with the **full resource provision of their day-to-day activities** (covering of transportation costs or provision of vehicles and improvement of the working conditions). To mitigate the effects on the state budget, these additional costs could be covered by the municipalities.
- **Increasing the retention of social service workforce through provision of support for managing job-related stress and promotion of the public image of the social service workforce.** The social and economic wellbeing of Bulgarian social workers could be improved through non-financial incentives such as introduction of clear job descriptions, expectations and standards, developed by the management of ASA in close consultations with the social workers and other relevant institutions (such as Ministry of Education). In addition, **a system for ensuring regular and competent supervision of social workers should be introduced.** Such a system should be financially secured and focus on the building of internal capacity (for example within the central ASA Child Protection Department) to carry out the supervisions. Apart from this, recent social media publications evidence that there is also a need for an increase of the general public's awareness, understanding and perceived value of the social work. This could happen through the general public awareness campaigns and/or proper reaction on behalf of the management of ASA, when problematic cases emerge in the public space. In ad-

dition, it is necessary to raise the awareness on children's rights and the international commitments on child protection undertaken by the Republic of Bulgaria not only of the general public, but also of professionals in the education, health and law enforcements institutions.

To address the proper training of ASA personnel, the following measures could be considered:

- **Further actions for the professional development and continuing education opportunities for workers should be taken.** ASA should comply with the legal requirement to put in place an effective system for induction trainings ensuring the general and specialised preparation of its new staff. This will require **ensuring financial resources for the realization of these trainings** not only through European Union funding and **establishing minimum knowledge and skills standards to be covered by recruits.** Through amendments to the Ordinance on professional development of social workers the ASA management could be obliged to organise regularly induction trainings with dedicated seminars on the child protection work. **The existing practice of “on-the-job” trainings could be legally formalised** in terms of duration and types of cases with which the new employee should be acquainted before starting to work without assistance.
- Alternatively, the potential certification and registration system could ensure that social workers have covered the established minimum knowledge and skills standards. It could also provide for the obtainment of continuing education/training credits, which would ensure that the career growth is linked to type of trainings covered.

To address the excessive caseload and the territorial differences in the caseload, the following measures could be considered:

- **Development of a methodology for assessment of the social workforce that should focus on the differences between Child Protection Departments** in terms of a broad range of criteria, including caseload, demographic criteria, urbanisation and population density, etc.. The methodology could introduce a composite index including indicators such as the population under working age, poverty rate, school dropout rate, unemployment rate, as well as the historic statistical data on the alerts and open cases. **This methodology could serve as an instrument for better planning of the social workforce and allocation of adequate number of social workers to the Child Protection Departments.** It will provide an evidenced-based understanding of what additional personnel is needed and where it is needed. The methodology would also allow annual assessments of the adequacy of the number of social workers in the territorial Child Protection Departments.
- **Based on the developed methodology, the territorial allocation of the social service workforce should be further optimized.** This could happen through merging of units combined with investments in the **increased mobility of the units.** Alternatively, the work of the small Child Protection Units (of less than 3 people) could be optimized by strengthening the control over them by the Directors of the Directorate Social Assistance and/or the Regional Directorates.
- **Develop a new methodology to assess workload of social workers, based on a composite index that takes into account all key work activities and their complexity.** The institutional understanding of caseload of social workers should be revisited and standardized. Firstly, the assessment of the actual caseload should take into account all types of cases in which a social worker is involved, irrespective whether they stem from the Child Protection Act or not (including the work on school dropout and participation in court proceedings). Secondly, the assessment should make a distinction of the levels of complexity of different cases and the working hours they require through application

of different weights to the various types of cases. Thirdly, the results of this composite index should then be regularly compared to the international standards for social work caseload, which currently put the number between 10 – 20.²⁹¹

- **An alternative measure to decrease the workload of ASA social workers would be the potential introduction of licensing and registering system.** It could allow the licensing of social work specialists that could be hired by courts to conduct the assessment in divorce proceedings or by schools to implement the dropout prevention programme. This would both decrease the workload of ASA social workers and ensure the quality social work on these types of cases.
- **Irrespective of the future institutional arrangements for the control and monitoring of the child protection system, the focus of the oversight should not be on documentary checks, but on the substantive results of the work on the cases.** The capacity of ASA and SACP to better oversight of social workers, could be strengthened by further investments in information systems that allow administrative and procedural issues to be subject to automated checks.
- Line management and control at CPD level should be strengthened by other measures, such as introducing sub-CPD structures (such as sectors) for large CPD units with over 10 social workers, or expanding the responsibilities and decision making powers of Main Social Workers to oversee the work and manage cases of social workers.

