FINAL EVALUATION of the UNICEF 2012-2017 'CHILDREN AT RISK BEHIND BARS PROJECT'

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* This is the name used in the project proposal; the MoU with the national and regional governments use the name ‘Support for Children in Conflict with the Law, Children at Risk and their Families’, and many documents use the name ‘Children Behind Bars’. The ToR of the evaluation team uses yet another name: ‘Assisting the reform of the juvenile justice system in Bulgaria by developing and implementing a model of closing correctional institutions for children and providing adequate services for children in conflict with the law and children at risk’.
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List of acronyms
CRC - Convention on the Rights of the Child
MoU - Memorandum of Understanding
NGO - Non-governmental organisation
ToR - Terms of Reference
UNICEF - The United Nations International Children’s Fund

Acknowledgements

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Executive Summary

The Children at Risk Behind Bars Project was prepared in 2011, and funded by the French National Committee for UNICEF. Implementation began in 2012 and ended in 2017, although it was originally expected to end in December 2014. The project was based largely on the ‘Concept’ on children and justice
adopted by the Council of Ministers in 2011, which in turn was based in part on the Committee on the Rights of the Child’s 2008 comments on the report of Bulgaria on implementation of the Convention on the Rights of the Child.

Indeed, the project focused largely on the Committee’s comments on the confinement of younger children in closed schools for those involved in crime or anti-social behaviour. In this sense, the main focus was not reform of the juvenile justice system as such, but to change policies and services for the prevention of offending. The focus broadened with the realization that changes in the system for responding to the needs of such children required amending the law on juvenile justice. Modification of legal procedures concerning juvenile justice was the main aim of another project, ‘Strengthening the legal and institutional capacity of the judicial system in the field of Juvenile Justice’, which also began in 2012 and ended in 2017.

Two of the project aims were the development of models for the closure of such schools, and for community-based services to meet the needs of children involved in crime or at risk; the third was to create an effective coordination mechanism. The five planned outputs were: the closure of two such schools; the development of alternative community-based services; assessment of the needs of 300 children; capacity building on the local level; and a ‘behaviour change campaign’ for children ‘in conflict with the law’ and children at risk.

The main objectives of the evaluation are:

- To assess the relevance, efficiency, effectiveness, sustainability and, to the extent possible, the impact of the project;
- To identify and document lessons learnt and the contribution of UNICEF to the process of juvenile justice reform;
- To assess the relevance and effectiveness of the model developed and factors to be taken into account for its scaling up;
- To make recommendations to UNICEF and national partners on next steps in reform of the juvenile justice system.

The evaluation included a desk study, an inception report, a four-day field mission to the region where project activities were piloted, a follow-up mission to the region by the national member of the evaluation team, a one-day mission to the last remaining social-pedagogical boarding school, five days of meetings with UNICEF staff and key informants in Sofia, and the distribution of written questionnaires to national counterparts. The first field mission to Sliven included visits to three centres where project activities were implemented. During a follow-up mission, the national member of the evaluation team interviewed a mother who, with her son, was a beneficiary of one of the community-based innovative services. Planned activities that were not carried out include interviews with child beneficiaries and an interview with UNICEF staff responsible for a media campaign. Interviews with two counterparts, the Ministry of Justice and Office of the Prosecutor General, proved impossible to organize, and only one counterpart responded to the written questionnaire. The evaluation team decided that focus groups with professionals trained were unnecessary, since many of them were interviewed as key informants. Certain information requested from UNICEF was not provided, including information on project expenditures; data on beneficiaries are incomplete.

The inception report indicated that national member of the assessment team would conduct interviews with some 20 direct beneficiaries of the main community-based services for assisting children at risk/children involved in anti-social behaviour/child offenders, that were established/transformed by the project. The beneficiaries to be interviewed were to include boys and girls; fathers and mothers; children at risk, children involved in anti-social behaviour, and child offenders; and children of different ages and ethnicity, and the focus of interviews would be on the reasons and process for referral and the value/utility of the assistance received. In the event, UNICEF arranged only one interview with a direct beneficiary, and did not provide the evaluation team with an explanation of why more interviews were not arranged.

Some outputs were attained. The capacity of many professionals from diverse institutions and professions in the pilot region was strengthened. Almost all key informants were greatly appreciative of the training
received. A cooperation mechanism was established in the region and continues to function, although the participation of some significant partners is formal. Two boarding schools were closed, although the manner they were closed did not go according to plan and the model for closure developed thus has not been tested. Innovative community-based services to assist children at risk and children involved in criminal acts while under the age of 14, and their families, were introduced. However, the length of time they were used in the two centres where they were piloted was approximately one year. Some elements of the new methodologies remain in use, but the comprehensive interdisciplinary approach that was developed is not. A new centre and a new programme inspired by the project have opened in two smaller municipalities within the pilot region and appear to be successful, although their impact has not yet been documented. More than 300 individual assessments of children were prepared as part of the initial situation analysis, and subsequently during implementation of the implementation of the project.

The aims of the project were modified during the course of the project. The first main change was the adoption of the goal of developing an action plan for implementing the 2011 Concept on Children and Justice. This was a significant change, because the Concept was broader than juvenile justice and envisaged, for example, child friendly procedures for investigating and prosecuting crimes against children. The action plan was developed and adopted by the Council of Ministers in 2013, but implementation has been limited. The second major change was adoption of the goal of replacing the Juvenile Justice Act. A new draft Act was prepared in 2015, but the Council of Ministers did not submit it to the National Assembly, and it seems clear that it will not be adopted without significant changes. Indeed, the critical perceptions some national partners have of the results of the project are an obstacle to adoption of the draft law. A third change was in the purpose of the media campaign, which shifted from changing the attitudes of adolescents to generating public support for law reform. Several key informants interviewed considered that the impact of this campaign was limited.

The terms of reference called for the evaluation to address gender, equity and human rights issues. A high percentage of the key informants were women, which evidences their central role in implementation of the project. The UNICEF staff responsible for management of the project, including the regional consultant, are all women, and the evaluation team consisted of one man and one woman. Data on the sex of direct beneficiaries is incomplete, but the number of girls who were known beneficiaries seems consistent with the percentage of children known to be involved in crime and anti-social behaviour who are girls. A significant number of the families of child beneficiaries were headed by women.

A large percentage of the children confined in the kind of facilities the project was designed to replace were Roma, the region chosen for piloting has a high population of Roma, and some activities focused specifically on Roma neighbourhoods. Data on the number of beneficiaries who were Roma are fragmentary, but the project was clearly designed to address the needs of the Roma community, the most discriminated ethnic minority.

The ultimate aim of the project was to protect the rights of children at risk of offending and prevent the deprivation of liberty unnecessarily, or without due process. In this sense, it was fully aligned with human rights principles. Child participation in project design and implementation was limited, however.

The project was very much aligned with government priorities when it was adopted. The level of commitment of national and regional partners evolved over the course of the project, and was significantly weaker after changes in national and local government that occurred in 2015.

The methodologies developed were based on extensive research carried out by national experts and groups during the initial stage of the project. The main policy recommendations supported by UNICEF as the project ended are very relevant to the process of reform, although this process is paralyzed at this time.

It is impossible to conclude that the project design was appropriate, since most aims were not attained. However, it is difficult to see how changes in the project design would have altered this result. The most plausible conclusion is that it was not realistic to believe that the process of reform could be completed within the duration of the project. At least some of the opposition to the project that emerged should have
been anticipated. Despite this opposition, there is considerable support for reform on the part of many key counterparts. Most key informants consider that UNICEF has played a vital role in juvenile justice reform, and its continued support is essential for reform to continue. The evaluation team agrees, and recommends that UNICEF should continue to support juvenile justice reform in Bulgaria.

The strategies that were most effective during the project were capacity building and advocacy. The limited duration of piloting and the abrupt way it ended makes it difficult to assess the impact of the methodology for beneficiaries, and the lack of reliable documentation as to the results of the pilot make it impossible to argue that it deserves to be taken to scale. However, the evaluation team believes that the methodology deserves to be piloted again, and recommends that this be done without the constraints that affected the first effort to pilot.

On the regional level some centres and programmes created during the project are now receiving State funding, and seem sustainable. The sustainability of project achievements on the macro level is not guaranteed, due largely to the failure of law reform. This is a challenge, but not necessarily an insurmountable one.

The impact of closure of the boarding schools should be objectively and impartially documented, since negative perceptions of the consequences for the children concerned have become an obstacle to restructuring of the system for prevention of offending and, more generally, reform of the juvenile justice system. Similarly, the capacity of existing residential and non-residential facilities and programmes to protect and assist children at risk and younger children involved in crime should be carefully and objectively assessed. Identification of the kind of facilities/programmes needed to meet their needs safely and effectively is crucial to further progress.

Lessons learnt include the importance of realistic risk assessment in project design, the need to ensure a strong sense of ownership on the part of the key counterparts on the national and regional level, and the need for a careful, balanced assessment of the advantages and disadvantages of locations chosen to pilot activities. Positive lessons include the advantage of having an experienced full-time regional consultant to implement projects with a focus on piloting, and the usefulness of incorporating a component on legal assistance and close cooperation with a national ombudsman, which can help to overcome vacillation or resistance on the part of administrative authorities.
I. Background, context and description of the project

Background and context

Bulgaria became a member of the European Union in 2007. It has a population of 7.13 million, down from 7.4 in 2010. Some 17% of the population is under the age of 18, and there are 862,000 children between the age of 5 and 18 years.\(^1\) Eleven percent of the child population is Roma.\(^2\) School enrolment is very high for both boys and girls, in both primary and secondary school.\(^3\) Life expectancy is 74, and has been increasing. The per capita Gross National Income has been increasing and was $7,470. in 2016.\(^4\) Twenty-two per cent of the population lives below national poverty line.\(^5\)

Bulgaria ratified the Convention on the Rights of the Child in 1991.\(^6\) It submitted its initial report on implementation of the Convention to the Committee on the Rights of the Child in 1995. The Report was considered in January 1997, and the Committee recommended that ‘the Government undertake a comprehensive review of the national legislation to bring it fully into conformity with the principles and provisions of the Convention, especially in the areas of …juvenile justice ….’\(^7\) The process of juvenile justice reform system began in 2000.\(^8\) Nevertheless, when the Committee reviewed Bulgaria’s second report on implementation of the Convention in 2008, it concluded that, despite some amendments to the Juvenile Delinquency Act and the adoption of a new Criminal Procedure Code, the Act still contained a definition of ‘anti-social behaviour’ contrary to international standards, the deprivation of liberty was not being used as a means of last resort and that, although the age on criminal responsibility was 14 years, children at ‘a very low age of 8 years’ were being placed in boarding schools by local juvenile delinquency commissions for purposes of prevention and re-education ‘without adequate guarantees’.\(^9\)

The government that came into power the following year was receptive to the recommendations of the Committee, and in 2011 the Council of Ministers adopted a Concept for State Policy in the Area of Justice for Children, which it called ‘overdue’.\(^10\) The Concept is not limited to juvenile justice, but covers both child offenders and child victims. It emphasizes law reform, capacity building, and the strengthening of inter-institutional cooperation and cooperation with civil society. Reduction of the number and severity of crimes by children and against children are recognized aims.\(^11\)

In so far as juvenile justice is concerned, the Concept cites the observations of the Committee on the Rights of the Child, and calls the Juvenile Delinquency Act unconstitutional and incompatible with

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\(^1\) UNICEF, State of the World’s Children 2016
\(^2\) TransMonEE 2015 Country Analytical Report, p.8 (citing the 2011 census)
\(^3\) 99% in 2016, according to the World Bank country profile.
\(^4\) Ibid (Atlas method)
\(^5\) Ibid
\(^6\) It also is a Party to the first and second Optional Protocols to the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities.
\(^7\) CRC/C/15/Add.66, para.20; see also para.34
\(^8\) From 2000 to 2010 the number of children deprived of liberty for offending fell by more than half (from 646 to 312), but the number in pre-trial detention more than doubled (from 127 to 291). TransMonEE database, 2016, Tables 7.1.1 and 7.1.2
\(^9\) supra, para.67(b)-(d)
\(^10\) I. Summary
\(^11\) § 2.2.
Bulgaria’s international human right obligations. It recognizes that the procedures of the Local Juvenile Delinquency Commissions for the imposition of ‘reformative’ or protective measures are not compliant with the European Convention on Human Rights. Indeed, it recognizes that children over 14 accused of an offence have more procedural rights than younger children brought before a Local Commission. The Concept also criticizes the vague role of the specialized police units for dealing with children. Closure of the Central and Local Juvenile Delinquency Commissions and the development of new or improved community-based services for ‘delinquent children’ are called for.

The Act metes out repression – equivalent to or even heavier handed than criminal repression – to underage perpetrators of minor crimes who are not criminally liable.

The Concept uses some terms or concepts that are not in harmony with the Convention. One is ‘deviant behaviour’, which refers both to criminal acts committed by children under the age of 14 and ‘behaviour by a minor that consistently and substantially deviates from what science deems normal for his/her age, and threatens or harms his/her development, whether the act is illegal or otherwise.’ Another is the term ‘punishment’, used to describe measures for offenders 14 to 18 years of age provided for by the Penal Code. The negative consequences that such concepts have for the rights of children are recognized, although the Concept stops sort of calling for them to be replaced.

The project

The 2011 funding proposal for this project (‘the proposal’) points to the recommendations of the Committee on the Rights of the Child made as one of the main reasons for the development of the project. In 2008 the Committee made no less than eleven recommendations on juvenile justice. Those most relevant to the project include:

- … to guarantee that children under the age of fourteen years are totally treated outside of the criminal justice system on the basis of social and protective measures;…
- Use deprivation of liberty, including placement in correctional-educational institutions, as a means of last resort …
- Provide a set of alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them; …

The reasons advanced for closing such schools included the poor quality of education; the remote location of schools, which prevented contact between children and their families and prejudices social reintegration; and the use of physical violence and abuse. The proposal further indicates that an ‘important number’ of the children in such schools were Roma, that 36% of the population of correctional schools was placed for anti-social acts rather than crime, and that administrative procedures for placement lacked appropriate procedural guarantees. It also reported that 40% of the children in such facilities ‘declare that they were not happy at all with their stay and find it completely useless and unreasonable [and] 39% of the respondents said that their stay at would negatively affect their future.’

12 §1.3.
13 Ibid
14 §1.6
15 §§ V B 5 and VI
16 §1.8
17 II. Concepts
18 Ibid
19 see e.g. §§V B 5. and ‘special resources’ §5.1
20 Ibid. para.68 (c) – (d)
21 p.5 (The proposal indicates that an assessment of the correctional schools had been carried out, but contains no further information about the assessment.)
to those institutions are almost non-existent [and] Community support services are insufficient or inadequate.\textsuperscript{22}

The Concept for State policy in the area of child justice adopted in 2011 was cited as another reason for the project.

The proposal indicated that the project – called the ‘Children At Risk Behind Bars Project’ or more often ‘Children Behind Bars Project’ – had three objectives:
- to assist the reform of the juvenile justice by developing a model of closing correctional education institutions for children
- to develop a new model of service provision at community level addressing the needs of the children at risk and children in conflict with the law and their families
- to create an effective mechanism for coordination and cooperation at a local level

The long-term objective, it added, was to further scale up nationwide the results achieved on the local level.\textsuperscript{23}

Five ‘working principles’ were listed:
- individual approach based on assessing the needs of every child
- focus on prevention, early intervention and support, rather than punishment
- identify the causes of delinquent behaviour of every child (family, violence, exploitation, poverty, etc.)
- work with parents
- building the capacity of specialists working with children at risk\textsuperscript{24}

Five outputs also were identified:
1. assessment of the individual needs of about 300 children\textsuperscript{25}
2. establishment of community-based services in the regions of Sliven and Yambol, based on specific needs
3. closure of two correctional boarding schools
4. strengthening the capacity of local government, service providers and all stakeholders to ensure quality and sustainability of the provision of services and the project outputs
5. development and implementation of a behaviour change campaign for children at risk/in conflict with the law.\textsuperscript{26}

The services to be developed ‘will include school-based programmes, child-family counselling, mentor programs, institution-based programs, therapeutic programs, policing programs, post-release programs, prevention of drop-outs, life skills and professional orientation programs and others.\textsuperscript{27} The proposal also envisaged the development of ‘human interest programmes regarding juvenile justice for television and a monthly publication for students and professionals’.\textsuperscript{28}

All three of the aims mentioned above were to be implemented at the local or regional level. The second output states that the second aim was to be implemented in two regions: Sliven and Yambol. In fact, except for the closure of a boarding school in Yambol region, implementation of all three aims focused on the

\begin{itemize}
\item \textsuperscript{22} p.5
\item \textsuperscript{23} p.6
\item \textsuperscript{24} p.6
\item \textsuperscript{25} 100 in correctional educational schools and 200 ‘registered’ for anti-social behaviour or offending
\item \textsuperscript{26} pp.6-7
\item \textsuperscript{27} p.7
\item \textsuperscript{28} p.10
\end{itemize}
Sliven region. Other aims and activities for implementation on the national level were added during the course of the project, as indicated in part IV of this report.

The Sliven Region was chosen for implementation of the project because it has one of the highest rates of children at risk, because social services were 'underdeveloped', and because it had a social-pedagogical boarding school (the only one with both male and female students).\(^{29}\) In 2015 the risk of poverty was 31\%, higher than in any other region.\(^{30}\) The ‘Mapping of vulnerable communities, situation analysis and needs assessment of the Region of Sliven’, carried out during the first stage of the project, identified the target groups as ‘families with children at risk with a special focus on vulnerable ethnic minorities and children in conflict with law and their families’.\(^{31}\)

The original partners on the national level were the Ministry of Interior, Ministry of Justice, Ministry of Education, Ministry of Labour and Social Policy, the Agency for Social Assistance, the State Agency for Child Protection, and the Central Juvenile Delinquency Commission. The Office of the Prosecutor General became a partner in 2016 and the Office of the Ombudsman supported some activities – notably the closure of the boarding schools – although it did not sign a MOU for this project. Partners on the local/regional level included the office of the mayor of Sliven municipality, the office of the governor of Sliven region, the Local Juvenile Delinquency Commission, the Social Assistance/ Social Service Directorates, Child Protection Departments, the police, probation department and prosecutors. The main NGOs contracted to perform training and develop new methodologies in Sliven were the Social Activities and Practices Institute, Child and Space, the Association for pedagogical and social assistance for children (FICE), and the national section of International Social Service. The Helsinki Committee and the National Network for Children received support for advocacy activities on the national level.

Six main indicators were identified by the project document:
- number of children in correctional schools
- number of children registered as offenders
- number of children using services
- number of parents directed and using services
- average time spent in a correctional institution
- number of professionals trained

Direct beneficiaries were defined as children placed in correctional institutions and children in contact with the justice system (both perpetrators and victims), and indirect beneficiaries were defined as children and families at risk. The number of direct beneficiaries during the duration of the project was estimated at 300, and the number of indirect beneficiaries at 500. The cost of the project was €990.820, the equivalent of €450. per beneficiary or €3,300 per direct beneficiary. The timeframe for implementation was three years, from January 2012 to December 2014. (In fact, the timeframe for project was extended until late 2017, with no increase in the budget. Since the donor was the French Committee for UNICEF, there were no formal amendments of the project.)

The ‘theory of change’ underlying the project proposal had three main elements. First, successful closure of the two social pedagogical boarding schools in Sliven and Yambol regions would create a model that would lead to the closure of other boarding schools for juvenile offenders and children at risk/involved in ‘anti-social’ behaviour. The closure of such schools would reduce the number of children whose fundamental rights are violated by e.g. arbitrary deprivation of liberty, violence, sexual abuse, poor living conditions and poor education. The extent to which this aim was intended to benefit juveniles involved in crime as well those merely at risk, and whether the aim was to close correctional-educational as well as social pedagogical boarding schools, are unclear. Secondly, the development of new methodologies was intended to provide children at risk of offending, or involved in minor offending, with assistance in meeting underlying social, economic and psychological problems associated with a risk of offending or reoffending.

