



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding Observations: Bulgaria

1. The Committee considered the second periodic report of Bulgaria (CRC/C/BGR/2) at its 1318th and 1319th meetings (see CRC/C/SR.1318 and 1319), held on 21 May 2008, and adopted at its 1342nd meeting, held on 6 June 2008, the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's second periodic report, and the written replies to its list of issues (CRC/C/BGR/Q/2/Add.1). The Committee further notes with appreciation the dialogue with the multisectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial reports under the Optional Protocol on sale of children, child prostitution and child pornography (CRC/C/OPSC/BGR/CO/1) and the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/BGR/CO/1) adopted on 5 October 2007.

**B. Follow-up measures undertaken and progress
achieved by the State party**

4. The Committee notes the enactment of the Child Protection Act of 30 October 2000 by virtue of decree No. 226 and the establishment of the State Agency

for Child Protection and adoption of the Child Protection Policy of 30 October 2000 by virtue of decree No. 226.

5. The Committee welcomes the signature of the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 27 September 2007.

C. Main subjects of concern and recommendations

1. General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's previous recommendations

6. While the Committee notes that some of its previous recommendations (CRC/C/15/Add.66 of 1997) have been implemented, it regrets that many of them have not been sufficiently addressed, including the recommendations regarding an independent body to monitor the observance of the rights of the child, institutionalization and abandonment of children, children belonging to minority groups, especially Roma children, and the administration of a juvenile justice system.

7. The Committee urges the State party to make every effort to implement the recommendations from the concluding observations of the initial report that have not yet been sufficiently addressed and to provide adequate follow-up to the recommendations contained in the present concluding observations.

Legislation

8. While the Committee appreciates the steps taken by the State party to harmonize legislation in order to ensure greater consistency with the Convention, it is concerned that some aspects of domestic legislation are not consistent with the principles and provisions of the Convention such as in the areas of family life and fair trial. In particular the Committee is concerned that the Child Protection Act does not cover all areas of the Convention. Furthermore, the Committee expresses concern that existing legislation is not effectively implemented in all areas of the rights of the child.

9. The Committee recommends that the State party continue harmonizing its legislation with the principles and provisions of the Convention, incorporate the Convention fully into the Child Protection Act and ensure the effective implementation of domestic legislation pertaining to the rights of the child.

Coordination

10. The Committee notes that the State Agency for Child Protection (SACP) is mandated both to implement and monitor implementation of the Convention and that the National Council for Child Protection has been established. However, the coordination especially with regard to the local level Child Protection Departments, seems to be lacking and the different bodies have not been given sufficient capacity and financial resources.

11. The Committee recommends that the State party consider the establishment of a single mechanism for the coordination, monitoring and evaluation of all activities relating to the implementation of the Convention (this may be the SACP). Such a coordinating body should be adequately mandated and provided with sufficient financial and human resources to carry out its mandate effectively. In this regard, the Committee refers the State party to its General Comment No. 5 on general measures of implementation for the Convention on the Rights of the Child (CRC/GC/2003/5).

National Plan of Action

12. While noting the National Strategy for Children 2008-2018 and the various sectoral plans of action that serve the needs of children, the Committee is concerned that plans, programmes and strategies are not followed by clear and efficient mechanisms for implementation. The Committee is also concerned that the State party lacks a mechanism for regular reviews and evaluations of such plans, programmes and strategies.

13. The Committee recommends that the State party include in its National Strategy for Children the existing sectoral action plans and address the possible divergences among these plans by putting them into a comprehensive national framework which covers all areas of the Convention, taking into account the outcome document of the 2002 General Assembly special session on children, “A world fit for children” and its mid-term review of 2007. The Committee urges the State Party to develop efficient and effective mechanisms to adequately implement and review all plans of action that are relevant for children and enjoyment of their rights.

Independent Monitoring

14. While welcoming the establishment of the position of Ombudsman at the national and regional levels, the Committee is concerned that the Office of the Ombudsman has no specific mandate to monitor, promote and protect the rights of the child. The Committee is further concerned that there are insufficient resources assigned specifically to children’s issues within the office. The Committee also regrets that the Ombudsman has not been accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in order to ensure its compliance with the Paris Principles.

15. The Committee recommends to the State party that an independent monitoring agency be given the responsibility to monitor and promote children’s rights and provide an accessible complaint mechanism for children and their representatives. The agency should be provided with sufficient human and financial resources to carry out its mandate in accordance with the “Paris Principles” (annexed to General Assembly resolution 48/134 of 20 December 1993) and the General Comment No. 2 (CRC/GC/2002/2) on the role of independent national human rights institutions. This agency could be a separate Children’s Rights Office or be incorporated into the existing Ombudsman’s Office, through designation of a deputy charged with the responsibility for

children's rights. The Committee further recommends that the Ombudsman apply for accreditation with the ICC.

Allocation of Resources

16. While noting the increase of funds budgeted for specific child rights programmes, the Committee is concerned at the inadequate State annual budget allocated for areas affecting children including for health, education and social assistance in general. Furthermore, the Committee is concerned at the reported corruption which may have a negative impact on the allocation of already limited resources to effectively improve the promotion and protection of children's rights, including regarding to health and education.

17. The Committee recommends the prioritization of children's rights and welfare in the State party's budget policy. In this regard, the Committee recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognised in the Convention and especially for health, education and family support. In this regard the Committee urges the State party to pay particular attention to economically disadvantaged, marginalised and neglected children, including Roma children, with a view to alleviating disparities, deficits and inequalities. Furthermore, the Committee recommends that the State party strengthen the skills of the personnel of the administration of child protection system as well as local governments in planning and management of budgets that address the needs of children and families. The Committee also recommends budget tracking to monitor spending on children and that all necessary measures be taken in order to prevent and eliminate corruption in all sectors of society.