291 UNICEF. 2018e.



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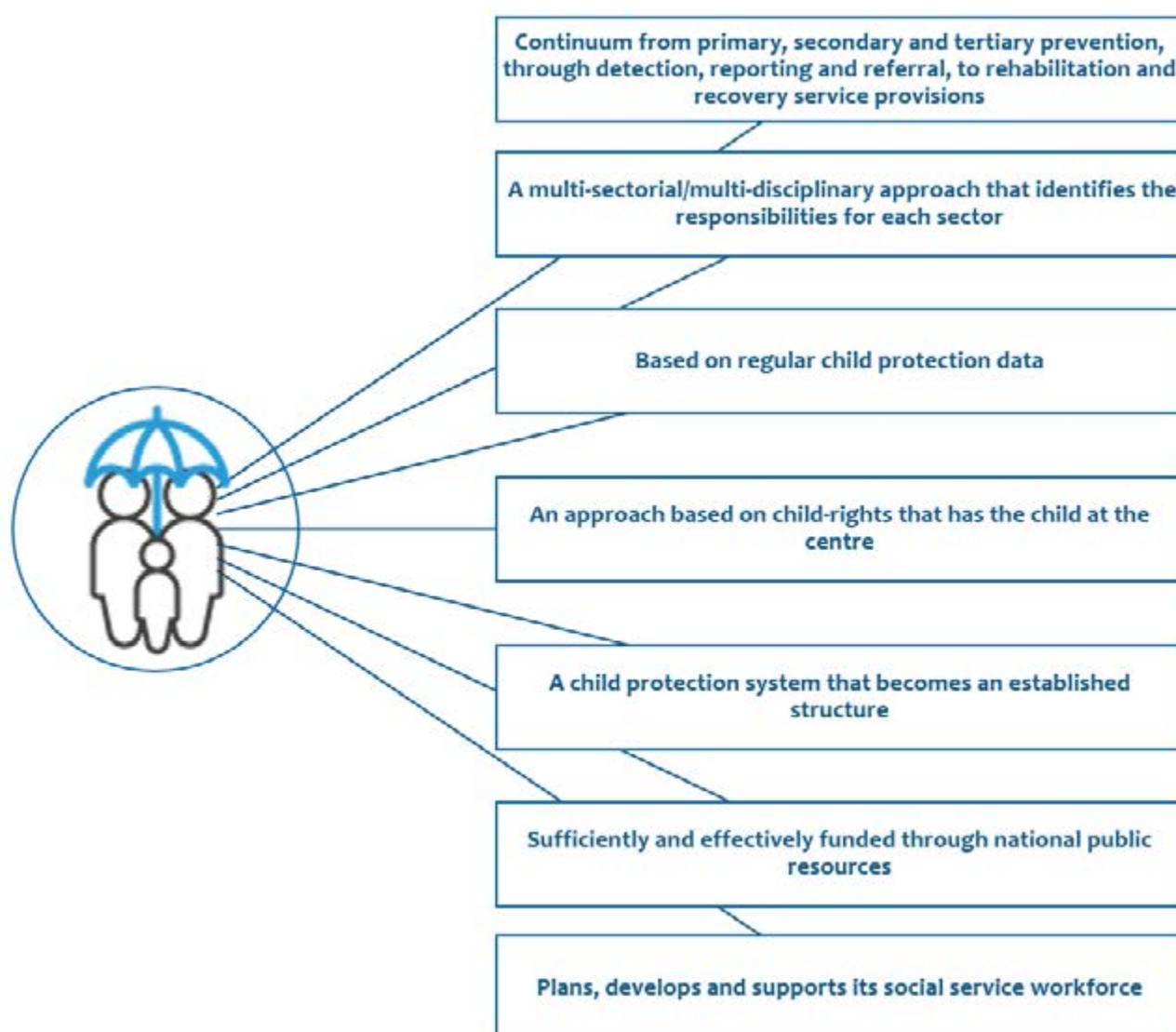
CONCLUSIONS AND RECOMMENDATIONS

6. Conclusions and recommendations

The child protection system in Bulgaria has been built organically through a piecemeal approach. The main reform focus, during the last decades, has been the deinstitutionalisation of the high number of children, their reintegration with families and the closing down of institutions. Despite increasing formal alignment with international standards in legislation and policies, the fragmentary development of the system has resulted in a lack of clarity of what a child protection system is, or should be, its main components, functions and approaches. This is particularly influenced by the disconnection between plans and budgetary assignments, a mismatch between the policy objectives and the capacity to materialize protection measures on the ground, specifically in prevention, and a lack of systematic investment in a well-trained and committed social work-force.

This last chapter summarizes some recommendations that emerge from the analysis. Figure 1 provides an overview.

Figure 1: Overview of main reform requirements



General conclusions and recommendations on the Child Protection System

Any reform of the child protection system should be framed by a long-term vision of a child protection system that is built on the following principles:

Continuity: A continuum from primary, secondary and tertiary prevention, through detection, reporting and referral, to service provisions to ensure rehabilitation and recovery.

Multi-sectorial approach: A multi-sectorial/multi-disciplinary approach that identifies the responsibilities for each sector – education, health, interior, justice, social welfare – to prevent the need for child protection (prevention of child-parent separation, of school drop-out, of violence against children, of criminal behaviour) and respond to violence, alternative care, to criminal behaviour in a coordinated manner. Sectors with **universal coverage** of the entire child population – such as education and health – are particularly important to ensure effective prevention. Meanwhile, **specialised/targeted sectors**, such as interior, justice and social protection will be particularly relevant for the response phase.

A child-rights approach: Based on well-defined and operational international principles, an approach based on child-rights has the child at the centre, and will assess and pursue his/her best interest by consulting the child and taking his/her opinions into account, along the continuum from prevention, to intervention and rehabilitation.