\(^{29}\) Project Proposal, p.6  
\(^{30}\) http://www.nsi.bg/en/content/8298/poverty-and-social-inclusion-indicators-district  
\(^{31}\) Report 1, 2013, p.4
The implementation of such methodologies in community-based centres was seen as a more humane and effective way of assisting the children who, at the time the project was developed, were being placed in the above-mentioned boarding schools or placed under the supervision of ‘public tutors’ working under the Local Juvenile Delinquency Commission. The positive results of piloting such methodologies – presumably in terms of preventing offending and reducing ‘anti-social’ behaviour - was expected to lead to the establishment of programmes providing similar services nationally. Thirdly, the aim of creating an effective local mechanism for coordination and cooperation was based on a perception that the law enforcement and child protection systems were dealing with the same child population separately, and the belief that providing effective assistance to such children requires a shared prevention strategy and inter-disciplinary services. The expected outcome was decreased reliance on interventions by the police and a larger role for child protection and social assistance institutions in assisting children at risk. Here, again, the extent the expected beneficiaries would be children at risk (and their parents/caretakers) or children already involved in offending was not clear.

The proposal indicated that no other major donor/IGO was involved in the area of children with conflict with the law. The sustainability of the project was based on the presumption that the State would assume responsibility for financing the community-based services and programmes piloted during the project. There was no analysis of risks.
II. Objectives and scope of the evaluation

The ToR of the evaluation team defined the objectives of the evaluation thus:

The purpose of the evaluation of the project “Assisting the reform of the juvenile justice system in Bulgaria by developing and implementing a model of closing correctional institutions for children and providing adequate services for children in conflict with the law and children at risk” (or the Children behind bars project) is to assess the achievement of the planned objectives and the overall impact of the project, identify lessons learned and based on the findings provide recommendations for the future support to the reform in the area of juvenile justice for UNICEF, national and local stakeholders.

The main objectives of the evaluation are to:
- Assess the relevance, efficiency, effectiveness and sustainability and, to the extent possible, the impact of the Children Behind Bars Project;
- Identify and document lessons learnt and the contribution of UNICEF to the process of Juvenile Justice reform in Bulgaria;
- Assess the relevance and effectiveness of the developed model and factors to be taking into account for its scaling up.
- Based on the lessons learned and the findings provide recommendations to UNICEF and national partners of the priority next steps in the juvenile justice system reform.

The UNICEF Country Office would like to commission this evaluation with the aim of assessing the approach, results, effectiveness and impact of the Children Behind Bars Project in relation to the impact on the on-going Juvenile Justice reform.

The evaluation is undertaken towards the end of the UNICEF programme for 2013-2017 with the Government of Bulgaria. The knowledge generated will be used by UNICEF, the Government and other partners to inform the work on legislative and institutional reform of the juvenile justice system and support the implementation of the new country programme 2018 – 2022.

The evaluation will be also used to inform the municipal and regional partners in strengthening and improving the established practices and models.

The sources of information envisaged include:
- all the official counterparts in the municipality and region where community-based programmes were piloted
- all the State ministries and other authorities that were implementing partners
- the NGOs implementing partners
- a sample of direct beneficiaries

The time-frame of the evaluation is that specified by the ToR: January 2012 to September 2017. Programmatically and geographically, the main focus is on implementation in the Sliven region, because the three aims of the project all called for activities to be piloted there.\(^{32}\) The evaluation also covers activities implemented on the national level, in particular the effort to replace the Juvenile Delinquency Act, an aim adopted during implementation of the project. This is given more attention mainly because the failure to achieve this aim is considered by some to be one of the main reasons, if not the main reason, for the limited success in achieving the original project aims.

The evaluation team was unable to meet with a representative of the Ministry of Justice, a representative of the Office of the Prosecutor General, and a representative of the UNICEF communications team responsible for implementing the project component on a media campaign. One member of the team met

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\(^{32}\) The ToRs identify Sliven as the ‘specific geographic coverage’.
with the head of the sole remaining Social-Pedagogical Boarding School, and with a consultant involved in a complementary project on juvenile justice. Only one interview with a direct beneficiary was organized, although the inception report called for 20.

The members of the evaluation team fulfilled their professional obligations with independence and impartiality. During the mission they expressed their views and opinions freely and in detail in a permanent dialog with the relevant UNICEF staff and the UNICEF Representative. They also listened carefully and with an open mind to the information and views offered by all the informants with whom they met. At no time did the team perceive any inappropriate pressure to change our analysis, conclusions or recommendations. Every effort was made to triangulate information received from different sources, both informants and documents, in order to determine which factual information and views were most credible. The only contact the international consultant and team leader had with the project was a presentation he made on juvenile in an international seminar held in Bulgaria in 2014. His presentation focused on law reform and had no influence on his views on implementation of the project. The national member of the evaluation team had no personal contacts or professional experiences that might have influenced her participation in the assessment. The assessment was not completed within the contractual deadline. The main reason for this was the unfortunate illness of the UNICEF programme officer having primary responsibility for the project. The evaluation team repeatedly alerted the relevant UNICEF staff of difficulties in obtaining some of the information needed for the evaluation, in particular from the UNICEF communications team on one project component and data on beneficiaries.

33 See Annex 3 for examples.
III. Methodology of the evaluation

The evaluation framework, as defined by the ToR, calls for the assessment of the project's contribution to 'achieving results for children in terms of their relevance to the child rights and equity agenda, effectiveness, efficiency, relevance, sustainability, and impact.' However, the ToR also recognize that, 'questions related to impact on children may be limited to the impact of the project at system level rather than the impact on individuals.' The sentence that defines the framework in general terms is followed by a list of 36 questions concerning project relevance and design (7), efficiency (7), effectiveness (10), impact (4), sustainability (8), and two questions on 'partnership and cooperation'. The evaluation team attempted to obtain information on all these questions. The information obtained is summarized in part IV of this report.

Issues concerning gender, equity and human rights are addressed in part V of this report. The issue of gender is addressed from five perspectives: the participation of women in the evaluation; the participation of women in project activities; the sex of children who were direct beneficiaries of services offered; the inclusion/exclusion of women in services provided to the families; and the impact of the juvenile justice system on girls. The analysis of equity focuses on Roma, the largest minority amongst the child population, and the minority group that experiences more discrimination than other minorities.34 The issue of human rights is addressed with a focus on the rights of children, especially those relevant to juvenile justice. The inception report identifies four UN instruments on the child rights and five European instruments on juvenile justice that form the normative framework for the evaluation. The participation of children in the project also is addressed.

The first annex to the report contains definitions of terms used in Bulgaria whose meaning may not be familiar to foreign readers, as well as definitions and comments on concepts and terms used in project documents and the evaluation report whose meaning may not be clear to all readers.

The methodology adopted by the evaluation team was set forth in an inception report approved by UNICEF. It included the study and analysis of project documents, the analysis of available data, interviews with key informants (including UNICEF staff), visits to centres where project activities were implemented, and the distribution of a written questionnaire to all the national project partners. Interviews with key informants were semi-structured, and most of the pre-selected questions were based on the objectives of the evaluation as defined by the ToR. All significant information obtained from project documents, data and key interviews was triangulated, to assess the credibility of factual information and compare the opinions of different actors (including UNICEF) on the reasons for developments identified, with a view to determining which seem most plausible and accurate. In each visit to a centre where project activities had been implemented, all available staff of the centres were present, although the team’s dialogue took the form of interviews, not focus groups.

The methodology, as suggested by the ToR, included quantitative and qualitative methods. The qualitative methods included the identification of concrete results of programme activities (e.g. the establishment of centres providing the kinds of community-based services the project aimed to create, creation of a local coordination and cooperation mechanism), and analysis of the reasons for successes and failures. The quantitative methods used were simple, consisting mainly of counting the beneficiaries of programme activities to the extent possible, and trying to obtain and analyse data corresponding to the indicators set forth in the project proposal.

The evaluation included one activity not envisaged by the inception report, a visit to the only remaining social-pedagogical boarding school. This visit allowed the team to obtain information about the wider impact of the methodologies introduced in one of the social-pedagogical boarding schools closed during the project. Another activity envisaged by the inception report, focus groups for trainees, was not

34 TransMonEE Country Analytical Report, 2015, p.8; Report to the Committee on the Elimination of Racial Discrimination, CERC/C/BGR/20-22, 2016, para.101
undertaken. The information about training and capacity-building obtained in key informant interviews made it unnecessary to organize a focus group for that purpose.

The ToR indicated that stakeholders would ‘participate in the evaluation through discussions, consultations, provide comments on draft documents’. Representatives of almost all stakeholders were interviewed as key informants, and often were asked their thoughts on information and opinions provided in previous interviews. However, time constraints prevented a general meeting with stakeholders/partners to discuss the tentative conclusions and recommendations of the evaluation team. The tentative conclusions and recommendations reached by the team at the end of the visit to Sliven were discussed with UNICEF at the beginning of the second week of the mission, and many of them were discussed during interviews with national counterparts. They also were discussed again with UNICEF during the last day of the mission.

The process of adoption of the report consisted in preparation of a first draft by the head of the evaluation team; revision of the first draft on the basis of comments and additional information provided by the national member of the evaluation team, UNICEF and external reviewers, and preparation of a final draft.

The two members of the evaluation team were provided with and agreed to UNICEF policy statements on the ethical obligations of consultants.

The inception report indicated that the national member of the assessment team would interview some 20 direct beneficiaries of the main community-based services for assisting children at risk/children involved in anti-social behaviour/child offenders, that were established/transformed by the project. It further indicated that interviews would concentrate on child and parent beneficiaries of the Centre for Psychological Support to Children and Families, the Centre for Intensive Socio-Pedagogical Support; that the beneficiaries interviewed would include boys and girls, fathers and mothers, children at risk, children involved in anti-social behaviour and child offenders, and children of different ages and ethnicity; and that the focus would be on the reasons and process for referral to the service, the value/utility of the assistance received, and parent’s views on the impact of the services received on their children and on themselves, as parents. In the event, only one interview with a beneficiary, the mother of a boy who received services in Centre for Intensive Social-Pedagogical Support for one year, took place. (See Annex 2) UNICEF did not provide the evaluation team with an explanation of why more interviews were not arranged.

The key informants identified by the evaluation team included all the official counterparts in the municipality and region where community-based programmes were piloted, all the ministries and other national authorities that were implementing partners, the Office of the Ombudsman and the main the NGOs implementing partners.

The data requested consisted mainly of that relevant to the six quantitative indicators listed in the project proposal, viz:

- the number of children in correctional schools annually
- the number of children registered as offenders (in Sliven and nationally)
- the number of children using new or improved services in Sliven
- the average time spent by children in social pedagogical and correctional schools
- the number of professionals trained

In general, data on those indicators that were not found in project documents were requested from the relevant national authority, through UNICEF. Some data, especially on the number of beneficiaries of project activities, was requested during key informant interviews, and some data was obtained from the TransMonEE database. The data obtained nevertheless remain incomplete.

The ToR indicate that ‘the evaluation will be supported by advisory group, including representatives of the Ministry of Justice, Ministry of Education, Ministry of Interior, Ministry of Labour and Social Policy, the Prosecutor’s office, State Agency for Child Protection, Agency for Social Assistance, the Ombudsman office, the National Network for Children and the regional governor and municipality of Sliven.’
evaluation team met with representatives of most of these entities separately, as key informants, but did not meet with or receive any information from an advisory group as such.

The evaluation had nine main phases:
1. a desk study
2. an inception report
3. a field mission to the region where programmes were piloted
4. interviews with key governmental and non-governmental informants in Sofia
5. interviews with UNICEF Representative, programme officers, and regional coordinator
6. preparation of a draft evaluation report
7. revision of the draft report based on comments by an external reviewer
8. a follow-up mission to Sliven by the national member of the evaluation team
9. preparation of the final report, taking into account the results of the follow-up mission and the comments of UNICEF on the draft report

The desk study was prepared before the inception report, in order to better plan the mission to Bulgaria. It was based primarily on the project proposal and six UNICEF reports to the donor. It also took into account the 2011 Concept, part of a regional situation analysis/needs assessment prepared during the first stage of project implementation, the action plan for implementation of the project in the pilot region, and the 2008 and 2016 Concluding Observations of the Committee on the Rights of the Child on Bulgaria’s reports on implementation of the Convention on the Rights of the Child.

The mission in-country was two weeks long. It began with a one-day meeting with the three UNICEF staff most closely involved in the project. The remainder of the first week (four days) was spent in the pilot region meeting with key informants and visiting three of the four centres established during the project, and one pre-existing centre where new methodologies were introduced. Informants interviewed included representatives of the municipal and regional governments, the police, the local juvenile delinquency commission, the social assistance and child protection offices, an attorney specialised in child rights and the head of a Roma NGO, as well as the staff of the centres visited and the UNICEF regional coordinator. Interviews were semi-structured and covered questions on project relevance and design, implementation, effectiveness and impact, as well as the gender and ethnicity of beneficiaries. Direct observation was used for two new facilities established by the project, the Blue Room in Sliven and Youth Zone in Nadezhd, a Roma neighbourhood. Because the piloting of new approaches in Sliven was central to the project and many readers will be interested in the details of information provided by different counterparts on what happened and the reasons therefore, the report on the mission to Sliven prepared by the evaluation team is annexed to this report.

Most of the second week was spent interviewing key informants from the project partners, including the Ministry of Interior, Ministry of Education, Ministry of Labour and Social Policy, Social Assistance Agency, the Central Juvenile Delinquency Commission and the head of the child rights unit of the National Ombudsman, as well as two of the four NGOs that played key roles in training and piloting. Interviews were semi-structured and covered questions on project relevance and design, implementation, effectiveness and impact. Since it was not possible to discuss all the 39 questions listed in Part VII of the terms of reference, key informants from project partners were given the list of the questions and invited to provide any additional information they considered relevant in written form. One reply was received, from the Ministry of Justice.

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35 This phase overlapped with phases 3 and 4.
36 This phase overlapped with phases 6.
37 The desk study was prepared by the head of the evaluation team, and only parts of the document were available in English.
38 A complete list is found in Annex 5
39 See Annex 3
40 A complete list is found in Annex 4
It was not possible to meet a representative of the Ministry of Justice, nor the Office of the Prosecutor General. Meetings with UNICEF staff were held daily.

Additional documentation obtained and used in drafting the report include the minutes of the Sliven Regional Coordinating Group and brochures of three of the centres visited.

The assessment team prepared indicators and questions for interviews with direct beneficiaries. One interview with a beneficiary took place during a follow-up mission by the national member of the evaluation team, in January 2018.

If decisions in the best interests of children are taken, it’s despite the system, not because of it.
E. Zhecheva, Head of the Child Rights Unit of the National Ombudsman
IV. Findings - what the project achieved

This part of the report addresses the question, posed in the ToR, of whether the project objectives were realized and whether planned activities were carried out, and inventories other achievements not part of the original objectives/planned activities. The lessons to be drawn from the achievements described here, as well as the limitations or failure to achieve some objectives or implement some planned activities, are addressed in part VII of the report.

The outputs identified by the project proposal included the evaluation of the individual needs of 300 children, including 100 in correctional boarding schools and 200 ‘registered’ for anti-social behaviour or criminal activity. During the first two years of the project, 77 assessments were done of students in the two boarding schools, and 25 assessments were done of children subject to educational measures or registered with ‘child pedagogical’ officers. Later in the project some 200 additional assessments were done, including 173 of child beneficiaries of community-based projects and 25 to 30 of students in the Drogodonovo boarding school.

Another planned output was the closure of two correctional boarding schools. This was achieved: the Social Pedagogical Boarding School in Straldzja was closed in 2015, and the Social Pedagogical Boarding School in Dragodonovo (Sliven region) was closed in 2017, as the project was coming to a close.

The Road Map adopted in 2013 redefined the aim as ‘development of a model for closure or reform’. (emphasis added) Efforts were made to change the methodology used in two schools, especially the school in Dragodonovo, but their closure meant that the changes made in methodology used there had no lasting impact, institutionally. The changes were positive in as much as they improved conditions for students during the last 2 years the school remained open, but it made no lasting contribution to the juvenile justice system.

The approach to closure of the second Social Pedagogical Boarding School was based on a situation analysis carried out during the first stage of the project. It was developed after closure of the first school, which was closed with little preparation because of the high level of violence discovered. This protected the children from further abuse, but attempts to ensure that the victims of abuse received a remedy and perpetrators were held accountable failed.

The approach to closure of the second boarding school developed was not used in practice, and the approach that was used did not adequately respond to the needs of many of the children released or transferred.

The closure of the two schools is an achievement, although the question of whether the ‘model’ for closing them was a success and, indeed, the impact of closure on the children directly affected, are different issues. All informants who commented on the closure of this school, including UNICEF, indicated that the procedures followed were not good. Nearly half of the students in the second school closed during the project (13) were transferred to the last remaining Social Pedagogical Boarding School, in Varnentsi, where the methodology introduced in the Dragodonovo is not applied. Some of the students returned home, but no effort was made to monitor their reintegration. Most of those not transferred to the Varnentsi boarding school were placed in alternative care facilities known as ‘family-type accommodation centres’. Conditions in the family-type accommodation centres’ (placement of boys and girls of different age groups, insufficient supervision for children with serious behaviour problems, staff with insufficient training and skills) led to problems such as the use of soft drugs, running away, and peer violence, including sexual abuse.

The closure of the boarding school and transfer of some of its population to open residential facilities was consistent with the Committee on the Rights of the Child’s 2008 recommendation that children under the age of criminal responsibility (and older children not involved in criminal activity), should be dealt with
‘totally treated outside of the criminal justice system on the basis of social and protective measures.’

However, the experience showed that the child protection system lacks residential facilities that offer such children adequate protection against peer violence, exploitation and self-harm.

Five schools related to juvenile justice remain open: one Social Pedagogical Boarding School and four Correctional Educational Boarding Schools. The mere fact that almost half the population of the Social Pedagogical Boarding School in Dragodanovo were transferred to the last remaining school of that kind means that the same procedure could not be used to close the last one that remains open. In any event, there is wide agreement that the procedures followed in practice should not be used again. The four Correctional Educational Boarding Schools that remain open house, in principle, for children whose behaviour is more serious that of the children in the Social Pedagogical Boarding School. This underlines the need to develop more effective solutions for the children to be released from them.

Two other achievements are related to the closure of the two boarding schools. The evaluation of needs of students residing in one of them and training of staff led to the discovery of abuses. This, in turn, led to enhanced monitoring of the school by the competent authorities and, indeed, the opening of a criminal investigation. The second related achievement was the adoption of new Rules for the Operation of Social Pedagogical Boarding Schools and Correctional Educational Boarding Schools, in 2016. This potentially important achievement was, in practice, largely empty, due to weak implementation of the Rules.

The creation of a new model of community-based services to address the needs of the children at risk and children in conflict with the law and their families was one aim of the project. Four new centres were created by the project in Sliven, the pilot region: the Centre for Psychological Support for Children and Families in Sliven municipality, the Community Support Centre in Nova Zagora, and the Centre for Child Support and Development in Kotel.

The Centre for Psychological Support for Children and Families established in Sliven municipality in 2015 was designed primarily to provide mental health services, because the needs evaluation conducted at the beginning of the project found that most of the children in the boarding schools were marked by ‘psychological suffering.’ Initially, the municipality contracted Child and Space, a national NGO, to manage the Centre. However, the municipality assumed responsibility for managing the Centre one year later, after the election of a new mayor. The methodology piloted in this Centre, not being recognized by the legal framework in force, was largely abandoned, even though the staff who had been trained considered the new methodology valuable. One new service that was introduced, the ‘Blue Room’ that allows children involved in criminal investigations or legal proceedings to be interviewed in a child-friendly setting, remains open.