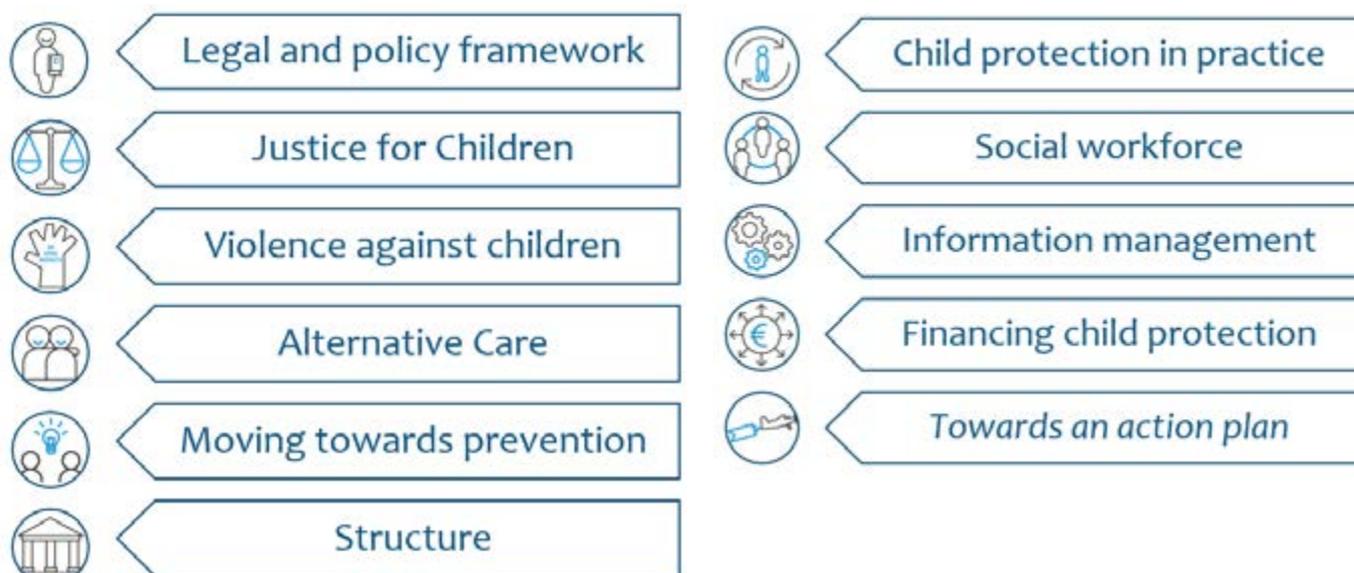
A systems approach: A child protection system that moves out of the transition and a project-base period, and that becomes an established structure, translating the responsibility, obligation and the vision of the Bulgarian State towards the protection of all the children under its jurisdiction.

Evidence-base: A child protection system that is based on child protection data that is systematically and regularly produced by a unique administrative system that builds on existing sectorial data collection systems.

Planned and costed: A child protection system that is sufficiently and effectively funded through national public resources.

With committed people in the centre: A child protection system that plans, develops and supports its social service workforce at national and sub-national level.

The remainder of the report summarizes specific issues that have been mentioned in the main body of the report. The following section structures the recommendations according to a logic of analysis → recommendation. These are the topics that will be dealt with:



ANALYSIS – legislation and policy	RECOMMENDATION – legislation and policy
<p>Alignment with international standards: Primary legal provisions on child protection (provision of alternative care, protection from violence) are broadly aligned with international standards, and the letter of them refer to the main principles and provisions of the Convention of the Right of the Child (CRC) and other international standards. However, the legal foundations of the National Child Protection System appear to be the result of a piecemeal approach. With the exception of justice for children, and for the legal basis of prevention the challenges for Bulgaria rather are situated in materializing the legal provisions on the ground.</p>	<p>Focusing on implementation of existing legal frameworks: The current focus should be more downstream in the policy cycle on providing the necessary human and financial resources to ensure that the child protection system functions and is effective in protecting children and support their families.</p> <p>Building the legal basis for prevention: The legal foundations of the prevention work should be based in primary legislation and implemented through appropriate budget allocations. In particular, legal foundations are needed for</p> <p>(1) General primary prevention: through the support to parents in child rearing, positive discipline and conflict resolution; support to early child development especially from pregnancy to age three, to ensure that babies have access to nutrition, protection and stimulation for healthy brain development.</p> <p>(2) Sectorial responsibility for prevention: by establishing the responsibility of the role of the health sector for violence prevention, early detection and referral. Support the Education sector to implement the measures to prevent violence against children as included in the Pre-School and School Education Act and effectively build the capacities of education personnel to work with children and families to prevent violence against children. Establish the capacity of the social protection system to ensure prevention, early detection of children at risk situations, immediate referral to the CPD, and appropriate care and protection services. Establish effective and efficient interventions that prevent reoffending of children above the MACR.</p>
<p>Realizing the best interest of the child: No standard operating procedures are defined on how to listen to children, take their opinion into account and assess their best interest. It is left to the good will of social workers.</p>	<p>Recommendation: Develop and promote standard operating procedures on consulting with children of all ages, according to their evolving capacities, and assess their best interest when they come into contact with the child protection system. Build the capacities of social workers to apply them and monitor their use and effectiveness.</p> <p>Establish accountability mechanisms to prove if these principles are respected.</p>