The Centre for Intensive Social Pedagogical Support was established in Sliven municipality in 2015 within an existing facility, the Centre for Working with Street Children. Initially, the municipality contracted the NGO Social Activities and Practice Institute to manage the Centre and develop a new, inter-disciplinary methodology that emphasized social work and legal assistance. The municipality also resumed responsibility for the management of this Centre one year later. Some innovations introduced thanks to the project remain in place. They include the ‘transitional home’, a small open residential facility that provides shelter and supervision to adolescents at risk who cannot live with their families, and outreach programme in the Roma community known as the Youth Zone. However, the interdisciplinary methodology piloted for the core activities of the Centre, and described in Annex 2, is no longer in use. The staff of this Centre, in contrast to the staff of the Centre mentioned above, consider that the methodology piloted from 2015 to 2016 was of little value.

41 Concluding Observations on the Second Report of Bulgaria, CRC/C/BGR/CO/2, 2008, para.68(c)
42 The outcome of the criminal investigation is unknown.
43 Since transfer, it is called the Centre for Social Rehabilitation and Integration.
The Centre for Child Support and Development in Kotel was established in 2014 to prevent school-leaving. In 2016, with the support of the project, it began to work with older girls who are pregnant or married and adolescent boys and girls with behavioural problems. The new services, which are designed to combat social and psychological problems seen as risk factors for offending, are still being provided. The effectiveness and impact of these services have not been assessed, but all key informants who were familiar with them had a positive opinion of their value.

The Centres for Social Rehabilitation and Integration, the new centres in Kotel and Nova Zagora, are providing services previously unavailable to some children and their families. Most beneficiaries are children at risk and their families, not children involved in crime. The staff of municipal and regional social assistance and child protection services in Sliven are more aware of the need to assist children at risk and their families. The Blue Room has allowed a small number of child offenders to be interviewed in a child-friendly environment. The transitional home also has provided suitable temporary shelter and care to a small number of adolescent offenders. The Youth Zone offers some constructive activities for children at risk in a Roma neighbourhood. As yet, none of these activities or services have been scaled up, and the project has not made any significant improvements in the treatment of children in other regions and their families. The lack of reliable documentation as to the results of the piloting in the two Centres in Sliven municipality make it impossible to argue that they deserve to be taken to scale, at this time.

The third aim of the project was to establish a coordination and cooperation mechanism in the pilot region. A Regional Coordinating Group was established by order of the regional government in 2013, and has met six times since then. Participation is good – participants in the 2017 meeting included twenty representatives of the regional and municipal governments, the Local Juvenile Delinquency Commission, the police, prosecutors, health and education authorities and an NGO. The Group is expected to continue coordination of policies and activities regarding children and justice and the prevention of offending.

Another, broader objective of the project was to strengthen the capacity of local government, service providers and stakeholders. The term ‘local government’ refers to the regional government of the Sliven region, and the three municipal governments in the region in which the project organized activities (Sliven, Kotel and Nova Zagora), including the relevant departments and other dependencies of these governments, such as the Local Juvenile Delinquency Commission, the Social Assistance/Social Service Directorates, Child Protection Departments, and the police ‘child pedagogic rooms’, probation department and prosecutors. The means used to develop capacity included training, ‘supervision’, financial support for hiring additional staff, participatory project management, and the establishment of a coordination mechanism. There was a consensus amongst almost all key informants interviewed that these activities were very beneficial.

The capacity of two local bodies in Sliven, the Local Juvenile Delinquency Commission and police child pedagogic room, did not increase significantly. Although both indicated that they valued the training provided by the project, their views on closure of the boarding schools and the alternative, community-based preventive programmes piloted were negative, and their cooperation with the project was limited. This is not surprising, given that the action plan for juvenile justice reform developed during the project called for the elimination of both institutions. Indeed, to change the approach and practices of these institutions to the prevention of offending was one of the main purposes of the project.

The capacity of the Child Protection Departments in the pilot area also was strengthened by the employment of five new social workers whose salaries were paid by project funds. The project also provided them with computers and other equipment. This expansion of the capacity of the municipal and regional child protection teams helped to make the child protection unit more active during the project, e.g. visiting children in the Social Pedagogical Boarding School for the first time. When project funding ended, however, most of these staff were reassigned to other duties.

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44 Most children interviewed in the Blue Room are victims of crime.
45 Several key informants used a term translated as ‘supervision’ to refer to psychological support provided to professionals who participated in project activities.
It is not possible to assess changes in the capacity of service providers by objective indicators. Consequently, the evaluation team has relied on the views of the service providers themselves, the views of key informants familiar with their work and, in one case, circumstantial factors. The Centre for Social Rehabilitation and Integration is a new service provider, and most of the staff trained by the project remained in the Centre when the management was transferred from an NGO to the municipality in 2016. The very existence of the Centre represents an increase in the capacity of the municipal government to provide services to the target population. In contrast, the Centre for Work with Street Children was functioning before the project began. The staff indicated that they found the training and supervision provided during the project very beneficial, but this is contradicted by their statements that there was little new to the methodologies promoted by the project. This, in turn, is contradicted by the fact that, thanks to the project, the Centre offers some services not offered before. The Centre in Kotel, created to provide early childhood development services, began to offer preventive services to a different group of beneficiaries, adolescents in a Roma village. Representatives of the regional government and other informants consider the new services provided, as well as the services provided by the new Centre in Nova Zagora, very beneficial.

On the national level, the evaluation team interviewed representatives of the Ministry of Interior, the Ministry of Education, the Central Juvenile Delinquency Commission, the Social Assistance Agency, the Office of the Ombudsman, and three NGO stakeholders. Of the governmental shareholders, only the interviews with representatives of the Ministry of Labour and Social Policy and Social Assistance Agency indicated that project activities helped to develop capacity of these authorities on the national level. A meeting with a former staff member of the Ministry of Justice indicated that the project had helped develop the capacity of key staff at the national level, but turnover in the staff of the Ministry during the course of the project appears to have largely negated that result. The head of the Central Juvenile Delinquency Commission told to the Evaluation Team that their staff did not benefit from the project. The capacity of NGOs that participated in the project by undertaking research and analysis, providing training, developing methodologies and managing Centres established or supported by the project was strengthened considerably. In conclusion, the capacity development achieved during the project was significant, but not uniformly so. It was very significant for a relatively large number of partners and stakeholders but was largely insignificant for a few. In general, it was more significant on the regional level than on the national level.

A fourth output identified in the project document was the ‘development and implementation of a behaviour change campaign for children at risk/in conflict with the law’. No such campaign was undertaken. In effect, this output was modified to a campaign aimed at professionals and the general public, to mobilize support for new legislation on juvenile justice. The media campaign began in 2015. Materials prepared include 6 ‘real stories’, 4 public service announcements and interviews with experts and children. The evaluation team was unable to obtain data on the number of times such materials were broadcast or the number of times they were viewed on-line. Several key informants stated that the materials were broadcast during hours when the television audience is small. The main goal of this activity was to support adoption of a new juvenile justice law by raising public awareness of the rights of children in conflict with the law, illustrating the negative consequences of deprivation liberty, and showing the importance of legal aid and alternative ways of treating juvenile offenders. Law reform – the ultimate goal of this activity - has not been achieved, and the preparation and dissemination of these materials must be considered a modest achievement.

The activities/outputs of the project evolved during the course of implementation. This was due in part to the methodology of the project, which called for the new services piloted to be based on an ‘evaluation of children in conflict with the law and their families’ and the capacity and methodology of existing services. This is also due to the relationship between the project and the 2011 Concept on justice for children. The Concept, developed with UNICEF support, was cited as one of the reasons for the project, and the

46 A ‘Concept’ is similar to what would be called a White Paper in the UK.
development of an action plan for implementation of the ‘Concept’ during the second year of the project was reported as an achievement. Both the Concept and the action plan for its implementation (called ‘Road Map’ for technical reasons) were broader than the project as described in the project proposal. Some of the new activities were within the original broad aim of developing community-based services, while others were within the scope of the Concept, but not within the original aims of the project. The process of developing the action plan helped to build the capacity of the governmental participants, but it was largely an empty achievement due to the lack of political will to implement it.

Another ambitious activity not mentioned in the original project documents was the development of a draft law on juvenile justice. The Concept called for the ‘Creation of legal framework in the area of children’s rights in full compliance with international legal standards…’, including repeal of the Juvenile Delinquency Act. The ‘Road Map’ reconfirmed the plan to repeal the Juvenile Delinquency Act and to draft a new special law compatible with international norms. UNICEF provided technical inputs into the drafting of such a law, and supported an international conference on juvenile justice legislation in 2014. Support for law reform was part of a parallel UNICEF project, but UNICEF concluded that the sustainability of the new services being piloted as part of the Children Behind Bars project depended in large part on changes in the legislative framework, and thus incorporated support for replacement of the Juvenile Delinquency Act into this project. A draft law was completed and opened for public comments in 2016. However, the Council of Ministers resigned before forwarding it to the National Assembly, and to date there has been no further progress in the process of law reform concerning juvenile justice.

Two other activities were designed to support law reform, viz., support for the re-oriented media campaign mentioned above and support for the participation of NGOs in the process of monitoring compliance with the Convention on the Rights of the Child. Three NGOs submitted relevant information to the Committee on the Rights of the Child, and the Committee expressed concern that its previous recommendations concerning the amendment of legislation on juvenile justice had not been implemented. NGOs subsequently were supported in dissemination of the Committee’s comments on juvenile justice.

In one sense, the drafting of a new law on juvenile justice must be seen as an empty accomplishment, since it has not been enacted. Nevertheless, the process of developing and disseminating the draft law strengthened the capacity of those in public service and civil society who participated in it. Most informants agree that law reform eventually will succeed.

Special rooms for the questioning of children involved or potentially involved in legal proceedings had been established in other regions before the beginning of the project. The regional action plan adopted by the Regional Coordination Group in March 2013 concluded that one was needed in Sliven municipality. This was achieved, although the benefits of this ‘Blue Room’ are limited by the reluctance of police investigators to use it.

Two small residential facilities were opened in Sliven municipality: a ‘supervised home’ for young adults and a ‘transitional home’ for adolescents. Each had a capacity of 4 persons. Only one person was placed

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47 Section V.B.5.2 (‘Juvenile Delinquency Act’ is an English translation of the name commonly used to refer to the Act; one English translation of its full name is ‘Measures against Delinquency of Minors and Juveniles Act’. The use of the terms ‘minors’ and ‘juveniles’ indicates that the term ‘delinquency’ applies to children above and under the ‘age of criminal responsibility’, 14 years. The Act does not apply to children under 8 years of age.)
48 Ch.2, Legislative Reform Guidelines, Activity 1
49 The bill is called Act on Diversion and Implementation of Educational Measures.
50 The Council of Ministers resigned before the draft could be revised to take public discussion into account.
51 UN doc. CRC/C/BGR/CO/3-5, para.58(c)
in the former during the project, and that facility was closed. A small number of boys and girls were placed in the transitional home for persons 16 to 18 years of age during the project, which remains open with State funding. Several informants stated that the services it provides are much needed.

Another service established by the project was the provision of legal services to child offenders, children at risk and their families, as part of the inter-disciplinary package of services piloted by Centre for Intensive Social-Pedagogical Support. With the transfer of this Centre back to the municipality legal services are no longer provided there, but they continue to be provided through the local bar association and an NGO, with UNICEF support. Several informants informed the evaluation team that the services provided had significant impact on the rights of some children and families.

Two project activities were not implemented: the development of specialised foster care for children with difficult behaviour, and specialized mentors. The latter activity was linked to a plan to close the Local Juvenile Delinquency Commission, which uses ‘public educators’ to monitor/support children. The study of the capacity of existing services in Sliven had concluded that they were poorly qualified and supervised, compared to social workers employed in the child protection system, and that some of them should be retrained and eventually transferred to the child protection system. Training was organized, but the plans to eliminate the Juvenile Delinquency Commission were not implemented and the ‘public tutors’ refused to participate in training. The reason the plan to develop specialized foster homes/parents was not implemented is unknown.

The project proposal listed six quantitative ‘indicators’:
- the number of children in correctional schools annually
- the number of children registered as offenders
- the number of children using new or improved services in Sliven
- the number of parents directed [to] and using services
- the average time spent by children in correctional schools
- the number of professionals trained

The regional action plan adopted in 2013 called for collecting data on four of these indicators. Some were modified, however. The most important modification was that the indicator on children registered as offenders was changed to children registered by the police and juvenile delinquency commission, which includes children at risk and children involved in anti-social behaviour.

No data are available on two of the six project indicators: the number of parents referred to and using project services and the average time spent in correctional schools. The failure to record data on the indicators chosen to measure the impact of the project is an error in management. That said, the two indicators for which no data are unavailable are less important than other closely related indicators, the number of children using services and number in correctional schools.

The project proposal does not state what changes in these indicators the project was expected to produce. The total number of children admitted to Social Pedagogical Boarding Schools and Correctional Educational Boarding Schools decreased steadily between academic year 2011-2012 and 2016-2017, for a total decrease of 33%. This is a positive outcome. The decrease was more significant for Correctional Educational Boarding Schools. Indeed, the number admitted to Social Pedagogical Boarding Schools increased in 2013-2014, 2014-2015 and 2015-2016. In 2016-2017, it returned to the same number as 2010-2011. Since placement Correctional Educational Boarding Schools is considered a last resort, the increase in the number of students admitted to the Social Pedagogical Boarding Schools may well be a consequence of the decrease in the number placed in the former.

52 It did not call for data on children using the new/improved services, nor the average length of stays in the Dragodonovo Boarding School.
The number of children registered by the police as offenders in Sliven region fell sharply during 2013-2015. The evaluation team was informed that this decrease was due to the absence of an officer responsible for child offenders. The number of children registered by the police as offenders in the region doubled from 2015 to 2016 and increased again in 2017. During the first 9 months of 2017, the number of registered child offenders was 16% higher than the total number for 2016, and 32% higher than the number in 2012, the first year of the project. National data on child perpetrators of crime indicate a continuing decline from 2011 to 2016, of 24%. The decline in the number of child offenders throughout the country is, of course, positive, although there does not seem to be any reason to attribute it to the project. Indeed, the contrast between the decrease nationally and the increase in 2016 and 2017 in child offenders registered in the region where new services were piloted highlights the failure of the project to reduce offending by juveniles in Sliven.

Data on the number of children who were beneficiaries of the new services piloted in Sliven are incomplete. The Centre for Psychological Support for Children and Families (now Centre for Social Rehabilitation and Integration) has provided services to some 88 children since it was created.\textsuperscript{53} Forty-four children benefitted from the new methodology introduced in the Centre for Intensive Social Pedagogical Support during the time it was used (August 2015 to August 2016). Sixty-six children have benefited from the new services for adolescents introduced at the Centre for Child Support and Development in Kotel, and the Community Support Centre in Nova Zagora provided services to 30 children during 2016.

The data provided by UNICEF indicate that some 140 professionals were trained during the project, including 34 participants in two multi-sectoral trainings activities organized in 2015; 10 staff of the Social Pedagogical Boarding School; 23 staff of the Centre for Psychological Support for Children and Families and the Centre for Intensive Social-pedagogic Support; 12 staff of the Centre in Kotel, 14 staff of the Centre in Nova Zagora; 22 staff members of two ‘Family-style’ Centres for alternative care; and 25 lawyers.

\textsuperscript{53} See Annex 3
V. Gender, Equity and Human Rights

The evaluation team was led by a male international consultant, and the second member of the team was a female national consultant. All three of the UNICEF staff members who supported the evaluation, and the regional UNICEF consultant in Sliven, are women. Of the 34 key informants interviewed, 26 are women. Most of the women who were key informants were selected because of their active participation in implementation of the project. The sex of the staff present during the three facilities visited in Sliven also is an indicator of women’s participation in the project. At the Centre for Social Rehabilitation and Integration, all six of the staff present were women; at the Centre for Work with Street Children, four of the seven staff present were women, and at the Centre for Child Support and Development, nine of the ten staff present were women.

Data on the sex of children provided with services by the centres supported by the project, and the number of mothers who receive support, are not comprehensive. The evaluation team did obtain information about the current caseload of the Centres it visited. The Centre for Street Children had a caseload of 15 at the time it was visited, including three girls. The caseload consisted of children from 11 families, including five headed by women. The Centre for Social Rehabilitation and Integration had a caseload of 23 children at the time it was visited. The number of girls in the caseload is unknown, but approximately one-fifth their families were female-headed. The Centre for Child Support and Development stated that more than half their caseload consists of girls. Data are not available on the sex of the children interviewed in the Blue Room.

Data on participants in the two multi-sectoral training courses organized in 2015 indicate that 85% were women. Data on other training activities is not disaggregated by sex.

Sixteen per cent of the children registered by the police for involvement in criminal activity are girls. Over the last 7 years, 19% of the children placed in Social Pedagogical and Correctional Educational Boarding Schools were girls. Most (83%) were placed in Correctional Educational Schools. The number of children placed in either kind of boarding school has fallen by one-third over this period, but the number of girls has fallen by half. How many of these children were placed because of criminal conduct and how many for other reasons, is unknown. Decisions to place children in such schools are taken by Local Juvenile Delinquency Commissions in the first instance, but must be ratified by a court. It may be that the larger decrease in the number of girls entering such schools is due to training of judges, but there is no reason to attribute that to the Children Behind Bars project.

Evidence of abuse of girls in a Social Pedagogical Boarding School was found during the project, but the evidence available does not indicate whether their rights were violated more often than those of boys. (Sexual abuse of younger boys by older boys was common.) Children in these schools, unlike children in other boarding schools, do not receive pocket money. This led some girls to engage in prostitution outside the schools. Girls in these schools, unlike women or adolescent girls in prison, have no right to keep new-born infants with them. Children born to girls confined in these schools are placed in orphanages, and some have been adopted without the consent of the mother. The school in Dragodonovo that was closed in 2017 was the only Social Pedagogical Boarding Schools that admitted children of both sexes.

The composition of the evaluation team was acceptable, in so far as gender is concerned. The process of seeking information and opinions from key informants gave due regard to the role and presence of women in the area of justice for children. The fact that data provided by the Ministry of Interior and Ministry of Education are disaggregated by sex is positive. The lack of disaggregated data on beneficiaries of community-based services supported by the project is regrettable. Available data does not appear to show

54 See Annex 4
55 PRP2, data for 2011-2016. The data include children 8 to 18 years of age.
56 Data provided to UNICEF by the Ministry of Education.
57 This policy is about to change, according to the Deputy Minister of Education.
discrimination against girls in the operation of the ‘juvenile justice system’, broadly defined. However, the fact that this system still covers both children involved in criminal conduct and those involved in non-criminal behaviour such as school-leaving or running away from home, and that some of the data is not disaggregated by the reason for intervention and by sex, limits analysis of the impact of the system on girls. Closure of the only Social Pedagogical Boarding School that admitted girls can be seen as a positive outcome for girls. The significance of this outcome is limited, however, because the number of girls placed in the Correctional Educational Boarding Schools is greater than the number that were placed Social Pedagogical Boarding School.

Data concerning juvenile justice are not disaggregated by ethnicity. There are, however, fragmentary data that indicate that the percentage of children in contact with the system of Roma origin is very high. The report on juvenile justice and child protection systems in Sliven prepared at the beginning of the project states that most of the thefts committed by children are committed by Roma, and 90% of the cases concerning anti-social behaviour considered by the Local Juvenile Delinquency Commission in Sliven in 2012 concerned children of Roma origin. More than half of the population of the Dragodonovo Social Pedagogical Boarding School were Roma; one in ten was Bulgarian, and the remainder were of Turkish origin.

The project was designed in part to benefit the Roma community. The project proposal recognized that ‘An important number of the children [in correctional schools] are Roma.’ The selection of Sliven as the site for piloting activities was made in part because the region has a large Roma population, and the MoU with regional and local authorities expressly recognized the aim of implementing measures for the social inclusion of vulnerable groups. Unfortunately, data on children who were direct beneficiaries of the project are not disaggregated by ethnicity. Consequently, the evaluation team made an effort to obtain information about the ethnicity of the current caseloads of the Centres it visited. The Centre for Social Rehabilitation and Integration had a caseload of 23 children at the time it was visited, and indicated that some 80% were Roma. The Centre for Work with Street Children had a caseload of 15 at the time it was visited, including four Roma children. It also opened the ‘Youth Zone’ in a Roma neighbourhood, described above. The Centre for Child Support and Development in Kotel also created a new programme for adolescents in a Roma village. The Community Support Centre in Nova Zagora also provides services in a Roma neighbourhood. The head of a national Roma NGO informed the evaluation team that, in her opinion, the project provided valuable services to the Roma community. In conclusion, the project appropriately took the needs of the Roma community into account.