ANALYSIS - Justice for Children	RECOMMENDATION - Justice for Children
<p>Justice for Children remains the main problematic area. Bulgaria has consistently been called upon by different international human rights bodies (UNCRC, Council of Europe’s High Commissioner for HR) to reforming its legal framework and a range of weaknesses are well identified, and could be divided in two groups following the main criteria of the Minimum Age of Criminal Responsibility (MACR).</p> <p>The first group reflects the double ages established that results today in exclusion of certain children from the Child protection system: (1) the definition of anti-social behaviour and status offences for children, (2) the possibility for children below the MACR and as of 8 years old to be deprived of liberty as a correctional measure.</p> <p>The second group of weaknesses can be attributed to the ordinary JJS designated to deal with the criminally responsible children that have committed crimes: (3) a lack of specialised child courts/chambers and of systematic training of all professionals involved, (4) the deprivation of liberty not used as last resort, (5) the lack of effective measures and services for rehabilitation and reintegration, (6) the lack of free legal aid to children, (7) the incomplete protection and safeguards of child victims and witnesses of crime.</p>	<p>Align the legal provisions for justice for children with international standards in a comprehensive reform on Justice for Children, and more specifically:</p> <p>(1) Abolish the legal concepts of ‘antisocial behaviour’ and ‘status offences’ as a matter of urgency. Amend the Juvenile Delinquency Act as to ensure that all children below the MACR and having committed anti-social acts are considered to be in need of protection and support and have access to the child protection system as well as to health, educational and social services;</p> <p>(2) Implement adequate standards for the best interests of the child assessment and determination including child participation.</p> <p>(3) Establish new system integrated with the CPS for children in conflict with the law (above the MACR) based on the establishment of specialised child courts/chambers, specialisation of all professionals involved (judges, prosecutors, police, social workers etc.) and their systematic and regular training.</p> <p>(4) Establish as system, diverting children above the MACR from judicial proceedings, providing alternatives to detention that are effective and efficient in producing rehabilitation and re-integration of children having committed crimes and that prevents re-offending.</p> <p>(5) Built a child friendly system for all children in contact with the law particularly for children victims and witnesses of crimes.</p>

Violence against children

ANALYSIS - Violence against children	RECOMMENDATION - Violence against children
<p>Legal framework: There is a need to ensure that prevention of violence against children is grounded in primary legislation and not only in national policies.</p>	<p>Strengthen legal provisions for preventive actions against violence against children: there is no legal basis for interventions aimed at primary prevention of violence against children. These are only foreseen in national policies and not accompanied by specific budget allocations. Therefore the annual programmes need to be reinforced in terms of planning, budgeting and monitoring and specialized services for VaC prevention and response should be legally regulated.</p>

ANALYSIS - Violence against children	RECOMMENDATION - Violence against children
<p>Actors and structures: As part of the co-ordination mechanism on violence against children at local level, social worker is the entry point within the CPD who assesses the alert and calls a meeting with multiple actors (Police, Judge, Social Services, Medical Doctor, Education and municipal representative). The annual monitoring reports show that after an initial good start of the coordination mechanism in the country, there is a decrease in the quality of the interinstitutional interaction in the last two years - less multidisciplinary teams created, poor interaction between the members. In detail the following weaknesses were identified. (1) Not all alert channels work properly, and there is a low reporting from health and educational institutions, and (2) the participation of the alternative participants in the mechanism is limited – again limited participation of representatives of health and education institutions, as well as social services providers.</p>	<p>Improve the procedural rules of the multidisciplinary teams, including ensuring training and support to the members of the multidisciplinary team at the stage of the evaluation of the alert a child, victim to violence or at risk of violence.</p>
<p>Effectiveness of the child protection system: In the practice of the social work teams, there is not yet enough focus on prevention, particularly given the high societal acceptance of violence. There is a lack of specialised services on violence against children. The Community support centres (121 as end of 2016) include a component on prevention and support to child victims of violence providing social and psychological counselling with a duration of 3-6 months. There are a few services for victims of GBV based on private initiative, but they are not recognised by public authorities. 32 non-public providers of social services, licenced by the Chairperson of the SACP (as of end of 2015), provides services for child victims of violence.</p>	<p>Include in the <i>National Action Plan to Prevent and Respond to Violence against Children</i> the strengthening and expanding the capacity of the child protection system to work on social norms and behaviour change, through communication for development activities. These should target parents and caregivers, but should also expand their remit to reach to professionals who also carry and perpetuate social norms that justify or ignore violence against children.</p>
<p>Staffing and specialised services: There is a general gap of professionalization as well as lack of specially trained staff, such as psychologists, psychiatrics, and specialised doctors. There is insufficient training on responses to violence, or an inter-institutional/integrated approach. In general, given the size of the problem, workforce and resources are far too scarce in the structures of the CP system.</p>	<p>The legal framework and the <i>National Action Plan to Prevent and Respond to Violence against Children</i> should include the development of evidence-based specialised support services for child victims of violence and their families that builds on what has already been piloted and tested in the different regions/municipalities and according to agreed criteria for determination of good practices/evidence based. Such support services should be built according to their functions, the kind of support that they should provide, characteristics of their multi-disciplinary set-up, how they differ according to the different forms of violence they address (i.e. physical violence, sexual violence, psychological violence, neglect, etc.).</p>

ANALYSIS - Alternative care	RECOMMENDATION - Alternative care
<p>The structure for the coordination of policy implementation on alternative care focusses on abandonment rather than on prevention of child-parent separation: The discriminatory provision of the Ordinance (see chapter 1), mainly pays attention to new-borns and foreseeing cooperation only between health-care institutions and Social Assistance Directorates. There is a general lack of a multi-institutional approach and proactive outreach work aimed at family support and early interventions.</p>	<p>Strengthen legal provisions to make alternative care unnecessary. The Principle of necessity is still without any strong legal basis: no mandatory support to parents in their child-bearing role and positive discipline of children.</p>
<p>Prevention of child-parent separation is not yet fully operational: children are still separated in the same proportions over the years but placed with foster families rather than in residential care. Entrenched poverty and lack of community support are still amongst the main causes of parental neglect. Parental migration also amongst the causes of temporary neglect/abandonment. The terminology for children deprived of parental care - e.g. prevention of abandonment vs. prevention of separation – is applied ambiguously.</p>	<p>More efforts in strengthening parenting skills. Revise the current use of the concept of ‘responsible’ parenting to move from identifying deficiencies to reinforcing capacities. More efforts need to be invested in removing barriers in the environment that leads to separation from the family in the provision of accessible and affordable universal and ECEC services, accessible housing, linking child protection with social assistance, parenting support and income strengthening through revising the child-benefit schemes as well as changing social norms related to disability, Roma and deinstitutionalization.</p>
<p>The Reintegration in biological families is not permanent in many cases and not necessarily based on children best’s interest. On the contrary, although contrary to the legislation, sometimes there is bouncing back to foster care every 6 months, which can be highly damaging. Often foster and biological families are located in different municipalities making two CPD responsible for one care and fragmenting the reintegration.</p>	<p>The need for permanency planning. The capacity of social workers to assess the capacity of biological families to reintegrate children, to follow-up on biological families and give them support in a prolonged way needs to be developed.</p>
<p>The practice of preventing and managing alternative care has departed from the institution-based model but still needs to consolidate further to ensure child rights. Deinstitutionalization has so far focussed rather on quantity (of children referred to alternatives to institutional care) than on quality (of these alternative care settings). While significant progress has been made in closing large-scale institutions, to reintegrate children into their biological families, or to place them in kinship care, foster care or adoption, children are still referred to a family-type placement centres, . Not all of these are fully integrated into the community. Hence, in some cases, a type of “micro-institutionalization” (<i>transinstitutionalization</i>) limits full integration into community. In the case of foster families, the child wellbeing is not necessarily guaranteed and insufficiently monitored, whilst the incentives for foster care seem to be contentious.</p>	<p>Deinstitutionalization has to move from quantity to quality. Placement in alternative care should be based on the initial and continuous assessment of the best interest of the child, should strive to achieve permanency for each individual child and should avoid continuous replacement and bouncing back across different placements. Funding can now shift from hardware (buildings) to software (training staff, more personnel and wider service offer) The quality of alternative care needs to be re-examined by establishing stricter criteria for selection and support to foster families. Communication for social and behavioural change is needed targeted at the general population to promote social inclusion of children in alternative care.</p>

Moving towards prevention

ANALYSIS - Moving towards prevention	RECOMMENDATIONS - Moving towards prevention
<p>Shifting from reactive interventions to prevention is still an outstanding task in all areas of child protection. The legal foundations for prevention are emerging but only through secondary law, such as the national policies on DI and prevention of violence. There not accompanied by the necessary investment of public resources.</p> <p>Prevention of violence, for example, would fall into three categories: primary, secondary and tertiary. Primary prevention of violence includes programmes that aim to prevent violence before someone is harmed, while secondary and tertiary prevention are those programmes that intervene early, or follow after violence has occurred, aiming to prevent its recurrence. Primary prevention programmes usually engage with all people, whereas secondary and tertiary prevention programmes work with high-risk groups, victim- survivors or perpetrators. Primary prevention programmes would include parenting programmes, communications for social norm changes, training of professionals in violence prevention, early child care and development and would therefore need the involvement of universal services (such as education and health).</p>	<p>Child protection interventions should generally move towards prevention, namely in the areas of child-family separation and violence against children. To that end, an integrated approach is needed across ministerial sections and connected to municipal administration. Effective prevention will require:</p> <ol style="list-style-type: none"> (1) The inclusion of prevention in the existing co-ordination mechanisms at policy level (such as the NCCP) as well as at operational level (such as the coordination mechanism for cooperation in cases of children victims or at risk of violence) that brings all stakeholders involved, including SACP, ASA, educational and health institutions, municipalities and social services providers. (2) Staff profiles to deliver preventive services and messages need to be defined and trained. (3) Public policies for positive parenting need to be defined and properly funded. General public awareness and targeted interventions need to reinforce each other. (4) Devise social assistance and support institutions providing children at risk and their families with preferential support to certain types of social support (e.g. social housing, educational and early childhood education support; job training and professional development).

Structure of the child protection system

ANALYSIS - Structure of the child protection system	RECOMMENDATIONS - Structure of the CPS
<p>Overall, there is a lack of clarity on the cross-sectorial nature of a child protection system, its main components and functions. This has also contributed to a lack of clarity amongst public authorities on the responsibilities for: (1) Coordination of policies, coordination of care/protection; (2) Ensuring child protection, (3) Providing care/services; (4) The difference between a) providing protection measures and b) having a body within the executive power for ensuring children rights.</p> <p>Conversely to the multi-sectorial mandate as per CPA and international standards, in Bulgaria Child Protection remains the primary responsibility of the Ministry of Labour and Social Policy. With the exception of the Ministry of Education (<i>Pre-school and School Education Act</i>), this responsibility hasn't translated into sectorial laws and regulations.</p>	<p>Realize the cross-cutting character of child protection: Child protection is, formally, a legal obligation for multiple sectors as per the CPA and, substantially, only to be achieved in a coordinated effort of the whole of government.</p> <p>Develop pieces of legislation, reform existing sectorial policies and formulate protocols to ensure Child Protection in all ministries, namely in Health and Education, as well as Interior.</p>
<p>Policy coordination takes place via the State Agency for Child Protection and the <i>National Council of Child Protection NCCP</i> (CPA article 18). The council lacks sufficient presentation of municipalities, despite their growing role. Unlike many other policy councils, the NCCP is not chaired by a Deputy Prime Minister, which reduces the political commitment of its decisions. Its governing rules do not always lead to consensus taking into account the opinion of all of its stakeholders.</p>	<p>Stronger political commitment, by assigning the Chairmanship of the NCCP to a Deputy Prime Minister, should work for a collaborative coordination across government departments and agencies, to overcome siloed practice and competitive dynamics.</p> <p>Increase role in the NCCP of municipalities, social services providers and civil society.</p>