The whole purpose of the project was to protect the human rights of children. The project proposal was based on recommendations made by the Committee on the Rights of the Child in 2008, with emphasis on the ‘last resort’ principle. More broadly, it was designed to protect the rights of vulnerable children to healthy development, and to live with their families in so far as this is compatible with their best interests. It also was designed, as indicated above, with a focus on the rights of especially vulnerable children. The part of the project concerning correctional schools gave priority to the violations of rights of children discovered during implementation, leading to investigations by prosecutors and by the office of the Ombudsman.

The Convention on the Rights of the Child recognizes the right of children to be heard in all matters that concern them. The project emphasized evaluation of the needs of individual children ‘in the system’, which is in harmony with the right of children to be heard. It also included a component that provided legal

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58 Analysis of juvenile justice system and child protections system in the regions of Sliven and Montana, supra, p.19
59 CRC Art.37(b)
60 CRC Art.7, 8 and 27
61 CRC Art.20-21
62 Art.12
assistance to 'children in conflict with the law', an essential measure for protecting the human rights of children.

The right of children to be heard in matters that concern them collectively is often interpreted as the 'right to participation'. Children had little participation in the design or implementation of the project. They did participate in one important way - the media campaign featured interviews with children affected by the juvenile justice system. The fact that no child beneficiaries of the project were interviewed as part of the evaluation is not compatible with their right to be heard.
VI. Conclusions

The project was very much aligned to the government’s reform agenda, when it began. The Concept on justice for children adopted by the Council of Ministers in 2011 called for the development of community-based services for children involved in criminal activity, closure of the Social Pedagogical Boarding Schools, and increased inter-institutional cooperation. It also called for bringing the legislation into harmony with Bulgaria’s obligations under international human rights law, repeal of the Juvenile Delinquency Act, and giving a greater role to NGOs. The project also was aligned with the ‘Road Map’ for implementation of the Concept adopted in 2013. However, the commitment of the government to the Concept and Road Map varied during the duration of the project, and from one counterpart to another.

Differences between the positions of national counterparts became increasingly evident as the project unfolded. The Ministry of Labour and Social Policy and the Central Juvenile Delinquency Commission opposed the draft law on juvenile justice developed in 2015.63 On the other hand, an important new partner, the Office of the Prosecutor General, joined the project in 2015.64 The Office of the Ombudsman also began to play a strong supportive role, especially in the closure of the Social Pedagogical Boarding Schools and law reform. Differences also emerged on the regional level. The mayor of Sliven was strongly supportive of the project, but was replaced in 2015 by a mayor who was not. The regional government remained supportive throughout the duration of the project.

Most of the main outcomes were not realized, only partially realized, or realized in an unplanned manner. Consequently, it is not possible to affirm that the project design was appropriate for reaching them. The one important outcome that was realized is capacity building. It is difficult to identify changes in the project design that would have avoided the negative outcomes. Although changes in the national and municipal governments have brought juvenile justice reform to a standstill, there nevertheless is large support for it within the relevant professions and some public institutions. All key informants asked whether they believe UNICEF should continue to support juvenile justice reform replied that it should. This suggests that the failure to achieve some of the key planned outcomes, including law reform and the introduction of new methodologies for prevention, may well be reversible.

UNICEF interventions were key to the process of juvenile justice reform on the local and regional region from the beginning of the project in 2012 to 2015. Without UNICEF, there would have been little or no interest in juvenile justice reform in Sliven. UNICEF’s interventions had little positive effect in Sliven municipality after the 2015 election, but continued to have a positive effect in the region, as evidenced by the opening of the new preventive Centres in Kotel and Nova Zagora. The introduction of free legal advice and representation for children and the Blue Room for child-friendly interviews are very positive changes in the local justice system.

On the national level, UNICEF’s interventions accelerated juvenile justice reform during the first half of the project, as evidenced inter alia by the adoption of the Road Map and preparation of the draft law on juvenile justice. It would not be an exaggeration to say that UNICEF was a key protagonist in reform during this period. Opposition to juvenile justice reform, or a more critical approach to the specific reforms needed, emerged during the second half of the project. The reasons included fear of the elimination of institutions such as the juvenile delinquency commissions, resentment of the responsibilities given to NGOs, and disturbing incidents involving children released from Social Pedagogical Boarding Schools. This change in attitude towards juvenile justice reform on the part of some actors may well be temporary development. Although political will is lacking in the government as a whole, it exists in some ministries, in particular the Ministry of Education, which operates the remaining Social Pedagogical and Correctional Educational Boarding Schools, and the Ministry of Labour and Social Policy - although neither is taking a lead role in reform. There also is a strong political will to proceed with reform in the Office of the Ombudsman, which is independent of the government.

63 The Commission is composed of Ministries and other authorities, some of which were partners in the project.
64 The Institute for Justice also signed an MoU, but it was not implemented.
The creation of three new Centres offering services not previously available, the opening of a transitional home and opening of the Youth Zone in a Roma neighbourhood are significant changes in the regional child protection system. The project leveraged public financial resources to consolidate most of the new services created in Sliven during the project. More generally, there is greater awareness within the child protection system of their duty to assist children under the age of 14 involved in criminal conduct, and children involved in ‘anti-social behaviour’ or at risk. This can be seen in the national offices of the relevant agencies, as well as in the pilot region, although it has not yet been translated into new activities, programmes or methodologies on the national level.

Frequent changes of government on the national level (six during the duration of the project) and one critical change of the municipal government in Sliven municipality in 2015, a crucial point in piloting of new methodologies, were the main factor preventing the achievement of some of the objectives of the project.

The strategies/roles used by UNICEF that were most effective were advocacy and capacity building. Advocacy has not been effective at the municipal or national level for the last year or more, but was very effective during the first years of the project. Its effect is still perceptible in good cooperation at with the regional authorities in Sliven.

Bulgarian ratification of the Convention on the Rights of the Child, and the recommendations on juvenile justice made by the Committee on the Rights of the Child in 2008, were significant positive factors. Bulgarian entry into the European Union, and the decisions of the European Court of Human Rights on the incompatibility of the juvenile justice system with Bulgaria’s obligations under the European Convention on Human Rights, were factors that favourably affected the project design and receptivity of the authorities to the project.

In general, the resources invested were used efficiently. There would not have been a more cost-effective way to achieve the results in capacity-building, one of the most important outcomes. The resources invested in the Centre for Intensive Social Pedagogical Support did not have the expected value, because the methodology introduced is no longer being used. The evaluation team was unable to obtain any information on the impact of the media campaign, and consequently cannot assess whether the resources spent on it were spent efficiently.

Most of the key informants interviewed consider that the activities were well planned and managed. In retrospect, some could have been managed better. For example, the head of the NGO that managed the Centre for Intensive Social and Pedagogical Support considers that her organization should have made a greater effort to manage the sensitivity of local participants to outsiders. Temporarily paying some local authorities to help start up the project may have had negative consequences as their employment ended when the project moved into consequent stages with a regional coordinator.

The project was coordinated with a larger UNICEF project called ‘Strengthening the legal and institutional capacity of the judicial system in the field of Juvenile Justice’ project, which also began in 2012 and ended in 2017. That project had three objectives: to ensure that the legal framework of the justice system is in harmony with international standards on the rights of juvenile offenders and child victims and witnesses, to improve capacity of judges, prosecutors and law enforcement officers, and to pilot specialized juvenile panels in district courts. The first objective in effect became an objective of the Children Behind Bars project. The support for drafting of a new law on juvenile justice and related advocacy and awareness-raising activities are an example of synergy. The piloting of new methodologies as part of this project also was complementary to the ‘Strengthening the legal and institutional capacity of the judicial system in the field of Juvenile Justice’ project, as the approaches piloted were incorporated into training. The fact that a significant training effort was made by the other project allowed the funds available under the Children Behind Bars project to be targeted more efficiently.

The data collected and analysed during the first stage of the project, and the preparation of a needs analysis, were used effectively to plan activities carried out during piloting of services and preparation for
closing the boarding school in Dragodonovo. Data collection during the subsequent stages of the project was insufficient, as indicated above.

Monitoring, in the sense of periodic collection of qualitative information on the execution of project activities, was done extensively and the results were used effectively to adjust the kind of support provided, as well as to inform advocacy. One example is monitoring of proceedings for the placement of children in Social Pedagogic and Correctional Education Boarding Schools, which led to the incorporation of legal assistance into the interdisciplinary services provided to children accused of anti-social behaviour. When the interdisciplinary approach to assisting children was discontinued by the Centre where it was piloted, the provision of legal assistance was supported as a separate activity, provided jointly by the Sliven bar association. Training to the lawyers providing services also was added to the work plan of the project and carried out. The legal services provided led to some important achievements in terms of the defence of the rights of juvenile offenders and other children brought before the Local Commission on Juvenile Delinquency. Monitoring of training also led to some important new developments, such as extending police participation in training to include investigators, and the development of a continuing dialogue with judges concerning the best methods of implementing new services for children involved in judicial proceedings.

The project created conditions to ensure that certain achievements continue to benefit children and their families. The three new Centres opened in Sliven region, the Blue Room and the transitional home are now funded by the government. The training and capacity building done will help to ensure that children and families in the pilot region receive more appropriate assistance and treatment, for some time. The Office of the Prosecutor General has trained trainers, which will help ensure that the knowledge and skills developed during the project will continue to be disseminated and reinforced in the future. The regional government adopted a decree requiring interagency coordination, which can be expected to help preserve and perhaps strengthen or expand services that benefit vulnerable children and families in the region.

The capacity of some key national partners to continue to implement project components without UNICEF support is weak. Turn-over at the Ministry of Justice has led to a situation where there is little understanding of the project's achievements, and no interest in supporting the draft law on juvenile justice. The project had limited impact on the 'child pedagogical room' in the Sliven police, and the representatives of the Ministry of Interior interviewed showed little concern about that negative outcome. In so far as the Ministry of Education is concerned, the question is complicated. The sole remaining Social Pedagogical Boarding School is not following the methodology piloted in Dragodonovo under the project, but the Ministry intends to close that school. Whether the methodology piloted is being used in Correctional Educational Boarding Schools is unknown. The Ministry also plans to close them, but how long the process will take and what methodology will be used for closure is unknown. The Central Juvenile Delinquency Commission had little involvement in the project, and its main functions are incompatible with the thrust of efforts to reform the juvenile justice system. The Ministry of Labour and Social Policy, the State Agency for Child Protection and Agency for Social Assistance appear to have the capacity to implement the project activities within their areas of competence, but this will be difficult to do without changing the legal framework. The Child Rights Unit of the National Ombudsman has the capacity and intent to continue working effectively on issues concerning juvenile justice.
VII. Lessons Learnt

Identification of lessons learnt is part of the second objective of the evaluation. Both positive and negative lessons can be learned from the design, implementation and results of this project.

1. One lesson concerning the design of the project is that projects should contain an analysis of foreseeable risks that could have a negative impact on implementation. The period 2012 – 2017 was marked by frequent changes of government. The national government in place at the time the project was designed and implementation began left office in March 2013, the second year of the project. The succeeding government was in place a little over one year, until July 2014. An interim government was in place until November 2014. One year later, in November 2015, local elections led to a change of government in Sliven municipality. The national government resigned in November 2016, after a presidential election, and an interim government was in place from then until May 2017. The government formed in May 2017 remained in place for the remainder of the project. The changes in government led to changes in the identity of key counterparts in the Ministries that were partners in the project, and a change of government in the municipality of Sliven. Changes in the national government effectively stopped one of the main activities, law reform, and the change of government in Sliven had dramatic consequences for the piloting of community-based services. 65 It is difficult to say what changes in project strategy or implementation might have been made had these problems been anticipated, but this is an example of the kind of risk that must be taken into account in designing a project. This is an important lesson for UNICEF offices contemplating similar projects in other countries, and for UNICEF Bulgaria should it decide to develop another project on juvenile justice.

2. Lessons also should be learned from the failure of law reform. The replacement of some high-ranking officials who supported the juvenile justice projects is part of the reason the draft law on juvenile justice has not been enacted. The Ministry of Justice, previously a strong supporter of the project, presently feels no ownership of the draft law and did not meet the evaluation team. Indeed, some reportedly see the draft law as an initiative of civil society or, worse yet, an initiative based on the pressures of foreigners.

This is not the only reason the law reform process has stagnated, however. The draft law focuses largely on principles and norms designed to bring procedures into compliance international standards. It would require important changes in institutional mandates, in particular relative to the community-based treatment of child offenders and prevention of offending. The financial implications of implementation have not been addressed. The only institution that has expressed interest in assuming responsibility for the new services the law would provide for is the Central Juvenile Delinquency Commission, which many actors consider to be the keystone of the antiquated system that the draft law is designed to replace. The main lesson to be drawn from this experience is that draft laws should not be presented for approval until the human and material resources needed for implementation, and institutional responsibilities for implementation have been discussed in depth with counterparts, and appropriate agreements reached. This lesson is relevant for UNICEF Bulgaria, should it decide to continue supporting juvenile justice reform, and to other UNICEF offices designing or supporting similar projects.

3. The complementarity of this project with other projects was a positive feature, which can be seen as a lesson. The most relevant project was “Strengthening the legal and institutional capacity of the judicial system in the field of juvenile justice”, which began the same year. A project on training police officers on dealing with child offenders, victims, and witnesses, and data management on children and justice, began in 2013 and is still underway. For the sake of transparency, it would have been desirable for the complementarity of these projects to have been recognized from the beginning. 66 This lesson is relevant

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65 Relations with the regional government of Sliven were not affected.
66 The project proposal stated ‘It is important to mention that no other major donor or international organisation are involved in the area of assisting children with conflict with the law. No significant projects were implemented in the last decade or are currently planned with the local authorities in Sliven and Yambol.’ This is accurate, but somewhat misleading.
for UNICEF Bulgaria, should it decide to continue supporting juvenile justice reform, and to other UNICEF offices designing or supporting similar projects.

4. A lesson that can be learned from the changes made to the objectives of the project is that the addition of significant new objectives is appropriate provided that they are closely related to the initial project aims and there are strong reasons to pursue them, even if there is a moderate risk that they may not achieved during the timeframe of the project. The new objectives adopted during implementation of this project include the adoption of the Road Map for implementation of the Concept on Children and Justice, the drafting of a new law on juvenile justice, and the creation of the ‘Blue Room’ in Sliven. Most of the new objectives were not achieved. They were, however, appropriate. In particular, the new draft law was needed both to bring the Bulgarian justice system into greater conformity with Bulgaria’s obligations under international human rights law, and to remove obstacles to the innovative community-based preventive services introduced. Indeed, the drafting of and advocacy for the draft law should be seen as an appropriate response to obstacles to the achievement of an original project objective (piloting community based services) that emerged during implementation. The adoption of the Road Map for implementation of the Concept also seems appropriate. The Concept was, in a sense, the foundation for the project and, while the Concept and Road Map covered issues beyond the scope of the project, the Concept also included plans and activities relevant to the objectives of the project.

5. A lesson also can be learned from the in-depth evaluation of the needs and characteristics of the intended beneficiaries of the project and the capacities of existing services in the pilot region that was carried out during the first stage of the project. Key informants in the region believe that the advances made in piloting innovative services were due in part to the careful needs analysis on which the regional plan was based. The usefulness of such a study during the initial stage of implementation is a positive lesson relevant for other UNICEF offices designing similar projects.

6. Yet another positive lesson that can be learned concerns the management of the project in the pilot region. Projects concerning juvenile justice are labour intensive. Management of the part of this project implemented on the regional level was entrusted to an experienced consultant contracted by UNICEF, with the support of UNICEF staff in Sofia. She was hired early in the second year of the project and worked on the project until it ended. Indeed, she continues to work with the project counterparts in the region even though the project itself has ended, and manages other projects in the region. Most of the regional counterparts have a very positive opinion of her contribution to implementation of the project. The role given to this coordinator is a positive lesson for other UNICEF offices designing similar projects.

7. The role played by the Office of the Ombudsman is another positive lesson. UNICEF developed a good working relationship with the Ombudsman and the head of the Ombudsman’s Child Rights Unit, even though the Ombudsman was not a partner in the project. Support for the Office of the Ombudsman led to increased monitoring of the Social Pedagogical Boarding School in Sliven, and the resulting recommendations were instrumental in convincing the authorities to close it, thus realizing one of the three objectives of the project. The Office of the Ombudsman also gave its support to the process of law reform, and this too is a good practice. The value of cooperating with Ombudsmen or child rights departments of ombudsmen when they have a strong commitment to child rights is a valuable lesson for other UNICEF offices supporting projects on the rights of children.

8. Incorporation of legal services into a project of this kind is another positive lesson. The interdisciplinary methodology piloted in one the community-based centres in Sliven included legal services for children and their families. The legal services resulted in some important decisions on the rights of children, in effect using the law and courts to protect the rights of children against measures of the administrative authorities infringed their rights or threatened to infringe them. The provision of legal aid through the centre ceased when the municipality resumed management, but UNICEF continued to support children’s access to legal assistance through the bar association and an NGO. The positive contribution that legal assistance can make to projects concerning the rights of children is a lesson for other UNICEF offices.

67 e.g. a project on Early Childhood Development
9. The lessons to be learned regarding selection of the area to pilot new services are somewhat ambiguous. The region selected for piloting is one with a large Roma population, a positive decision from the perspective of equity. It also is a region where few international projects had been implemented previously, and more traditional and less receptive to new ways of thinking than other regions. Indeed, reluctance to cooperate with national NGOs from the capital affected implementation of the project in this region. Some counterparts consider that it was important to pilot new approaches to juvenile justice in this region precisely because it was a region where new approaches were (and are still) most needed. However, the mixed results of piloting in this region suggest that the risks must be weighed carefully in taking decisions of this kind. This lesson is relevant for UNICEF Bulgaria as well as other UNICEF offices designing similar projects.

10. The last lesson concerns the large role of national NGOs in piloting innovative services. This generated some resentment amongst local professionals and contributed to the municipality's decision to recover management of the two centres in Sliven municipality. There was, however, no real alternative to using national NGOs for this purpose, and the NGOs chosen had the necessary experience and expertise. The lesson this experience suggests is that, in similar circumstances, the implementing NGOs should anticipate such reactions and make greater efforts to prevent or mitigate them. This lesson is relevant for NGOs in similar circumstances, as well as for UNICEF Bulgaria and other UNICEF offices facing similar challenges.
VIII. Recommendations

These recommendations were prepared by the leader of the assessment team, during the drafting of this report. They are based on all the documentation reviewed, all the information and views received from and expressed by key informants, and a lengthy discussion with the UNICEF child protection team that took place the last day of the mission. Time constraints and the absence of some key counterparts prevented the organization of a meeting to discuss the recommendations with counterparts at the end of the mission. However, many of the ideas underlying these recommendations were discussed in meetings with national counterparts during the second week of the mission. The recommendations were presented in a meeting of counterparts with the UNICEF Child Protection Team that took place 7 February 2018. No substantive changes were made to the Recommendations as a result of that meeting, although some Recommendations were clarified.

1. UNICEF should continue to support juvenile justice reform in Bulgaria. Every national counterpart that met with the evaluation team agreed that it should do so. Although most of the aims of the project were not met, or not met in an appropriate manner, and although the Ministry of Justice, at one point the main counterpart, seems to have lost interest in juvenile justice reform, the evaluation team agrees that UNICEF should continue to support juvenile justice reform. There are two reasons for this conclusion. First, to step back at this point would have an adverse impact on the reform process. In our view, the process has reached a point where there is considerable support for it in civil society, in some of the relevant professions, and amongst public officials, but there is not enough momentum for the process to continue without UNICEF support. Ending UNICEF support now could make the investment made during the last six years a waste. Secondly, the team believes that there are steps that can be taken to overcome the difficulties that have prevented the Children Behind Bars project from being more successful. (see below)

This recommendation is a high priority.