Structure of the child protection system

ANALYSIS - Structure of the child protection system	RECOMMENDATIONS - Structure of the CPS
<p>The body within the executive power for ensuring child protection is the SACP. The SACP though also is responsible for ensuring quality of social services, as is the ASA Inspectorate. Similarly, both the ASA and SACP's Inspectorate have oversight and control functions over ASA's CPD and social services providers. Recently, with the approval of the new Social Services Act, the mandate of SACP has been further weakened, while oversight and control functions are now handed over to the (future) Agency for Quality of Social Services (AQSS) and municipalities. Despite the multitude of control institutions, the control efforts are not coordinated, a relatively small number of social services providers are being subject to inspections, and the inspections of CPDs and social services providers alike, do not focus on the <i>outcomes</i> of child protection cases, but focus on alignment of administrative procedures. The SACP has both the symbolic function to affirm the commitment of the state to child protection, but also concrete mandate to monitor the implementation of protection at policy and case to case levels.</p> <p>The lack of political weight and resources has left the question on the division of responsibilities and executive powers amongst the authorities unanswered. It is unclear who is responsible for ensuring quality of social services, controlling case management, and ensuring that children are consulted and represented.</p> <p>The limited resources both within the inspectorate of ASA and SACP lead to checks being carried out on documentary evidence rather than looking at the substance of the reviewed cases. No consultation with families and children during checks. Social workers perceived as administrator of cases rather than a case manager having to meet the social needs of children and families. The focus of the control is on whether the measures envisaged in the action plan have been taken rather than whether the measures have served their purpose and improved the situation of the child.</p>	<p>The role of the State Agency for Child Protection should remain central for the child protection policy process. Despite the establishment of the Agency for Quality of Social Services and the transition of some responsibilities from the SACP, the SACP should remain central to providing leadership in coordination of policy processes, oversight of the protection of children's rights, and further driving the improvement of the child protection system and policies through oversight, monitoring, and analysis.</p> <p>The SACP should lead a process to develop a mechanism to coordinate and align, and to the extent possible differentiate the inspections and quality controls that would be undertaken by the SACP, ASA Inspectorate, the AQSS, and municipalities.</p> <p>The SACP should also play a leading role in the development of Monitoring and Evaluation Plan and Framework, monitored via a set of indicators, based on quality data provided by all relevant stakeholders. The availability of such data would empower the SACP to improve the national planning, policy formulation, propositions for budget resource allocation, analysis and policy review and evaluation of programmes.</p>

Structure of the child protection system

ANALYSIS - Structure of the child protection system	RECOMMENDATIONS - Structure of the CPS
<p>Coordination with municipalities: the ASA has the mandate to coordinate the provision of care and child protection. The lack of coordination is also linked to the centralisation/decentralisation of policies, budgets and services. The CPDs are under central management. Only responsibility for alternative services and the Homes for Children deprived of parental care was passed to the Municipalities. However, there is a dysfunctional relationship between the CPDs and Municipal authorities. In the early days of the deinstitutionalisation reform, in order to compensate for the lack of capacity of the local authorities, the decision was taken to outsource service provision to NGOs (the Child Welfare Reform, WB-funded pilot project). This contributed to the development of the child protection services NGO sector. Currently there is a mix of service provision, with some places where municipalities are fully outsourcing services to NGOs or private providers and places where municipalities decided to implement the services by developing their own structures. Not all institutions were placed under the responsibility of the local authorities in the same time. Responsibility of the Institutions for children with disabilities was transferred to the local authorities in 2003, while the responsibility for Children Homes was given to the Municipalities only in 2007. Responsibility for the Homes for medico-social care for children rests with the Ministry of Health until now. There are no regional services, as there is no regional administration to connect such services to. In terms of control and oversight mechanism there is overlap in the responsibilities for control of the compliance with criteria and standard for social services – it rests both with SACP and the inspectorate within ASA. With the new law on Social Services, the municipalities will have even greater functions for control over the quality and effectiveness of the local social services for children. Most municipalities lack the capacities to effectively control local social services – especially the smaller ones with limited resources and number of officials;</p>	<p>The new Agency for Quality Social Services (created via the new Law on Social Services) might address these multiple overlaps by concentrating the control over the quality of social services.</p> <p>While the increase of municipal administrative capacity for control and oversight will remain within the competency of municipalities, and is likely to be limited for financial or other reasons, AQSS and ASA could facilitate, streamline, and coordinate these overlapping control activities by investing in integrated case management and control information systems and platform, which would allow all controlling institutions to carry out more targeted and effective controls and inspections.</p>