2. In so far as law reform is concerned, the draft law on juvenile justice should be amended to indicate institutional responsibilities for implementation, after full consultation with the relevant ministries and agencies. The human and material resources needed for implementation should be identified, and realistic plans for obtaining/developing them should be adopted. This process should be pursued with a view to developing a sense of ownership amongst the key ministries, even at the expense of making some compromises. Other relevant authorities, such as the Ombudsperson, Prosecutor General and Supreme Judicial Council should be encouraged to participate in this process.

This recommendation is a high priority.

3. In the interim, the possibility of bringing parts of the juvenile justice system into greater harmony with international principles and good practices by amending rules and regulations should be examined, especially with regard to the kind of preventive services offered by community-based services. This recommendation is addressed primarily to the Ministry of Labour and Social Policy, and the State Agency for Child Protection.

4. Support should continue for the community-based centres in Sliven region that are using methodologies piloted during the Children Behind Bars project, including the Blue Room in Sliven, the Centre for Child Support and Development in Kotel and the Community Support Centre in Nova Zagora.

5. Consideration should be given to piloting again, in a different region/municipality, the kind of services provided temporarily by the Centre for Psychological Support for Children and Families and Centre for Intensive Social Pedagogical Support. A decision to support re-piloting should be conditioned on a commitment to pilot for a period of at least two years, and to document carefully the impact of the services provided for the direct beneficiaries. This recommendation is a high priority and is addressed primarily to UNICEF and the relevant governmental counterparts, in particular the Ministry of Labour and Social Policy, and the State Agency for Child Protection.
6. The impact of closure of the Social Pedagogical Boarding Schools and transfer/placement of released students to other facilities or to their families, should be documented and analysed in more detail than is possible in this evaluation. The perception that this process led to an unacceptable number of cases of peer violence, sexual exploitation and self-harm is an obstacle that affects the prospects for reform. An objective and impartial analysis of the extent to which this perception is accurate, and the reasons and significance of such outcomes (e.g. to what extent was peer violence quantitatively and qualitatively different in closed and open residential facilities) would help to eliminate an obstacle to the reform process. This would probably require the creation of an inter-sectoral group including representatives of the police, the child protection authorities, and one or more NGOs, with the support of UNICEF. This should be a high priority.

7. The capacity of existing residential and non-residential programmes to protect and assist children who exhibit behavioural problems that make them a risk to themselves or others should be carefully and objectively assessed. The identification of services or programmes able to provide effective assistance and protection to children who manifest such behaviour but who, because of their age or because their conduct is not criminal should not enter into the juvenile justice system, is crucial for the success of juvenile justice reform. The preparation of such an analysis and the corresponding recommendations also should be done by an inter-sectoral group, with the participation of the police, child protection authorities, one or more NGOs and possibly another impartial and independent actor, such as the Child Rights Unit of the Ombudsman. This should be a high priority. UNICEF support would be needed.

8. A new and stronger campaign to raise public awareness of issues related to juvenile justice should be supported. Children affected by the issues concerned should again participate, with due regard to rights such as privacy. Spots should be televised at prime time. The evaluation team does not have sufficient information to suggest that bodies might be most appropriate for implementation of this recommendation.

9. The child protection and social assistance sector should adopt a programme for continuing training and capacity building concerning the rights of vulnerable children and their families.
Annex 1. Concepts and terminology

anti-social behaviour

The prevention and ‘combat’ of anti-social acts is the aim of the Juvenile Delinquency Act. Anti-social act as ‘an act which is publicly dangerous and against the law or contradicts morality and good manners. (Art. 49a.1)

beneficiaries

The project proposal defined direct beneficiaries as children placed in correctional institutions and children in contact with the justice system (both perpetrators and victims), and defined indirect beneficiaries as children and families at risk. The evaluation uses the term direct beneficiaries to refer to children who received services from the Centres and programmes piloted, including children confined in the two closed social pedagogical boarding schools, regardless of whether they were involved in crime or considered at risk. All children interviewed in the Blue Room also are considered direct beneficiaries.

Blue Room

A room used to interview or question children involved in legal cases, most often victims or witnesses. The room has furnishings designed to put children at ease, and a one-way mirror. The Blue Room in Sliven is located in the Centre for Social Rehabilitation and Integration, and operated by the staff of the Centre.

Central Juvenile Delinquency Commission

The Central Juvenile Delinquency Commission is a body established by the Juvenile Delinquency Act. It is chaired by a deputy prime minister, and statutory members include: deputy ministers of education and science, labour and social policy, the interior, justice, health, finance, culture, youth and sports; a deputy chairman of the State Agency for Protection of the Child; the vice-chair of the Supreme Cassation Court; a deputy chief prosecutor, and a deputy director of the National Investigation Service. (Art.4) Its functions include participation in the development of programmes for the prevention of offending and for the education and social integration of children involved in offending or anti-social behaviour, for assisting persons released from Social Pedagogical and Correctional Boarding Schools, collection of data, and supervision of local juvenile delinquency commissions. (Art.8)

child at risk

Children at risk are children exposed to multiple factors associated with a higher than normal risk of participation in criminal activity. Risk factors can be personal characteristics, such as aggressiveness or poor impulse control; conduct, such as association with anti-social peer groups, persistent truancy and running away from home; social factors such as discrimination, parental unemployment or substance abuse, placement in a child care institution, failure in school; and victimization or exploitation, such as abuse or neglect, prostitution, or begging.

child in conflict with the law

Article 40 of the CRC, on juvenile justice, applies to “every child alleged as, accused of, or recognized as having infringed the penal law.” The term ‘children in conflict with the law’ is often used as a synonym for this complicated phrase. To the extent that this term is a synonym for the introductory phrase of article

68 Art.1 (This aim includes to ensure ‘the normal development … of the perpetrators of anti-social acts.’)  
69 The first sentence of the Committee on the Rights of the Child’s General Comment on juvenile justice refers to ‘children alleged as, accused of, or recognized as having infringed the penal law, also referred to as “children in conflict with the law”’
40 of the Convention, it should not be used to refer to children unless they are alleged, accused or convicted or the commission of an act criminalised by the penal code or other criminal legislation. Indeed, when used as a synonym for this clause of the Convention, this term does not apply to children under the age of criminal responsibility even if they have committed acts that are criminal in nature. In Bulgaria, children under the age of 14 cannot be alleged to or accused of violating the penal law, nor recognized as having infringed that law, because it does not apply to them. The term children in conflict with the law should not be applied to children who may have committed acts recognized as a reason to take protective or preventive measures.

In practice, different actors use the term to refer to other children as well, which can make it difficult to understand the meaning of some statements encountered in project documents. The present evaluation avoids the term, except when citing project documents.

Committee on the Rights of the Child

The Committee on the Rights of the Child is an independent body of international experts elected by States Parties to fulfil tasks spelt out in the Convention on the Rights of the Child and the Protocols to the Convention. One of its primary functions is to review reports by States Parties on their efforts to implement the Convention (and Protocols), and to adopt Concluding Observations on such reports. Concluding Observations on reports by Bulgaria, which include recommendations on juvenile justice, were adopted in 1997, 2008 and 2016. Another function of the Committee is to adopt General Comments designed to help States Parties in general to better understand their obligations under the Convention. In 2007 it adopted General Comment No.10, on ‘Children’s Rights in Juvenile Justice’.

Correctional Educational Boarding School

A school for children over 8 years of age who have committed anti-social acts when less serious measures, including placement in a Social Pedagogical Boarding School, have not proven effective. In practice, placement in such as school is usually used for children who have committed criminal acts while too young to be prosecuted.

Juvenile Pedagogical Office, Child Pedagogical Officer

The Juvenile Delinquency Act requires the Ministry of Interior to create ‘child counselling services’, staffed by police officers who have some training in education. (Art. 26) Their functions include the identification of ‘juvenile offenders’ and juvenile victims or crime, harassment or neglect. (Art. 27)

juvenile justice

The ‘Beijing Rules’ on the Administration of Juvenile Justice, adopted by the UN General Assembly in 1985, appears to be the first international instrument concerning juvenile justice. The term juvenile justice is not defined, but Rule 2.3 states: ‘Efforts shall be made to establish, in each national jurisdiction, a set of laws, rules and provisions specifically applicable to juvenile offenders and institutions and bodies entrusted with the functions of the administration of juvenile justice…’. Juvenile offenders are defined as children ‘alleged … or… found to have committed an offence’, which in turn is defined as an ‘act or omission that is punishable by law…’.

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70 CRC/C/15/Add.66, para.34; CRC/C/BGR/CO/2, paras.67-68; CRC/C/BGR/CO/3-5, paras.58-61
71 A third function, examining complaints by victims concerning alleged violations of the rights of children, was recognized by the Third Protocol to the Convention. Bulgaria has not recognized this competence.
Rule 3 indicates that the principles or relevant provisions of the Beijing Rules shall be ‘extended’ to three other situations or target groups: children involved in behaviour that would not be a crime if they were adults (i.e. status offences), children involved in ‘welfare and care proceedings’, and young adults.73 This does not mean, however, that the juvenile justice system as such should have competence over status offences, or child protection proceedings. The juvenile justice system should be a system that applies only to children who are suspected or accused of a crime and old enough to be held criminally responsible, but who are entitled to different treatment than an adult suspected or accused of a crime.

Council of Europe Recommendation (2003)20 on new ways of dealing with juvenile delinquency and the role of juvenile justice defines the juvenile justice system as ‘the formal component of a wider approach for tackling youth crime. In addition to the youth court, it encompasses ... the police, the prosecution service, the legal profession, the probation service and penal institutions.’

Local Juvenile Delinquency Commission

Art.6 of the Juvenile Delinquency Act calls for the creation of Local Juvenile Delinquency Commissions, also sometimes translated as Commissions for Combating Juvenile Delinquency. Members are required to include representatives of the local police and local health, education and social services departments. The only staff member of local commissions is the Secretary. Their functions include hearing cases of children aged 8 to 14 whose actions present a threat to society; adolescents aged 14 to 18 who have committed a criminal offence but have been exempted from criminal liability (CC Art.61) and ‘adolescents who have committed any other grave delinquency, such as may be indicative of a serious deviation from correct development or education.’ Art.12 (a)(b) and (d) Commissions, after hearing a child charged with such behaviour, may impose non-custodial measures (e.g. as warnings, supervision) including some restorative measures (apologies, repairing damage caused) or may decide that the child should be placed in a correctional boarding school or reformatory. Supervision is entrusted to ‘education officers’. (Art.13(f)) The child has the right to a defence, but not to a lawyer. The Commissions also may take measures regarding the parents of such a child, including warnings, fines, and attending appropriate courses or counselling. (Art.15)

minor

This term is used in Bulgaria to refer to children between 8 and 14 years of age.

prevention of offending

Although the term ‘juvenile justice’ should be interpreted narrowly to refer to the system having competence over children old enough to be prosecuted who are suspected of, accused of or found responsible for crimes, the Committee on the Rights of the Child has emphasized that juvenile justice policies should be comprehensive and give ‘special attention’ to the prevention of offending by children.74 The Committee also frequently recommends implementation of the United Nations Guidelines for the Prevention of Juvenile Delinquency, also known as the Riyadh Guidelines.75 The Guidelines indicate that prevention programme should focus on the well-being of the children from early childhood.76 Council of Europe Recommendation (2000)20 on the role of early psychosocial intervention in the prevention of criminality indicates that ‘special interventions should be made to ensure that, when a child is at risk of engaging in persistent criminal behaviour, such behaviour is effectively prevented, in particular by promoting protective factors and reducing risk factors.’77

73 Interestingly, the commentary to Rule 3 uses the term ‘juveniles in conflict with the law’, but to refer to children involved in care and welfare proceedings, not those accused of status offences.
74 General Comment No.10, para.4, see also paras. 17-19
75 See e.g. CRC/C/15/Add.66, para.34 and CRC/C/BGR/CO/2, para.68
76 Adopted in 1990
77 Preamble, seventh paragraph
Experts refer to three kinds of prevention: primary, secondary and tertiary. Primary prevention consists of policies, programmes and measures that benefit broad sectors of the population, such as the poor. General Comment 10 of the Committee on the Rights of the Child refers to ensuring enjoyment of the right to health, education, an appropriate standard of living and protection against violence as part of prevention. Efforts to ensure the enjoyment of such rights are not usually described as measures for the protection of offending; it is more accurate to describe them as measures to ensure the right to healthy development. They help to prevent a wide range of negative outcomes, such as school leaving, poor health, accidents, substance abuse, premature pregnancy, exploitation and victimization. Offending is another of the risks that they help to prevent, although the prevention of offending is not primary aim of such programmes.

Tertiary prevention is the prevention of re-offending. It should be the primary aim of all measures taken regarding children who admit to or have been found responsible for participation in criminal offences, regardless of the procedure followed (e.g. diversion, trial) and the measure imposed. The Convention on the Rights of the Child calls for promotion of the social reintegration of children who have offended in a way that helps to ensure that they will play a constructive role in society. The European Rules for Juvenile Offenders provide 'The sanctions or measures that may be imposed on juveniles, as well as the manner of their implementation, shall be … based on the principles of social integration and education and of the prevention of re-offending.'

Secondary prevention refers to programmes, policies and measures designed for children who are not offenders, but whose behaviour or circumstances indicate a higher risk of offending. The Recommendation on early psychosocial intervention cited above defines risk factors as 'individual characteristics or socio-economic, cultural, demographic and other circumstances, which increase the likelihood of engaging in future persistent criminal behaviour.' Children at risk are defined as children exposed to multiple risk factors, which include learning difficulties, impulsivity, abuse or neglect, placement in a child care institution, persistent truancy, educational failure, parental unemployment, discrimination, association with anti-social peer groups, substance abuse, prostitution, begging and vagrancy. The Recommendation notes that children 'who begin offending at an early age are most at risk of engaging in serious criminal behaviour.'

Most risk factors involve violations of the rights of children, and programmes to protect children from them should exist independently of their criminogenic potential. However, a balanced approach to prevention is not limited to eliminating or mitigating risk factors, but has a second dimension, the promotion of protective factors. Labelling children as deviant or 'pre-delinquent' can, of course, contribute to a pattern of undesirable conduct. Secondary prevention programmes must be designed and implemented so as to reduce the risk of stigmatizing beneficiaries, but this is not a sufficient reason to pretend that they are not needed. One step that is important to reduce the risk of stigmatization is to avoid treating risk factors as status offences.

public tutor (also translated as ‘community mentor’)

Public tutors are persons selected by local juvenile delinquency commissions to supervise children under the age of 14 involved in anti-social acts and persons 14 to 18 years of age involved in offending but not

78 Art.40
79 European Rules for juvenile offenders subject to sanctions or measures, Recommendation CM/Rec(2008)11, Basic Principle A.2.
80 Appendix, Definitions
81 Definitions, and II.3
82 Preamble, second paragraph
83 Ibid, para.4
84 Riyadh Guideline 5(f)
85 See Riyadh Guideline 56
prosecuted. (Art.13.5) The situation analysis/needs assessment prepared during the first stage of the project was critical of their capacities and working methods.

Social Pedagogical Boarding School

The JD Act provides that children over the age of 8 years may be placed in these schools, operated by the Ministry of Education, if they have ‘committed anti-social acts or …’. (Art.28(1))

underage

This term is used in Bulgaria to refer to children between 14 and 18 years of age, who may be prosecuted under the Criminal Code.
Annex 2. Case study

Mother of a boy who attended the Center for Intensive Social Pedagogical Care in 2015 and 2016, during the period innovative methodology introduced by the project was in use. The family is of Turkish ethnicity.86

I have two children, a boy who used the service, currently 18 years old, and a younger daughter. When my son joined the service in 2015, he was about 15 or 16 years old.

We were referred to the service after some offence he committed. I don’t remember what the exact offence was, as he had done so many. It was some kind of anti-social behavior. It may have been when he was with friends who broke the windows of a bakery here in the town and were caught by the police. But it was not his idea, he was just following his friends. It was only after a bad thing was done that he started thinking about what would follow and how it would affect me.

We were sent to the Juvenile Delinquency Commission. They assigned him a public tutor with whom my son didn’t get along, and the public tutor prepared a report suggesting he be sent to a boarding school. Before that case, he had two other public tutors. He started to commit anti-social offences in 6th grade, just at the start of his teens, due to bad circumstances in our home. This was his way of rebelling against the bad things that were happening at home. Since then he was assigned to the Child Pedagogical Room [specialized police]. I have to say they really trusted him, they were always saying he has some potential and were quite positive and supportive. The previous 2 public tutors actually worked quite well with him, unlike the last one. The last was too serious, with too many demands. They simply couldn’t get along, and so the tutor sent a complaint to the Commission suggesting that he be sent to a boarding school.

After that I was called by the Child Protection Unit and was saying to myself: “This is it. This is the end. Whatever I have done and tried, I cannot save him anymore. I am a failed parent whose child will be taken away.” When the Child Protection Unit calls, you know there is no way out. This is the first thing that came to my mind, because in Bulgaria wherever you hear about the Child Protection, it is not that they would help you somehow but that they will take your child away or create trouble. So I went with my son to the Child Protection Unit and unexpectedly they referred us to this Center here.

In the meantime, the proposal for placement in the boarding school was sent to the court. I requested help from the Centre and a lawyer was hired by the Centre to represent us in court. This support was for free for us. Without it I have no idea how I would have managed. The lawyer spoke to me and my son and represented us quite well, and my son and I signed a document saying that he would use the service for the next 6 months.

When we came here [to the Centre] at the very beginning, we were quite worried. My son too, because he knew perfectly well that if he went to a boarding school, everything would be lost. There would be no privacy, no room of his own, even the clothes on his back would not be his own. He was really frightened. We came here and met with the whole team here in the Centre. They worked with him for 6 months and they managed to get the best out of him. He was visiting the center twice a week, for about approximately 1 and a half to 2 hours each visit, after school. He was attending school because he knew they were checking up him. At the beginning I was driving him from school to the Center but the people from the Center asked me to stop. And he was organizing himself quite well and didn’t miss a meeting. Even Mrs. D, from the Center was happy because he never was even late. At that time he was involved in different art therapies, sports activities, psychotherapy. I think the big difference compared to public tutor is that here a whole team is working with the child. Because they are specialists with different approaches, communicate and discuss together and can make the best out of it. During those 6 months, my son changed completely for the good. In a friendly environment, they were very supportive, the rest of the children too. At his request they even helped him prepare for his classes in Bulgarian and literature.

86 Based on an interview conducted by the national member of the evaluation team on January 25, 2018. The translation has been edited for clarity.
I wanted to bring him to the meeting today but unfortunately after some dance party he started having troubles with his knees and walks with crutches. So when he came here, he started to share with them much more than with me. I am quite nervous and cannot control easily myself. The experts from the Center also worked with me, helping me to understanding how to change the atmosphere at home for my son to feel better. His 6 months of work here in the Center went very well and on my request, more for my own peace, the contract to use the services of the Centre was extended another 6 months. And shortly after that he turned 18 and became an adult.

Not everything was perfect during that one year here. There was one case of a fight with one of his friends from school. Though even this was against the rules, the people here treated him positively to help overcome this problem. He was hit on the mouth and the lip and the eyebrow were swollen. Mrs. D called and asked me to come to the Centre saying “Don’t worry, ok?” … When I heard I was completely sure something bad had happened. So we spoke together and they had prepared him well, supported him in how to react in such cases, to not make me worry.

In parallel with him, they were also working with me – on how to overcome my nervousness. I have my rules, we are living in a village so I was imposing a deadline for him to be at home, 9 to 9:30 or 10 max. When he was late we always had very bad fights. And I had started to tell him that when he is late, I will cut off his pocket money. This was a strict requirement from me. And here, from the Center, they worked with him to understand that to safeguard peace in the family, the mother’s rules must be respected. He was complaining about this rule, but he was following it.

He changed a lot here. He became much more responsible. From the responsibility of waking up in the morning to go to school or anywhere else, he would go exactly on time. He became respectful to people. He sometimes says that he didn’t want to go to school because there were sometimes only 2 students, he and one girl, but I insisted.

He completed the year in the Centre at the beginning of 2017. Now, a year later, he is already 18, and found himself a job working in a food store stocking shelves. Because I am always on the alert for him, when this problem with the knees happened I went to the store expecting them to let him go. And I was so surprised to hear the owner was quite happy with him. He has signed a permanent contract with him and expects my son to recover and go back to the job.

I am happy with the help received from the Centre and was so surprised that I’d never heard of it. If I knew I might have come and requested some help much earlier. I had visited privately a psychologist and special education expert in Sofia when my son was 10, the 4th grade, because his writing became too unreadable and I noticed that he could hardly concentrate on anything. After many consultations they told me he was hyperactive, and we started to work with a psychologist about that. I was doing this without talking about it much because, you know, people refrain from going to psychiatrists and psychologist. They see it as being shameful. But to me this help is quite important. And indeed, if I knew about the Center earlier, many troubles might have been spared.

This is probably a thing I would like to ask you for – make these services better known. Because there are parents in need, like me, and they do not know where to find help. And for the Child Protection Unit – we all think it is bad but actually they were helpful. This is the way I see it. Nobody knows about the existence of the service.
Annex 3. Implementation in Sliven

The project emphasized implementation on the local/regional level. The aims identified by the project proposal were:
- to assist the reform of the juvenile justice by developing a model of closing correctional education institutions for children
- to develop a new model of service provision at community level addressing the needs of the children at risk and children in conflict with the law and their families
- to create an effective mechanism for coordination and cooperation at a local level

The models referred to by the first and second aim were to be piloted in the Sliven region.

The proposal also identified 5 ‘outputs’:
1. Assessment of the individual needs of 300 children.
2. Establishment of community-based services in the regions of Sliven and Yambol, based on specific needs.
3. Closure of two correctional boarding schools.
4. Strengthened capacity of local government, service providers and all stakeholders ...
5. Development and implementation of a behaviour change campaign for children at risk and children in conflict with the law.

The first three outputs clearly describe regional results. The fourth is broader, but also applies to local and regional counterparts.

Preparation of a report ‘Mapping of vulnerable communities and situation analysis of the needs in the Sliven region’ began in October 2012 and was completed in March 2013. It included the assessment of the individual needs of 20 children. The report concluded that the only entities in the region focused on ‘supporting children in conflict with the law and preventing anti-social behaviour’ were the Local Juvenile Delinquency Commissions and, in Sliven municipality, a Centre for Work with Street Children.

A regional action plan was adopted in November 2013, and a regional MoU was signed in September 2013 by the governor and mayors of four municipalities. The part concerning the development of community-based services is vague:
It is possible to give priority for investments in services for children in conflict with the law in Sliven municipality and at the same time improve some of the services provided for children at risk and their families. The [other three] municipalities, it is advisable to focus not only on the establishment of such specialised services but to also support the development and implementation of a broad spectrum of services aimed at children and families at risk. Without them, most of the efforts for the prevention and re-socialization of children in conflict with the law and overcome the reasons for social exclusion of families at risk and vulnerable communities will be hindered.

The action plan also contains a brief analysis of the capacities of the staff of the Social-Pedagogical Boarding School in Sliven region, although it does not expressly identify any action to be taken.

Achievements in the region, described and analysed more fully in Part IV of the report, include:
- closure of the Social Pedagogical Boarding Schools in Straldzha and Dragodonovo in 2015 and 2017, respectively

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87 The report covered only the Sliven region; the only reason for earlier references to the Yambol region was that one of the two boarding schools to be closed was located there, in Strala.
88 Such commissions operate directly under the municipal government. They have a full-time Secretary and employ ‘public educators’, who are assigned to supervise/assist children involved in crime or anti-social behaviour (e.g. begging, truancy, running away, prostitution). Members of the Commission are professionals (e.g. lawyers, educators, health care professionals) who act in their personal capacity, as an administrative body competent to impose measures on children involved in criminal or anti-social conduct.
- the opening of a Centre for Psychological Support for Children and Families in Sliven municipality
- the opening of a Centre for Intensive Social Pedagogical Support in Sliven municipality
- the opening of a 'Blue Room' for interviewing children
- the opening of the Youth Zone in a Roma neighbourhood in Sliven municipality
- the opening of a transitional home for adolescents
- the opening of a Community Support Centre in Nova Zagora, Sliven region
- expansion of the work of the Centre for Child Support and Development to adolescents at risk
- training of approximately 140 professionals

A Coordination Group consisting of representatives of the regional and municipal governments, the police, prosecutors, the community-based centres, and the Social Assistance Directorate and Child Protection Departments, was established in 2014, by an ordinance adopted by the regional government. It met 6 times between 2013 and the end of the project.

Key informant interviews were conducted with the former mayor of Sliven (from 2011-2015), now a member of parliament; two Deputy Governors; the Secretary of the Local Juvenile Delinquency Commission; the regional and municipal Directors of Social Assistance and head of the municipal Child Protection Department; a representative of the municipal Social Services Directorate, the Director of the Regional Probation Service; two specialised police officers, a lawyer who provided legal services to children during the project, the head of a Roma organization and former member of the Sliven municipal council, and the UNICEF regional coordinator. The assessment team also visited the two community-based centres in Sliven municipality that participated in the project, one of the two centres in other municipalities established as a result the project (in Kotel), the ‘Blue Room’ and the Youth Zone, and met with their staff. (see Annex 5 for list of persons met/interviewed)

Opinions on the project and what it achieved were sharply divided. The former mayor of Sliven, the two Deputy Governors, the Director of the Regional Probation Service, the representative of the municipal Social Services Directorate, the lawyer, the head of the Roma organization, and the staff of the service in Kotel had positive opinions. In contrast, the views of the Secretary of the Local Juvenile Delinquency Commission (LJDC) and especially the police, were negative. The views of the Social Assistance and Child Protection officials and staff of the two community-based centres in Sliven were mixed.

To a significant extent, views on the implementation of the project focused on the role played by the two NGOs that each managed one of the two community-based services in Sliven municipality. The Secretary of the Local Juvenile Delinquency Commission (LJDC) stated ‘the aims of the project were not achieved’. The LJDC expected to play a key role in the removal of children from the boarding school in Dragodanovo. However, it soon concluded that the results of their work of the NGOs was negative and stopped cooperating with them. This conclusion seems to have been based largely on conditions in open ‘family style’ residential centres where some of the children released from the boarding school were placed. Some of them were involved in fights, suspected of using soft drugs and prostitution, and some ran away. The LJDC also considers that the plans developed for individual children did not sufficiently take into account the characteristics of their families. The Secretary stated that the NGOs ‘came with good ideas’ and the training they provided was ‘very useful’, but they came to ‘compete’ rather than work as a team with the local authorities and services. She also indicated that the relationship between the LJDC and community-based centres returned to normal when the municipality resumed their management in 2015, after a change of government.

The police complained that they made recommendations that were not accepted concerning activities that should be included in the project. The example given was placement of police officers in schools. They also stated that ‘the project had a negative impact on our work’. An example described in detail concerned the transfer of children from a closed facility in Yambol to two open facilities in Sliven. The situation described in the open facilities – including sexual abuse of younger children by older children – is indeed

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89 The Bulgarian member of the team participated only in the first two interviews, and the visits to the centres in Sliven and Kotel.
disturbing. However, neither the facility that the children were transferred from nor the open centres they were transferred to were part of the project. The negative views expressed by the police thus seemed to be based in large part on developments mistakenly associated with the project. The assessment team also believes that the officers interviewed underestimated the level of violence and abuse that occurred in the Social Pedagogical Boarding Schools. The belief that closed centres offered children better protection is questionable.

The officers also had a negative opinion of the way the ‘Blue Room’ is used. In their view, child victims of crime should be interviewed by specialized police officers, because gathering evidence is not within the professional competence of social workers and psychologists. They also observed that the room is designed for young children, and is inappropriate for adolescents. The assessment team visited the Blue Room, and met with the staff of the centre that operates it. It is accurate that the room is designed for young children rather than adolescents. The staff indicated that it is not used as extensively as it should be and that some officials are reluctant to use it, but the investigators, prosecutors and judges who have used it are very convinced of its value. The assessment team is not in a position to make specific recommendations regarding the way the Blue Room is used, but it does recommend that the rules and practice regarding the use of the Blue Room be reviewed by a competent inter-disciplinary team, to identify any changes that would lead to more frequent and efficient use.

The former Mayor emphasized the Blue Room and closure of the Social Pedagogical Boarding School in Dragodonovo as positive achievements. The opening of the supervised and transitional homes also was mentioned. His opinions may be seen as partial, but those of the Deputy Governors, who were in office for the whole duration of the project, are equally positive. The support of the regional government for the project was constant, despite 5 changes in government. The creation of the Blue Room was called ‘one of the greatest breakthroughs’, achieved despite strong initial resistance. (It should be noted that the Blue Room is used primarily for child victims and witnesses, and thus in effect constitutes a modification of the aims of the project.90) They also praised the closure of the Social Pedagogical Boarding School in Dragodonovo, and indicated that the centers opened in Kotel and Nova Zagora are having very positive results. Particular mention was made of the links made between the Kotel project and an early child development project focusing on Roma communities.

A representative of the municipal Social Services Directorate also stated that the aims of the project have been achieved, citing the opening of the Blue Room, the Youth Zone, the transitional home, the strengthening of the capacity of existing services, and the establishment of the inter-institutional coordination group.

The Director of the Regional Probation Service stated that in her view the focus on prevention is positive, and that pointed to cooperation between probation services and municipal social workers as an achievement. She also considers that the creation of open residential facilities for children at risk (the transitional home) is a very important initiative, which should be taken to scale. She made several recommendations including continued advocacy, an information campaign during prime time, and the adoption of laws requiring inter-institutional cooperation.

The lawyer indicated that UNICEF’s support for the provision of legal services to children involved in criminal proceedings, as well as other administrative and civil proceedings related to their vulnerability and risk, has had important benefits for the children concerned. The training provided to justice professionals during the project had a ‘huge’ impact, in his opinion. Another accomplishment he pointed to is the amendment of the Code of Penal Procedure to make proceedings involving children more child-friendly.

The head of child protection indicated that, apart from the funding that allowed hiring of additional staff, the impact of the project on child protection was ‘not particularly large’. She did recognise, however, that the training provided to all child protection staff was ‘very relevant.’ The three participants in this joint interview agreed that the opening of the transitional home is a positive achievement, although its capacity

90 It also is used for family law cases.
is too small. They also considered the opening of the Blue Boom a positive development, although its impact is limited by the failure to adopt a law requiring its use in appropriate cases.

The head of a Roma association stated that the aims of the project were clear and relevant, and the results were clear.

One of the Centres visited was the Center for Social Rehabilitation and Integration. It was established in 2015, as part of the project, and then called the Centre for Psychological Support for Children and Families. The staff was entirely replaced after management of the centre was transferred from the NGO that established it to the municipality. The director indicated that they are trying to incorporate the methodology adopted by the NGO into the methodology prescribed by the regulations governing Centers for Social Rehabilitation and Integration, but 'it is extremely difficult'. The original methodology emphasised psychotherapy and the caseload consisted largely of children involved in criminal activity. The present caseload includes children at risk as well as offenders, and the methodology includes labour therapy, ‘integration’ and social work with the families of children. The capacity of the centre has been reduced from 45 to 25. 80% of the present caseload is Roma, and some 20% are female-headed families. All cases must be referred; previously, children and families could seek assistance without referral. The Centre is responsible for operating the Blue Room, which has been used by 32 children since it opened.

Another community-based service called for by the action plan was incorporated into an existing centre called the Centre for Working with Street Children. In 2015 an NGO assumed management of this centre in order to introduce the new methodology, and it was renamed Centre for Intensive Social-Pedagogical Support. The staff undertake outreach on the streets, although the caseload consists only of cases referred by the Social Assistance Department or LiJDC. At the time of the visit the caseload was 15 children between the ages of 7 and 18, including 3 girls, 4 Roma, and 5 siblings from a family headed by their mother.

Most of the staff have worked for the centre since before the period it was managed by the NGO. During the visit of the assessment team they indicated the methodology introduced in 2015 was not very different from the previous methodology. However, during that period it was managed by the NGO the Centre began to operate the transition home, an open residential facility for adolescents and established a presence in a Roma neighbourhood that provide a space for cultural and educational activities. The staff also stated that, thanks to the training received, their work with children now includes teaching children about their rights and obligations. The provision of legal assistance to children during the period the centre was under NGO management was an important innovation, now abandoned. These activities do not seem consistent with the view that no significant changes in methodology were introduced.

The Centre for Child Support and Development in Kotel integrates prevention activities into an early childhood development programme that focuses on school attendance. The main facility is located in the town of Kotel, and there is a satellite centre in a Roma village. The services provided for adolescents include reproductive health counselling, counselling for behavioural problems, suicide prevention and essential material support when necessary (e.g. payment of overdue utility bills). Referral is not required, and individual action plans are developed for each beneficiary. The programme has a capacity of 25. More than half the beneficiaries are girls.

Sustainability
The former mayor expressed concern about the sustainability of achievements on the local level, because of what he sees as the lack of commitment on the part of the present mayor and the termination of the participation of the NGOs, and recommended greater efforts to publicize the positive achievements of the project.

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91 The Institute for Social Action and Practices
92 training job skills
93 The Centre was established in 2005, as part of a World Bank supported project.
94 One staff member described it as ‘reinventing the wheel’.
The Deputy Governors expressed the view that sustainability in the region is possible, but will be difficult. Continued UNICEF support is needed, in their view, especially continued capacity building.

The social assistance and child protection officials were extremely grateful for the funding that allowed them to hire 5 additional social workers during the project, but due to regulations and budgetary restrictions they were unable to retain them after the end of the project. The child protection and social assistance officials interviewed indicated that law reform is the key to sustainability, and necessary to take the positive developments in Sliven to scale.

UNICEF
The former mayor said he could not point to any errors on the part of UNICEF. One of the Deputy Governors stated that ‘UNICEF made tremendous efforts to change our culture’, in particular by encouraging cooperation between NGOs and the authorities, adding that through persistence and flexibility UNICEF managed to ‘unite all viewpoints’ and ‘build trust between experts, children and the community.’ They also indicated, however, that the LJDC put up ‘huge resistance’ to the project.

The representative of the municipal Social Services Directorate expressed gratitude for UNICEF support, and commented that the project was a success because it was based on a study of the needs of the region. She, too, said that she could not point to any errors made by UNICEF, and expressed the view that UNICEF should continue to support juvenile justice reform.

The lawyer interviewed considers it essential for UNICEF to continue support for justice for children.

The staff of the Center for Social Rehabilitation and Integration expressed appreciation for the work of UNICEF, in particular training and ‘supervision’ i.e. psychological support for professionals. The Centre for Working with Street Children indicated that they had received a lot of training that was very useful, and also are grateful for the donation of a car that allows them to do outreach without use of their personal vehicles.

The social assistance and child protection officials interviewed jointly, recognized several positive accomplishments, but stated that UNICEF sometimes interfered inappropriately in operational matters.

The head of the Roma association considers that juvenile justice should remain a priority for UNICEF in Bulgaria, and recommended that future activities should involve closer cooperation with local Roma groups.

Annex 4. Data relevant to project indicators

1. The number of children admitted in correctional schools annually

<table>
<thead>
<tr>
<th></th>
<th>Social Pedagogical Boarding School</th>
<th>Correctional Boarding School</th>
<th>Total Both</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-2011</td>
<td>44 (37 boys 7 girls)</td>
<td>239 (183 boys 56 girls)</td>
<td>283</td>
</tr>
<tr>
<td>2011-2012</td>
<td>55 (43 boys 12 girls)</td>
<td>216 (174 boys 42 girls)</td>
<td>271</td>
</tr>
<tr>
<td>2012-2013</td>
<td>51 (38 boys 13 girls)</td>
<td>186 (160 boys 26 girls)</td>
<td>237</td>
</tr>
<tr>
<td>2013-2014</td>
<td>62 (51 boys 11 girls)</td>
<td>189 (146 boys 43 girls)</td>
<td>251</td>
</tr>
<tr>
<td>2014-2015</td>
<td>65 (62 boys 3 girls)</td>
<td>156 (121 boys 35 girls)</td>
<td>221</td>
</tr>
<tr>
<td>2015-2016</td>
<td>70 (66 boys 4 girls)</td>
<td>155 (118 boys 37 girls)</td>
<td>225</td>
</tr>
<tr>
<td>2016-2017</td>
<td>47 (44 boys 3 girls)</td>
<td>136(107 boys 29 girls)</td>
<td>181</td>
</tr>
</tbody>
</table>

Children admitted to Dragodonovo Social Pedagogical Boarding School

<table>
<thead>
<tr>
<th></th>
<th>boys</th>
<th>girls</th>
<th>8-13 years</th>
<th>14-17 years</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11</td>
<td>10</td>
<td>7</td>
<td>7</td>
<td>10</td>
<td>17</td>
</tr>
</tbody>
</table>
2. The number of children registered as offenders

Number of children registered by child pedagogic officers (police) in Sliven (new cases)

<table>
<thead>
<tr>
<th>Year</th>
<th>For criminal offence</th>
<th>For anti-social behaviour</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>75</td>
<td>9</td>
</tr>
<tr>
<td>2011</td>
<td>76</td>
<td>7</td>
</tr>
<tr>
<td>2012</td>
<td>77</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>33</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td>41</td>
<td>1</td>
</tr>
<tr>
<td>2015</td>
<td>44</td>
<td>0</td>
</tr>
<tr>
<td>2016</td>
<td>88</td>
<td>3</td>
</tr>
<tr>
<td>2017</td>
<td>102</td>
<td>0</td>
</tr>
</tbody>
</table>

Child perpetrators of crimes nationally\(^{95}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>8-13 years</th>
<th>14-17 years</th>
<th>girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>1485</td>
<td>5101</td>
<td>948</td>
<td>6586</td>
</tr>
<tr>
<td>2012</td>
<td>1475</td>
<td>4829</td>
<td>1027</td>
<td>6304</td>
</tr>
<tr>
<td>2013</td>
<td>1457</td>
<td>4550</td>
<td>985</td>
<td>6007</td>
</tr>
<tr>
<td>2014</td>
<td>1434</td>
<td>3968</td>
<td>916</td>
<td>5402</td>
</tr>
<tr>
<td>2015</td>
<td>1322</td>
<td>4040</td>
<td>809</td>
<td>5362</td>
</tr>
<tr>
<td>2016</td>
<td>1168</td>
<td>3812</td>
<td>826</td>
<td>4980</td>
</tr>
</tbody>
</table>

3. The number of children using new or improved services in Sliven

Number of children who used the Centre for Psychological Support for Children and Families/Centre for Social Rehabilitation and Integration; 34 in 2015 and 31 in 2016,\(^{96}\) and 23 at time of mission, for a total of 88.\(^{97}\)

Number of children who used the ‘Blue Room’: 32\(^{98}\)

Number of children who used the Centre for Intensive Social-Pedagogical Support/Centre for Work with Street Children: 44 from Aug.2015-Aug.2016 (as Centre for Intensive Social-Pedagogical Support); 15 at time of mission\(^{99}\)

\(^{95}\) National Statistical Institute, PRP-2, Children passed on to child pedagogical rooms [police] for committed anti-social acts and children perpetrators of crimes
\(^{96}\) minutes of Regional Coordination Group meeting 20 April 2014
\(^{97}\) key informant interview
\(^{98}\) key informant interview
\(^{99}\) key informant interview
Transition Home: 3 in 2014; 1 at time of mission

Youth Zone: indeterminate due to nature of centre and its work

Centre for Child Support and Development, Kotel: 66 adolescents at time of mission