Child protection in practice

ANALYSIS - Child protection in practice	RECOMMENDATIONS - Child protection in practice
<p>Case management: The existing case management practice does not translate the existing implementation guidelines by elaborating systems, procedures and protocols. Roles are unclear for some actor, both public and private that are publicly endorsed.</p> <p>Too much focus by social workers is on administrative tasks. The multiplication of forms required and lack of clarity on how revision of the files triggers action or decision at higher level. Operational cooperation exists at municipal level but there is still not enough joint-up action (better with justice and law enforcement, slightly worse with health and education).</p>	<p>Existing case management guidelines should incorporate elements of quality assurance linked to outcomes for children, with measurable and traceable goals and activities specified in the ICP, that foresee also the agency and systematic participation of families and children.</p> <p>The sectors surrounding the Child Protection System, such as justice, police, health, education as well as social protection, should enhance and formalise their cooperation at local level with the CPD, in order to foster early detection of potential vulnerabilities of families and children and avoid interventions when the situations have reached a level of severity triggering the attention of either the police or social work.</p>
<p>The legal basis for the co-ordination mechanisms, and its practical interpretation, is ambiguous due to the 'at risk' definitions for children and parents in vulnerable situations in the CPA.</p>	<p>Review and revise the operational 'at risk' definitions with clear roles and responsibilities including case management/ coordinating authority to ensure effective and efficient way of working and use of available resources. The case manager, or the co-ordinating agency, could be different from CPD SWs. If the sovereign state function (obligation) of child protection is safeguarded, sometimes the tasks of case management could be performed by a municipality, representatives from the educational system, social services, etc. In that way, CPDs are discharged and are supported to fulfil effectively the role of case-managers for the most vulnerable, high risk and complex cases.</p>
<p>Lack of integrity, political interferences into staffing decision and misuse of resources reduce the quality of services.</p>	<p>Professional development and local recruitment processes should be shielded from political interferences. To ensure this, promotion to CPD heads should be strictly based on sufficient number of years of professional experience with the ASA/SACP systems.</p>

ANALYSIS - Social workforce	RECOMMENDATIONS - Social workforce
<p>Qualifications and training. Low qualification requirement coupled with insufficient training results in a general lack of specialisation of social workers in child protection. General qualification requirement is high-school. Although 90% of ASA social workers have university degrees, about 1/3 of them have degrees unrelated to social work. Attracting social work university graduates at ASA is challenging in certain parts of the country. There is no formal initial training requirement for ASA staff, and no set professional development training to support social workers during their careers at ASA. About 42% of ASA social workers have not undergone training when they started working, while the majority have participated in various ad-hoc trainings by NGOs or the ASA.</p> <p>ASA lacks the capacity of offering supervision and intervision to social workers. Only 34% of social workers have had some kind of supervision.</p>	<p>Professionalise the social work and make it an officially recognised profession. Improve initial training and continuing education opportunities for workers should be taken. This could be done either by developing and introducing a mandatory initial training for ASA staff (either in-house by ASA or contracted out to universities), or creating alternative approaches, such as the introduction of a registration (enrolment in a tracking system), certification (evidence of competency in a specific area) or licensing (legal approval to engage in professional practice) systems.</p> <p>The government should work with universities to increase the quality and attractiveness of the available university programmes in social work should be improved.</p> <p>Increase the minimum qualification requirements for social workers working with children to include a minimum of university degree or other relevant work-experience.</p>
<p>Recruitment and staff retention. The turnover of new recruits is a major concern. The increase in teachers' salaries has become a reason for a recent trend by some qualified personnel to leave. The majority of social workers has on average over 3 years of experience. There are no clear career path prospects for social workers, as Senior Social Worker posts have never been established, while the advancement criteria for Main Social Worker or Head of CPD are not clearly defined.</p>	<p>(1) Introduce a functioning career development concept based on clear rules for career advancement and professional development. This should be based on an objective staff evaluation system, which includes criteria related to the promotion of quality work in the interest of the child.</p> <p>(2) Adequate financing of the system should be provided, ensuring that salaries of social workers are comparable to the increasing living standard in the country and the remuneration in the health and education systems. Ensuring adequate financing of the day-to-day activities of social workers</p> <p>(3) Increasing the retention of social service workforce through provision of support for managing job-related stress (supervisions, clear job description, and ensuring work-life balance) and promotion of the public image of the social service workforce.</p> <p>(4) Further actions for the professional development and continuing education opportunities for workers should be taken. ASA should comply with the legal requirement to put in place an effective system for induction trainings ensuring the general and specialised preparation of its new staff. The existing practice of “on-the-job” trainings could be legally formalised</p>

ANALYSIS - Social workforce	RECOMMENDATIONS - Social workforce
<p>Workload. There is lack of clear understanding and standards for workload of social workers at ASA. The average workload according to the ‘open case’ criteria is 40, which is much higher than 30 cases that most social workers consider as adequate. The current concept of workload does not consider sufficiently, the complexity of the cases, nor the variety of other activities in which social workers are involved. There is also significant difference in the workload amongst CPDs, largely due to the lack of a comprehensive assessment and method for assessing the staff needs of CPDs.</p>	<p>Development of a methodology for assessment of staffing needs that should focus on the differences between Child Protection Departments in terms of a broad range of criteria, including caseload, demographic criteria, urbanisation and population density, etc. This methodology could serve as an instrument for better planning of the social workforce and allocating of adequate number of social workers to the Child Protection Departments.</p> <p>Develop a new methodology to assess workload of social workers, based on a composite index that takes into account all key work activities and their complexity.</p>
<p>Supervision and performance monitoring. The present oversight and control system of social workers’ case work, includes multiple institutions (SACP, ASA, ASA Inspectorate) and levels (CPD head, DSA, RDSA). The control is largely formalistic and limited to procedural and administrative control and not outcomes for families and children. The limited capacity of SACP and ASA Inspectorate requires a new approach to control and oversight, that targets primarily results not processes. The oversight and management structures in CPDs are inadequate, as CPD heads are responsible to manage 10, 15 or even more social workers, and in several instances over 1000 case per year.</p>	<p>Control and monitoring of the social workforce, the focus of the oversight should not be on documentary checks, but on the substantive results of the work on the cases. The capacity of ASA and SACP to better oversight of social workers, could be strengthened by further investments in information systems that allow administrative and procedural issues to be subject to automated checks.</p> <p>Line management and control at CPD level should be strengthened by other introducing sub-CPD structures (such as sectors) for large CPD units with over 10 social workers, or expanding the responsibilities and decision making powers of Main Social Workers to oversee the work and manage cases of social workers.</p>