Community Support Centre, Nova Zagora: 30 children in 2016

4. Average time spent by children in correctional institutions: no information available.

5. The number of professionals trained: approximately 140

Annex 5. List of key informants interviewed

**Sliven**

Gen. Kolio Milev, Member of Parliament Member, Mayor of Sliven 2011-2015

Dimitrinka Petkova, Deputy Governor

Kamen Kostov, Deputy Governor

Maya Grozdanova, UNICEF Regional Coordinator

Pepa Gyunova, Director, Center for Social Rehabilitation and Integration

Yanka Yaneva, Director, Center for Work with Street Children

Silvia Kremova, Center for Early Child Development, Kotel

Radina Hristova, Directorate Social Services of Sliven Municipality

Mimi Nedelcheva, Director of the Regional Probation Service

Mladen Yovchev, Lawyer

Lilia Radeva, Secretary of the Local Juvenile Delinquency Commission

Marlena Daneva, Regional Director, Agency for Social Assistance

Snejana Krusteva, Chief, Child Protection Department

Dilyana Slavkova, National Network for Children

Stoil Stefanov, Chief Investigative Officer at Head Office of Investigative Police

Plamen Stefanov, Chief Prosecutor, Office of the District Prosecutor

Pavlina Ivanova, former Director, Dragodonovo Social Pedagogical Boarding School

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100 minutes of Regional Coordination Group meeting 8 July 2014

101 key informant interview (who left without permission)

102 key informant interview
Sofia

Prof. Velina Todorova, Plovdiv University Faculty of Law

Eva Zhecheva, Head of the Child Rights Unit, National Ombudsman

Konstantin Tomano, Head, Central Commission for Combatting the Anti-social behavior of Minors and Underage

Madlen Tzankova, Chief Expert, Central Commission for Combatting the Anti-social behavior of Minors and Underage

Prof. Nelly Petrova, Executive Director, Social Activities and Practices Institute

Emil Todorov, Director Child Protection Directorate, Agency for Social Assistance

Detelina Kotevska, head "Social Services for Children" Unit, Agency for Social Assistance

Daniela Kicheva, State expert, Ministry of Labour and Social Policy

Velislava Delcheva, Ministry of Justice

Katerina Simeonova, Association for Pedagogical and Social Assistance for Children (FICE)

Dashenka Kraleva, Association for Pedagogical and Social Assistance for Children (FICE)

Denitsa Satcheva, Deputy Minister of Education

Other

Angel Roibov, Head, Social pedagogical Boarding School, Varnentsi
Annex 6. Bibliography

UNICEF documents

Children at Risk Behind Bars, Funding Proposal, Sept. 2011
Children at Risk Behind Bars, Report 1, Feb. 2013
Children at Risk Behind Bars, Report 2, Dec. 2013
Untitled response to 9 questions on the project, March 2014
Children at Risk Behind Bars, Progress Report, May 2014
Children at Risk Behind Bars, Report 4, July 2015

Strengthening the legal and institutional capacity of the judicial system in the field of juvenile justice (Project Proposal)

Official documents

Juvenile Delinquency Act

A government policy concept in the area of justice for children, Council of Ministers, 2011

Road Map for implementation of the policy concept in the area of justice for children, Council of Ministers, 2013

Memorandum of Understanding between national partners and UNICEF

Memorandum of Understanding between regional partners and UNICEF


Action Plan for Project ‘Support for Children in Conflict with the Law, Children at Risk and their Families in Sliven Region, Regional Coordination Group, 2013

Minutes of the Regional Coordination Group, Sliven, 2013-2017

Other local/regional/national documents

Analysis of activities performed by the Complex of services for children in conflict with the law – Sliven for the period Aug. 2015 - Aug. 2016, Social Action and Practice Institute

Centre for Social Rehabilitation and Integration (pamphlet)

Centre for Early Child Development (pamphlet)

United Nations and European documents

Convention on the Rights of the Child

Concluding Observations of the Committee on the Rights of the Child on the Initial report of Bulgaria, CRC/C/15/Add.66

Concluding Observations of the Committee on the Rights of the Child on the second report of Bulgaria, CRC/C/BGR/CO/2
Concluding Observations of the Committee on the Rights of the Child on the third/fifth report of Bulgaria, CRC/C/BGR/CO/3-5

General Comment No.10, on ‘Children’s Rights in Juvenile Justice’, Committee on the Rights of the Child,


Council of Europe Recommendation (2000) 20 on the role of early psychosocial intervention in the prevention of criminality

Council of Europe Recommendation (2003) 20 on new ways of dealing with juvenile delinquency and the role of juvenile justice

European Rules for Juvenile Offenders subject to sanctions or measures, Recommendation CM/Rec (2008) 11
1. GENERAL CONTEXT

The process of reforming the Juvenile Justice system has been ongoing in Bulgaria for over a decade but the legislative and institutional framework related to children in conflict with the law, children under the minimum age of criminal responsibility and children who have committed status offences still does not comply with the requirements set in the UN Convention on the Rights of the Child and other international and European standards.

The current legal and administrative frameworks regulate several systems - judicial, administrative, child protection - which act simultaneously and in parallel and are unable to offer coordinated response in cases of children in conflict with the law and guarantee the best interests of the child. The juvenile justice system is regulated by the Act on Combatting the Anti-social Behavior of Minors and Underage (Juvenile Delinquency Act), the Penal and Penal Procedure Codes, the Act on Pre-School and School Education and the Child Protection Act (CPA).

In 2011 the Council of Ministers adopted a Concept for State Policy in the Area of Justice for Children identifying the main challenges related to the implementation of the legal framework related to children in conflict with the law, which includes legal acts from different generations and with clashing philosophy – especially, in the case of the Juvenile Delinquency Act (JDA) adopted in 1958 and the Child Protection Act (CPA), adopted in 2000. This clash of the regulations set by two legal acts and the fact that the Juvenile Delinquency Act is not aligned to the international and European standards creates a situation where children under the minimum age of criminal responsibility (14 years) and children who have committed status offences can be deprived of liberty. Instead of being treated as children experiencing risk factors under the CPA, they are treated as juvenile offenders and do not have access to support from the Child Protection Departments and are refused referrals to social services.

The principle of deprivation of liberty as a last resort and for the minimum period of time is not explicitly established for in the current national legislation, which leads to the continuous use of pre-trial and trial detention for children in conflict with the law in criminal proceedings; to the
detention of children for administrative offences without judicial control under the Decree for Minor Hooliganism and the Law for the Protection of Public Order during Sport Events, and to other violations of child rights. Mechanisms for monitoring and periodic review of deprivation of liberty in specialized correctional-educational facilities are not in place. There are recorded cases of children who stay in a correctional facilities for more than 7 years without judicial review of their placement. The formal administrative procedure under the Juvenile Delinquency Act does not guarantee the right of the child to be heard and legal representation, which leads to decisions that are not in the best interest of children.

The professionals working with children in the juvenile justice system – social workers, police officers, prosecutors, judges, probation officers, penitentiary staff, and staff of the local juvenile delinquency commissions - are not specialized. The system does not provide for diversion and restorative justice approach, the correctional measures are not effectively implemented and aftercare services or other type of support is not provided. All of these issues and violations have been identified by national and international experts in numerous reports as well as in the Observations and Recommendations of the Committee on the Rights of the Child in 2008, 2011 and 2016.

The initiation of the overall reform of the juvenile justice system was triggered by the adoption of the above mentioned Concept in 2011, which sets the main goals in the state policy regarding children’s participation in judicial proceedings and the actions needed to achieve them. In the area of juvenile justice, the Concept envisages a comprehensive legislative reform. In 2012, UNICEF started a project “Children Behind Bars” aimed at supporting the reform through technical assistance for legislative changes, strengthening the capacity of professionals, and developing a model of services for children in conflict with the law. During the same year the Ministry of Justice started a Project “Strengthening the legal and institutional capacity of the judicial system in the field of Juvenile Justice” (2012 – 2017) under Thematic Fund “Security” of the Swiss-Bulgarian Cooperation Programme with UNICEF support aiming at specialization of professionals, pilot introduction of specialized court chambers and judges and legal reform. The activities of the two projects were planned to complement each other, in order to ensure a holistic approach and accelerate the juvenile justice reform.

In 2013, the Council of Ministers adopted a Road Map for the Implementation of the Concept for Public Policy (2013-2014), which has not been implemented due to changes in Government.

In 2015, the Parliament adopted the Strategy for Judicial Reform proposed by the Ministry of Justice, which explicitly includes a component focused on the juvenile justice system. The Ministry of Justice currently leads the process and has convened a working group for drafting a package of legislative changes to reform the juvenile justice system.

The adoption of the legislative amendments has been delayed and is still pending, but it is expected that the Council of Ministers will approve the proposal for the legislative amendments and will introduce them to Parliament by the end of 2017.

II. BACKGROUND AND PROJECT OVERVIEW

UNICEF Bulgaria is in the final year of implementation of the Country Programme for the period 2013-2017. The overall goal of the country partnership is to strengthen the national capacity to ensure equity and social inclusion, to improve the right of children to equal access to education, health and protection and to strengthen child rights monitoring systems.

The reform of the juvenile justice system is a priority area for UNICEF programme for Bulgaria. UNICEF seeks to support national partners in adapting the legal framework, policies and services to the human rights international standards, allocating the adequate funds, promoting inter-
sectoral and institutional coordination as well as developing the capacities at national, regional and local level to ensure that:

✓ Children under the minimum age of criminal responsibility and children who have committed status offences are not subject to any correctional measures and instead are provided with protection and support;

✓ Children in conflict with the law are treated in compliance with international standards, including all procedural guarantees in the justice proceedings; the principle of deprivation of liberty as a last resort and for the minimum period of time is strictly observed; diversion from criminal proceedings is introduced and alternative measures are developed and implemented to facilitate rehabilitation and reintegration.

At national level, UNICEF provided technical assistance for a comprehensive legal reform, which includes mechanisms to provide adequate individual support for children in the JJ system, improved data collection and the specialization of the justice and law-enforcement professionals to ensure that the rights of children in conflict with the law are guaranteed. At sub-national level, UNICEF provided support for capacity development to regional administrations, municipal governments, child protection departments, regional and district courts, prosecutor’s offices, police authorities, bar associations and other relevant stakeholders for the adoption of new approaches for effective and efficient delivery of services to meet the needs of families and children in conflict with the law and children at risk, with a special emphasis on the most vulnerable groups. Technical assistance and capacity development was also provided to key non-governmental organisations.

In the period of 2012 – mid 2017, UNICEF implemented a project “Children Behind Bars-Assisting the reform of the juvenile justice system in Bulgaria by developing and implementing a model of closing correctional institutions for children and providing adequate services for children in conflict with the law and children at risk” (in short), funded by the French National Committee for UNICEF. The project was implemented in partnership with national authorities - Ministry of Justice, Ministry of Interior, Ministry of Labour and Social Policy, Ministry of Education and Science, State Agency for Child Protection, Agency for Social Assistance, Central Commission for Combating the Anti-Social Behaviour of Minors and Underage - and local authorities in the region of Sliven (District Governor and municipal administrations in Sliven region). The roles of the partners were defined in Memorandums of Understanding, signed in 2013 at national and local level.

At the time of the start of the project seven correctional-educational boarding schools were functioning – in Rakitovo (Pazardzhik region), in Podem (Pleven region), in Zavet (Razgrad region), in Kereka (Gabrovo region), in Varmentsi (Silistra region), in Dragodanovo (Sliven region) and in Straldja (Yambol region). Two of seven correctional-educational boarding schools were in and close by Sliven region. In order to better plan the interventions in the region, UNICEF conducted data gathering and a Situation analyses in Sliven Region. The conclusions are included in the final report “Mapping of vulnerable communities and situational analysis in Sliven Region”103. The report focused not only on the general situation of local communities, but also gave an insight on the problems of children in conflict with law and their families.

103 It could be provided upon request.
The situation analysis showed that the main risk factors for children in conflict with the law are related to social exclusion, poverty and vulnerable situation of their families; unemployment, low or no qualification of the parents; low or no education of both parents and children; harsh living conditions; marginalization; isolation in closed and segregated ethnic communities.

The analysis of the availability, outreach and profile of existing social services showed that the number and type of services in Sliven Region cannot meet the needs of vulnerable groups or communities. For instance, there is a lack of psychologists in smaller towns and villages, to work with children and to provide support and assistance. The main conclusion was that basic services for children and adults exist on community level but access to services is difficult, especially for some communities and disadvantaged groups.

Based on the results from the assessment, UNICEF started the implementation of the “Children Behind Bars” project on national and local level and pursued the following main objectives

- To assist the reform of the juvenile justice system by harmonising the legislative framework with international and European standards;
- To develop a model for closing down correctional education institutions for children;
- To develop a new model of service provision at community level addressing the needs of the children at risk and children in conflict with the law and their families;
- To strengthen the capacity of justice, law-enforcement and child protection professionals to work with children at risk and children in conflict with the law (this objective was added at a later stage);
- To create an effective mechanism for coordination and cooperation at local level.

Activities on national level

The activities on national level were focused on advocacy, technical support to the government to facilitate and assist the process of reform in the area of Juvenile Justice and communication and information activities aiming at changing negative attitudes towards children in conflict with the law. Some of the main activities on national level included:

- Technical support to the Ministry of Justice for drafting a concept for new Juvenile Justice act and continuous provision of policy advice and technical assistance for the drafting of the new act and amendments to the Penal and Penal Procedure Codes (2012 – 2017);
- Building political and professional support for the reform – creating partnerships with civil society organisations, National Ombudsperson , Prosecutor General and organizing advocacy events, including Conference “Children in conflict with the law - Reform of the juvenile justice system in accordance with international standards and the best interest of children” in partnership with the National Assembly and the Ministry of Justice;
- Development and implementation of a National Communication and Information Campaign on Juvenile Justice „Sentenced childhood? Justice for every child“ aiming at sensitizing the general public about the rights of children in conflict with the law and influencing professionals with regard the treatment of children in conflict with the law.

Activities on local level

The activities on local level in Sliven Region were focused on developing a network of services and support for building the capacity of the professionals working with children in conflict with the law, children experiencing risk factors with the ultimate goal to further support and build
evidence for the overall process of reform in the area of Juvenile Justice. Some of the main activities on local level included:

- Establishment of model services for children in conflict with the law and training of staff;
- Fostering dialogue and strengthening communication and coordination between and among social services providers, justice and law enforcement systems, child protection and healthcare professionals;
- Strengthening the capacity of social workers, police officers, prosecutors, judges, probation officers, local juvenile delinquency commission staff, staff of the Social Pedagogical Boarding Schools to work with children at risk and children in conflict with the law;
- Providing support for the staff and children placed in SPBS by introducing a model for individual assessments and development of individual plans for the children, as well as providing a range of extracurricular and leisure time activities to encourage building social skills and positive self-image.

The project budget was approximately 1 million EUR.

Key results of the project are:

1. **Draft Act on Diversion and Implementation of Educational Measures** is developed and has gone through a successful public discussion procedure. The Act is aligned with international standards, introduces the guiding principles for the treatment of children in conflict with the law and the guarantees for due process. It clearly regulates 14 years as the minimum age of criminal responsibility, abolishes the term “anti-social behavior”, regulates diversion from criminal proceedings, provides for a wide range of alternative measures and reinforces the use of deprivation of liberty as a last resort and for the minimum period of time. It introduces specialization of all professionals working with children who are alleged as, accused of or recognized as having infringed the penal law, introduces the restorative justice approach through mediation and family group conference and regulates the closure of all SPBS and CEBS.

2. **Closure of the two Social Pedagogic Boarding Schools** – Straldzha, Region of Yambol in 2015, and Dragodanovo, Region of Sliven in 2017; and decrease in the overall number of children placed in SPBS and CEBS from 261 in December 2013\(^{104}\) to 188 in December 2016\(^{105}\). At the beginning of the project there were 3 functioning SPBS;

3. **Drafted and tested methodologies for new model services** for children in conflict with the law and development of **network of services** for children in conflict with the law, and children experiencing risk factors in Sliven:

3.1. **Centre for Psychological Support to Children and Families** – a community-based integrated social and health care service, provided by an inter-disciplinary team, for children with mental development difficulties and/or showing symptoms of mental suffering, children at risk of social exclusion and their families. The Centre includes specialists in the field of child psychiatry and

\(^{104}\) Report by the State Agency of Child Protection

\(^{105}\) Data from the Ministry of Education and Science
psychology, psychotherapy, clinical social work, social rehabilitation and integration of children with mental health problems. The Centre was established in June 2015 and for a period of 1 year provided services to 65 children. Since August 2016 the Centre is managed by the Municipality and funded through State subsidy.

3.2. Centre for Intensive Socio-Pedagogical Support, which facilitates coordination of the justice and child protection systems in cases of children in conflict with the law to ensure integrated approach and decisions in the best interest of children; provides support for children in conflict in the law going through judicial proceedings, including specialized legal aid and a wide range of programmes to enable the use of alternatives to detention; activities to assist reintegration and aftercare services for children in conflict with the law who have been placed in correctional-educational facilities or another form of closed facility. The Centre was established in September 2015 and provided services to 34 children in the period of 1 year. Since September 2016 the Centre is managed directly by Sliven municipality and funded through State subsidy.

3.3. Supervised Home - a residential social service for temporary placement, support and counselling of young people aged 18-25 years who leave correctional-educational schools, detention facilities or other closed institutions for children in conflict with the law. Only one boy used the services of the Home during the project. Sliven municipality did not receive State funding due to the low level of utilization of this type of services across the country. Based on a decision by the Municipal Council the premises are used for other social services for children.

3.4. Transitional Home - a residential social service for children aged 16-18 who leave correctional-educational schools, detention facilities or other closed institutions for children in conflict with the law. It aims at providing a safe living environment and support for successful re-integration through building individual capacities and positive skills to prevent reoffending. The Home provides accommodation and 24-hour assistance for a maximum of 4 children. 3 children used the services of the Home during the project. Operational costs were funded under the project for one year, and Sliven Municipality received State funding in September 2016.

3.5. Centre for Child Support and Development in Kotel, providing community-based services for prevention of school drop-out, social exclusion and support to children exposed to different risk factors with a particular focus on the most vulnerable children and families. The Centre also provides services to support the social integration of children who are in conflict with the law and have been subject to correctional measures. The Centre was established in May 2016 and for the period of 1 year 31 children received support and services. Since January 2017 the Centre is managed by Kotel Municipality through a NGO and is funded with State subsidy.

3.6. Community Support Centre in Nova Zagora providing services for prevention of family separation, violence and school drop-out, life-skills training, counselling and support for children at risk, children in conflict with the law and their families. The Centre was renovated and equipped and the staff was trained under the project. The Centre has been supported with State delegated funds since its opening. In the period April - December 2016, 30 children benefitted from the services.
4. **Comprehensive training programme** for justice, law-enforcement and child protection professionals on child rights and working with children in conflict with the law focused on international standards, procedural guarantees and good practices; more than 50 Child Protection Departments’ staff, child protection experts, local juvenile delinquency commissions’ secretaries, police officers, prosecutors and judges trained in the region of Sliven;

5. **Establishment of a Blue Room in Sliven** – a specialized facility for hearing and interviewing children participants in legal procedures was established in 2015 in the premises of the Centre for Psychological Support to Children and Families. Since its opening 18 children were heard in criminal and civil cases.

*Detailed information on the project implementation and results will be provided to the successful applicant.*

### III. UNICEF AND MAIN PARTNERS’ ROLE

According to the two MoUs signed, the role of UNICEF on national level was to provide technical, financial, and administrative support by assisting the Government to reform the justice for children system and services for children in conflict with the law and ensuring sustainability of the services; performing assessment and analysis; providing expert support for the design and costing of services; providing expert assistance for legislative amendments in the area of justice for children and support for children in conflict with the law and children experiencing risk factors; providing methodological assistance for the development of services; evaluating the results of the implementation of the Project and documentation of the model for work with children in conflict with the law and the model for closure or reform of the SPBS; carrying out an informational campaign on the rights of children in conflict with the law, the importance of prevention and support for social integration, as well as the consequences of institutionalisation/detention/deprivation of freedom.

At regional level the role of UNICEF was to provide:

- support to local partners for development of a Project Action Plan; support to improve capacity in the field of opening and provision of services for children in conflict with the law, children at risk and their families; support for the development and improvement of coordination and cooperation mechanisms between institutions on national and local level; support for strengthening the capacity of the juvenile justice and child protection systems; support for the design, opening, management, outsourcing and valuation services that will be created.

The role of the national partners (Ministry of Interior, Ministry of Education and Science, Ministry of Justice, Ministry of Labour and Social Policy, State Agency for Child Protection, Central Juvenile Delinquency Commission, Agency for Social Assistance) was to participate in the activities of the Consultative Council; provide assistance for the analysis of the situation of children in conflict with the law and capacity of the systems and professionals working with children at risk and children in conflict with the law; support the implementation of the Project through implementation of other activities within its authority.

The role of the Regional Governor of Sliven Region was to: manage in cooperation with UNICEF the activities of the Regional Coordination Group of the representatives of all institutions and
municipalities in the region; provide assistance in the identification of Project implementing partners; assist in the provision of state property;

The role of the Municipalities in Sliven Region was to: assist in the identification of Project implementing partners; participate actively in the implementation of the Project, the preparation and implementation of its Action Plan in accordance with its competencies - opening of new services and implement measures and activities for social inclusion of vulnerable groups; participate actively in the work of the Regional Coordination Group; provide logistical support, including free use of premises within the municipality for implementation of the Action Plan.

Detailed information on the MoUs will be provided to the successful applicant.

IV. PURPOSE AND OBJECTIVE OF THE EVALUATION

The purpose of the evaluation of the project “Children behind bars-Assisting the reform of the juvenile justice system in Bulgaria by developing and implementing a model of closing correctional institutions for children and providing adequate services for children in conflict with the law and children at risk” is to assess the achievement of the planned objectives and the overall impact of the project, identify lessons learned and provide recommendations for the future support to the reform in the area of juvenile justice for UNICEF, national and local stakeholders. The main objectives of the evaluation are to:

- Assess the relevance, efficiency, effectiveness and sustainability and, to the extent possible, the impact of the Children behind Bars Project;
- Identify and document lessons learnt and the contribution of UNICEF to the process of Juvenile Justice Reform in Bulgaria;
- Assess the relevance and effectiveness of the developed model and factors to be taking into account for its scaling up.
- Provide recommendations to UNICEF and national partners’ work on the next steps in the juvenile justice system reform.

The evaluation is undertaken towards the end of the UNICEF programme for 2013-2017 with the Government of Bulgaria. The knowledge generated will be used by UNICEF, the Government and other partners to inform the work on legislative and institutional reform of the juvenile justice system and support the implementation of the new country programme 2018 – 2022.

The evaluation will be supported by an advisory group, including representatives of the Ministry of Justice, Ministry of Education, Ministry of Interior, Ministry of Labour and Social Policy, The Prosecutor’s office, State Agency for Child Protection, Agency for Social Assistance, the Ombudsman office, the National Network for Children and the regional governor and municipality of Sliven. The group will assist the information gathering and review the deliverables.

The evaluation results will be shared with the donor as well as other relevant stakeholders.

V. SCOPE

The scope of the evaluation should include two levels:
(1) evaluation of the project as an integrated program intervention of UNICEF to support the ongoing juvenile justice reform, as well as

(2) evaluation of the capacities developed at the local level with regards to the effectiveness of the project: adoption of a multi-sectoral approach, increase the professional’s knowledge, and introduction of a network of services as part of the juvenile justice system reform.

The specific geographic coverage of the evaluation is the Region of Sliven, but meetings with national stakeholders in other regions may be needed.

The period covered by the evaluation is January 2012 – September 2017.

The Human Rights Based Approach (HRBA), equity and gender equality and mainstreaming approaches will be also assessed.

**Limitations:**

One of the possible limitations is the lack of disaggregated data for the most disadvantaged groups. High turn-over of staff is typical for all sectors, which may affect the assessment of the capacity building activities. The change in municipal and regional administration management (mayor, regional governor and senior municipal staff), the closure of the SPBSs and change in management and staff in the pilot social services is another limitation.

In addition, the questions related to impact on children may be limited to the impact of the project at system level rather than the impact on individuals. The changes in life of children will not be measured, but might be covered in the evaluation with case studies.

**VI. EVALUATION FRAMEWORK AND QUESTIONS**

The evaluation will assess UNICEF’s project and its contribution to achieving results for children in terms of their relevance to the child rights and equity agenda, effectiveness, efficiency, relevance, sustainability, and impact (as defined by OECD/DAC).

The need of assessment of relevant human rights, equity and gender equality aspects should be considered while formulating the questions.

**Relevance and design: the extent to which the objectives address the real problems and the needs of its target groups and country priorities. Questions to be explored include:**

1. Has the programme intervention been aligned to government and partners’ priorities/policies/reform agendas? What is the relevance of the intervention with regard to the process of juvenile justice reform in Bulgaria?

2. Has the project (content and delivery) been aligned with the CRC principles (non-discrimination, best interest of the child, the right to life, participation), gender mainstreaming and Human Rights Based Approach (HRBA) to programming? Did it contribute towards gender mainstreaming and HRBA?

3. To what extent the adopted approaches and developed services are evidence-based, correspond and address the actual problems of the children, families and communities as initially identified in the surveys and situation analysis?

4. To what extent the policy recommendations submitted by UNICEF and informed by the project are relevant for the reform process?

5. How relevant and gender sensitive are the capacity building activities for professionals?
6. Was the design of the project appropriate for reaching its results and outcomes?
7. Have any changes been made to the project’s design during the implementation? If yes, did they lead to design improvements?

**Efficiency**

1. Have UNICEF’s resources invested in the project been used in the most efficient manner?
2. Would there have been a more cost-effective way to achieve the expected results?
3. Has the project been successful in leveraging the governments’ political will and financial resources to accelerate the on-going juvenile justice reform?
4. How well the project and implementation of activities were planned and managed?
5. Was the project coordinated with other similar programme interventions (implemented by UNICEF or other actors) to encourage synergies and avoid overlap?
6. To what extent the data collection and monitoring activities performed by UNICEF informed and contributed to improve the implementation of project activities and achievement of results?
7. Were there any duplication of efforts?

**Effectiveness**

1. Has the project achieved its planned objectives? Have the planned results been produced (quantitative and qualitative)?
2. Did the project contribute to improving the treatment of children in conflict with the law, children at risk and their families in the region and as a whole?
3. What are the results achieved by the services supported by the project? What are the benefits for the children and families that benefitted from the project activities?
4. To what extent the project influenced the process of Juvenile Justice reform in the country?
5. To what extent the project contributed to building the capacities of the police, justice and child protection professionals, local authorities and other partners?
6. To what extent the project contributed to creating a network of innovative services for children in conflict with the law in the region?
7. Has the project provided any additional (not directly planned) significant contribution or outcome in the juvenile justice and child protection sector?
8. What strategies/core roles of UNICEF have been most efficient in achieving the results?
9. What factors contributed to progress or delay in the achievement of the results?
10. Have any changes in the overall context in Bulgaria (political situation and others) affected the project implementation and overall results?

**Impact**

1. To what extent and in which areas the project had significant impact (at local and national level)?
2. How the project influenced the justice sector and the child protection system?
3. To what extent UNICEF interventions through the project on local and national level were beneficial for accelerating the on-going juvenile justice reform?

4. What factors favourably or adversely affected the project delivery and approach?

**Sustainability**

1. Has the project created conditions to ensure that benefits continue beyond project?

2. What specific recommendations could be given that would contribute to the sustainability of the project results?

3. To what extent the coordination mechanism at regional and local level can function on its own after the withdrawal of UNICEF?

4. How sustainable are the results achieved for children?

5. How sustainable are the created services?

6. Has the project institutionalised training and overall capacity development efforts?

7. Has an approach/model been developed that can be further disseminated throughout Bulgaria?

8. To what extent the national government (i.e. MoJ, MoI, MES, MLSP, SACP, ASA, etc) involved in project implementation have the capacity to implement the project components established with UNICEF support?

**Partnerships and cooperation**

1. To what extent have partnerships been sought and established and synergies created?

2. Were efficient cooperation arrangements established between UNICEF and partners (NGO, governmental institutions independent institutions, other partners)?

3. Have any new partners emerged that were not initially identified?

**VII. METHODOLOGY AND PHASES**

The evaluation will follow internationally agreed evaluation criteria of relevance, efficiency, effectiveness, impact, and sustainability. Stakeholders will participate in the evaluation through discussions, consultations, provide comments on draft documents and some of them will be responsible for follow-up to the recommendations.

To ensure impartiality and lack of bias, the methodology will include a cross-section of information sources (e.g. individual meetings, stakeholder groups, including beneficiaries, etc.), possibly a mix of quantitative, qualitative, participatory methodology to ensure triangulation of information.

The evaluation will be based on information collected from a variety of stakeholders, analysis of secondary data and on primary data collection, desk review.

**Inception Phase**: The first step of the evaluation process will be the inception phase during which the Evaluation Team will develop an evaluation framework and methodology based on the TOR. For each of the questions and sub-questions, the evaluation team will develop indicators to inform the responses and identify the corresponding means of verification. In addition, the Evaluation Team will assess potential limitations to the evaluation work and in particular the availability and reliability of data.
A Desk Review of evidence available at country level in relation to impact and system results will be undertaken. The desk review will rely on UNICEF documentation (relevant project documents like monitoring and donor report, training materials developed, action plans at national and local level, drafted strategic documents etc), as well as government documents, including policy documents, strategy papers, draft proposal for legislative amendments, and projects implemented by other partners. Administrative data or other available data sources will be verified and analysed to confirm system level results.

Interviews and focus group discussions with all involved stakeholders: At national level, the evaluation team should meet with representatives of MoJ, MoI, MES, MLSP, SACP, ASA, CJDC, NGO partners, Ombudsman office, Judiciary and Prosecutor’s office. At local level, the evaluation team should meet with representatives of local authorities, child protection bodies, staff of the SPBSs, service staff, children, families, communities, and professionals involved in the project.

Data analysis and report writing: the process will start at the inception phase when the evaluation team will propose detailed methodological approach and the structure of the final report. Data analysis will progress simultaneously with the desk review and the in-country data collection. Draft final report will be reviewed by UNICEF CO and national stakeholders as well as an external quality review company. Evaluation team will incorporate the received comments and submit the final report to UNICEF Bulgaria.

General considerations: The methodology of the evaluation should be in line with the United Nations Evaluation Group (UNEG) Norms and Standards. At least one country visit is expected for information gathering. The duration of the information gathering visit should be up to 10 days both in Sofia and in Sliven region. Issues related to the Human Rights-Based Approach to Programming, Equity, Results-Based Management and Gender Equality should be addressed across the evaluation questions or, if required, developed as specific points as per United nations Evaluation Group (UNEG) Guidance on Integrating human-rights and gender equality in evaluation and complies with the organization’s commitment to gender mainstreaming as expressed in the Policy on Gender Equality and the Empowerment of Girls.

Evaluation questions will be further refined and additional ones will be incorporated by the Evaluation Team – if required - during the inception phase.

**VIII. DATA/INFORMATION SOURCES**

The data and information source listed below are coming from official state institutions and from UNICEF. Therefore they are considered reliable and of sufficient quality.

- UNICEF Project documentation, including:
  - Project document, action plans – initial and updated, interim technical reports - UNICEF donors’ reports and reports of local partners,
  - Data about key indicators for project progress with a special focus on beneficiaries;

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Agreements with municipalities, NGOs and other partners for development of services and joint activities in the framework of the project;
- National strategic documents in the area of Justice;
- Statistical data of the National Statistical Institute, the State Agency for Child Protection, The Ministry of Interior, the Prosecutor’s Office, etc.
- Regional analysis of situation and needs assessment of groups at risk in the region of Sliven;
- Any recent analysis related to Juvenile Justice in Bulgaria.
- Any other studies, assessments and relevant documents that may be provided by the partners.

IX. PRODUCTS TO BE DELIVERED AND STRUCTURE AND QUALITY ASSURANCE OF THE EVALUATION REPORT

The evaluation report to be produced must be compliant with the UNICEF Evaluation report standards\(^{107}\) and to the GEROS Quality Assessment System\(^{108}\). The consultant is required to clearly identify any potential ethical issues and approaches as well as the processes for ethical reviews and will ensure that the evaluation process is ethical, in line with UNEG Ethical Guidelines, UNEG Norms and Standards.

The consultant will have to conform the final report to the recommendations of the CO and the external quality review board.

All deliverables should be submitted in English.

The deliverables will include:

a) The Inception report (work plan and methodology)

b) First draft evaluation report (draft findings, conclusions and recommendations)

c) Second draft evaluation report

d) Final evaluation report.

e) Evaluation summary document and ppt presentation summarising key findings and recommendations to be used for dissemination and advocacy.

Proposed structure for the inception and evaluation report:

Structure of the Inception Report:

- Response to the TOR
- Framework
- Methodology
- Potential limitations of the evaluation according to data availability and reliability
- Work plan, including for the field work

Structure of the Evaluation Report (Tentative)

- Title Page

The structure of the final report will be further discussed with the Evaluation Team (during the Inception Phase). The approximate size of the main body of the report should be not more than 70 pages.

**Requirements for effective evaluation recommendations:**
- The evaluation team should highlight key strategic recommendations, suggesting an appropriate sequencing in the implementation of recommendations whenever possible;
- Recommendations should be firmly based on evidence and analysis;
- Recommendations should clearly identify the specific operational units/offices/divisions responsible for its implementation.

**X. INDICATIVE TIMELINE /WORK PLAN**

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<td>Desk study</td>
<td>International consultant</td>
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XI. TEAM COMPOSITION

The international consultant will be assisted by one or more national experts. The national expert(s) will be approved and contracted by UNICEF CO based on proposal made by the international expert.

The competencies required from the international consultant are the following:

- Advanced degree in law, social sciences, public policy or related fields;
- Extensive experience in conducting evaluations, assessments and analyses;
- At least 8 years of experience with child protection and/or juvenile justice programmes;
- Proven knowledge on child rights;
- Ability to work in an international environment;
- Previous experience of working in CEE & CIS countries is an asset;
- Excellent analytical and report writing skills;
- Familiarity with UNICEF’s mission and mandate is an asset;
- Familiarity with UNICEF Global evaluation report oversight system\textsuperscript{109} is an asset;
- Knowledge of the country context related to justice system is an asset;
- Expertise on gender equality and human rights will be considered an asset;
- Excellent knowledge of English.

XII. ROLES AND RESPONSIBILITIES

The selected international consultant will work under the direct supervision of the UNICEF Child Rights Monitoring Specialist and Access to Justice Officer. The implementation process will be jointly monitored by UNICEF and the advisory group, including the approval of final deliverables.

UNICEF Country Office together with national partners will be responsible for providing all available documents, organizing the field visits, meetings, focal groups, consultations and interviews, for providing access to the government counterparts, donors and partners, and for coordinating the work at country level with other stakeholders.

XIII. PAYMENT SCHEDULE

Payment shall be made as follows:

- 40\% will be paid upon submission and approval of the Inception report
- 60\% will be paid upon submission and approval of the final report

The UNICEF CO will provide interpretation during the in-county visits and meetings. The evaluator will be provided with office space, transportation for site visits and official meetings, logistical support for meetings, translation during meetings, and, if necessary, visa arrangements. Laptops or computers will not be provided.

XIV. REMARKS AND RESERVATIONS

UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/deliverables are incomplete, not delivered or for failure to meet deadlines.

All material developed will remain the copyright of UNICEF and according to UNICEF guidance on external academic publishing (January 2017). Evaluators are responsible for their performance and products. UNICEF reserves the copyrights and the products cannot be published or disseminated without prior permission of UNICEF.

Candidates interested in the consultancy should submit a proposal, all-inclusive fees (including lump sum travel and subsistence costs), timeline, resume/CV.

The selected candidate must undertake the on-line Basic Security in the Field training (to be provided by UNICEF).

Consultant/Contractors are responsible for assuming costs for obtaining visas and travel insurance. The lump sum for travel should be based on economy class travel, regardless of the length of travel.

Costs for accommodation, meals and incidentals shall not exceed applicable daily subsistence allowance (DSA) rates, as promulgated by the International Civil Service Commission (ICSC).

Prepared by:
Elena Atanassova, Child Rights Monitoring Specialist

Approved by:
Maria Zlatareva, Policy and Knowledge Coordinator
Annex 8    Questions for national authorities prepared by the evaluation team

1. To what extent and in which areas did the project have significant impact, at local and national level?

2. How the project influenced the justice sector and the child protection system?

3. Did the project improve the treatment of children in conflict with the law, children at risk and their families in the Sliven region - or nationally?

4. How did the services supported by the project benefit the children and families they reached?

5. To what extent the project contributed to building the capacities of the police, justice and child protection professionals, local authorities and other partners?

6. To what extent did the project contribute to the creation a network of innovative services for children in conflict with the law in the region

7. Did the project achieve its planned objectives? Have the planned results been produced, quantitatively and qualitatively?

8. What factors contributed to progress or delay in the achievement of the results?

9. What strategies (core roles?) of UNICEF have been most effective in achieving the results?

10. Was the design of the project appropriate for reaching its results and outcomes?

11. To what extent do the approaches adopted and services developed respond to the real problems of the children, families and communities, as identified by surveys and situation analysis?

12. Was the programme aligned to priorities/policies/reform agendas of the government (and other partners)?

13. What changes were made to the design of the project during implementation? Were they positive?

14. How sustainable are the results achieved, for children and families?

15. How sustainable are the services created?

16. Did the project institutionalise training and capacity development?

17. Did the project create conditions to ensure that benefits continue beyond the project?

18. Are the models/methodologies developed suitable to dissemination throughout Bulgaria?

19. To what extent do the national ministries and other authorizes involved in project have the capacity to implement the services and initiatives developed without UNICEF support?

20. Have the resources UNICEF invested in the project been used efficiently?

21. Would there have been a more cost-effective way to achieve the results acheived?

22. To what extent have the data collection and monitoring activities performed by UNICEF informed and contributed to implementation of project activities, and to their results?

23. Was the project coordinated with similar programme interventions by UNICEF or other actors so as to encourage synergies and avoid overlap?

24. To what extent have partnerships been sought and established and synergies created?
25. Was there any duplication of efforts?
Annex 9 Questions for institutions and professionals in Sliven

General:

In September 2013 an Analysis of the juvenile justice and child protection systems in Sliven and Yambol was published. Are you familiar with it?
   Do you think the Report was useful?
   Are there any findings or recommendations you don't agree with?
   What has been done by your service/institution in response to the Report?

Specific:

1. Are there any new preventive programmes/services that focus on early intervention for children 8-10 years involved in anti-social conduct?

2. Are there any new preventive activities with a special focus on persistent offenders?

3. Are there any new programmes to help children develop basic life and social skills?

4. Are there any new programmes/services to support children having difficulty at school, at risk of dropping out?

5. Have schools taken on any new role in prevention of offending and anti-social behaviour e.g. identification and support to children at risk?

6. Has progress been made in taking an individualized, holistic approach to children at risk and child offenders? Has a new common methodology been adopted? If not, why not?

7. Has an inter-institutional case management system been developed? If so, how well does it work? What difference does it make in the way children are treated?

8. Are there any changes in programmes or services for the support families in the most vulnerable communities? Any effort to empower members of such communities?

Final General Question (if the respondent sees positive developments in Sliven):

Do you think that what has been done here can and should be done throughout Bulgaria? What would the obstacles for this, or the conditions that would need to be met for this to happen?

Questions re the Social Pedagogic Boarding School:

   Was placement used as a last resort?

   Is it used for shortest appropriate time? (Were some children ever released early because of progress?)

   What changes were made in the methodology for working with students?