Information management systems

ANALYSIS - Information management systems	RECOMMENDATIONS - Information management systems
<p>Parallel and siloed information management systems: ASA and SACP have established internal management system for child protection cases which still heavily rely on paper work; these systems do not communicate with each other and they are not technologically built to be interrogated and extract qualitative data to allow for a proper follow-up of individual cases.</p>	<p>The ASA should invest in the further development of the ASA IIS, to transform it into a system that allows to (1) effectively manage cases (2) monitor and oversee social workers (3) monitor the work of CPDs (4) manage information and knowledge needed for decision making and public accountability (5) integrated with other systems and expand to include other institutions.</p> <p>The new Agency for Quality Social Services, created via the new Law on Social Services, should address these multiple overlaps by concentrating the control over the quality of social services.</p>
<p>No systematic information systems on the deployment of preventive and protective services is gathered and made available, for both better planning as well as accountability towards wider citizenship.</p>	<p>Untap the potential of ASA's Integrated Information System for the purposes of planning, work-force management and wider accountability.</p>

Financing of the Child Protection System

ANALYSIS - Financing	RECOMMENDATIONS - Financing
<p>The current analysis showed that there is limited information about the overall resources invested in in the child protection system and services, as there is no understanding of the financial and material resources that municipalities and NGO partners invest.</p>	<p>The authorities should develop a mechanism to regularly assess how much and how effective resources are invested in children in general and in children at risk.</p> <p>Central and municipal authorities should start discussing the contribution of the municipal authorities to the delegated social services, concentrate on the resources needed by municipalities to carry out the control tasks entrusted to them by the new Law on Social Services and their experience of municipalities in managing social services.</p>
<p>However, there are reasonable indications that overall investments are too low. According to the current evaluation the established state standards manage to cover only the basic social services of children.</p>	<p>The mechanism for regular assessment of the funding would provide information for development of a model for financing of the social services. A proper system should be based on funding the actual needs of the children in social services, such as need for psychological support, rehabilitation, legal consultation.</p> <p>The implementation of the new approach to financing of social services under the Law on Social Services should go hand in hand with improving the information management on CP cases, as well as improvement in the assessment of risk and of quality standards methodologies.</p> <p>Consider gradual benchmarking of salaries in the CPDs and social services with the educational system. In addition, the overall budget in the CP system should be balanced, so that the quality of the management of child protection cases is ensured.</p>
<p>It is also difficult to ascertain to what extent the European Union funding of innovative social services practices has been sustainable and has led to their subsequent adoption.</p>	<p>Priorities for the 2020-2027 Financial Period are already being defined, and the main focus should be on improving the quality of social services and case management.</p>

Action plan

The actors in the Bulgarian Child Protection System are called upon to develop a road map as concrete action-plan for further strengthening the capacity of the system. It is necessary to look both at the development of a comprehensive vision for the whole system as well as very urgent measures. These short-term and long-term objectives and activities will define an action plan for its implementation. The table below visualizes some possible action points, taken from the recommendations above. For a detailed road-map, full ownership of all actors would be required in order to ensure political commitment and technical feasibility.

<i>[Illustration]</i>	Short term (six months)	Medium-term (one-two years)	Long-term (two-four years)
<i>Legal</i>	Abolish the legal concepts of 'antisocial behaviour' and 'status offences'	Tackle outstanding reform on Justice for Children	Build the legal basis for prevention by defining general primary prevention and specify sectorial responsibility
<i>Structure</i>	Reform the <i>NCCP</i> and generate operational interdepartmental dialogue on CP	Ensure proper coordination between CPDs, municipalities and service providers, adapting to urban and rural context	Reaffirm the mandate of the SACP and assign sufficient funds. Demarcate role from ASA Inspectorate and the AQSS.
<i>Practice</i>	Take stock of existing case management practise and improve the use of protocols and guidelines with a focus on quality and outcome for children	Define common competence frameworks for working with children and parents between the different professionals and sectors	Streamline Child Protection into all mainstream service provision
<i>Workforce</i>	Develop a new methodology to assess workload of social workers and develop a special strategy for retaining and motivating of personnel (incl. review, salaries, working conditions, etc.)	Define and increase the minimum qualification requirements for social workers and formulate inception and training schedules	Professionalise the social workforce, instate merit-based and committed body of social workers with professional standards and societal recognition.
<i>Finance</i>	Determine methods to assess overall spending on Child Protection	Systematically identify spending gaps	Increase budget allocation successively to key sectors of Child protection
<i>Data Management</i>	Promote shift to digital file handling	Invest in ASA IIS and cross-departmental interoperability, specifically with SACP	Generate evidence for work-force planning and policy monitoring

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