Data collection

18. The Committee commends the State party for having set up within the SACP a data collection system which is active in eight regions of the country. However, the Committee regrets that disaggregated data on many areas of the Convention are not available such as on children victims of violence, children with disabilities, the situation of child labour, street children, economic and sexual exploitation, and marginalized children and that the State party does not have a centralized system of data collection.

19. The Committee recommends that the State party strengthen its efforts to develop a centralized system for comprehensive collection of data on the rights of all children up to the age of 18 with a specific emphasis on vulnerable groups of children, including Roma children, and ensure that data allow for disaggregation, inter alia, according to sex, age, urban/rural areas and ethnic or social origin.

Dissemination of the Convention and training

20. The Committee welcomes the information that human rights are included in school curricula. However, the Committee is concerned that systematic teaching of the Convention's principles and provisions has not yet reached all professionals working

with and for children and that human rights and in particular the rights of the child are still not included in the curricula at all educational levels. It is also concerned that the level of awareness of the Convention seems low among the public at large and among children themselves.

21. The Committee recommends that the State party:

(a) Strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, such as law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, school administrators, academics, social workers, media professionals and others as required;

(b) Pay particular attention to the systematic inclusion of teaching of the Convention's principles and provisions, at all levels of the school curricula;

(c) Give special attention to the participation of children in the dissemination of their rights;

(d) Encourage the media to ensure its sensitivity to children's rights as well as the inclusion of children in the development of programs; and

(e) Continue and strengthen its efforts to increase the awareness of the Convention and its principles and provisions and to disseminate the Convention throughout the country, in close cooperation with non-governmental organizations (NGOs) and other stakeholders and by paying particular attention to the remote and rural areas and children out of school.

Cooperation with civil society

22. While welcoming the efforts undertaken by the State party to establish relationships between the Government and civil society including non-governmental organizations, the Committee is concerned that cooperation with non-governmental organizations with regard to preparation of the report as well as to the implementation of the Convention remains insufficient.

23. The Committee recommends that the State party strengthen its collaboration with civil society and widen the scope of cooperation so as to ensure cooperation on a broad level in all areas related to the promotion and protection of the rights of the child and throughout all stages of the implementation and monitoring of the Convention. This cooperation should in particular be established at the community level, with an emphasis on enabling civil society organizations to contribute to promotion and implementation of child rights including through provision of services.

2. General principles (Arts. 2, 3, 6 and 12 of the Convention)

Non-Discrimination

24. While noting the efforts undertaken by the State party to counter discrimination, including through the Law on Protection against Discrimination, the Committee is deeply concerned at the persistent discrimination against Roma children, as well as children living in institutions and children with disabilities, in particular with regard to access to education, healthcare and housing. The Committee

is also concerned that, in spite of considerable international assistance, the programme for Equal Integration of Roma into Bulgarian Society lacks an adequate strategic approach and sufficient coordination.

25. The Committee recommends that the State party:

- (a) Effectively ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention by implementing the existing law;**
- (b) Undertake comprehensive public education campaigns to prevent and to address negative societal attitudes and behaviour based on sex, age, race, nationality, ethnicity, religion and disability;**
- (c) Implement the programme for Equal Integration of Roma into Bulgarian Society, and provide for sufficient human resources, an adequate strategic approach and effective coordination;**
- (d) Explicitly include, by taking into account its General Comment No.9 (2006), specific prohibition of discrimination on the ground of disability in other specific legal provisions, including the Public Education Act; and**
- (e) Include information in the next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's General Comment No.1 on the aims of education (CRC/GC/2001/1).**

Respect for the views of the child

26. While noting that the principle of the respect of the views of the child is incorporated in the Child Protection Act, the Committee is concerned that traditional practices and cultural attitudes limit the full implementation of article 12 of the Convention especially in judicial and administrative decisions. The Committee further regrets the lack of information on best practices available of judicial decisions in particular with regard to family matters. The Committee is also concerned that no information on children's participation was received, even though a Child Council has been established as a consultative body to the SACP.

27. The Committee recommends that the State party:

- (a) Strengthen its efforts to ensure that children have the right to express their views freely in all matters affecting them and to have those views given due weight in schools and other educational institutions, as well as in the family, and reduce the disparities in the opportunities for the participation of students from different social backgrounds and various regions;**
- (b) Ensure that children are provided with the opportunity to be heard in any judicial, including civil (family, divorce) and penal matters, and in administrative proceedings affecting them, and that due weight is given to those views in accordance with the age and maturity of the child, and not with a strict age limit;**
- (c) Develop a systematic approach to increase public awareness of the rights of children to express views and be heard and encourage respect for the views of children within the family, school, care institutions, community and the administrative and judicial system;**

(d) Ensure the involvement of children and child-focused organizations, including the Child Council, in the preparation and implementation of major developmental plans and programmes in the country, such as national development plans, action plans, annual budgets and poverty reduction strategies; and

(e) Take into account the recommendations adopted on the Committee's Day of General Discussion on the right of the child to be heard (September 2006).

3. Civil rights and freedoms (Arts. 7, 8, 13-17 and 37(a) of the Convention)

Torture or other cruel, inhuman or degrading treatment or punishment

28. The Committee welcomes the existence of complaints and investigation mechanisms allowing children in institutions or detention to file complaints. However, the Committee is concerned at the numerous allegations of children being ill-treated and/or tortured and that data in that regard are not available and particularly on cases occurring in schools and police stations.

29. The Committee recommends that the State Party:

(a) Expand and facilitate children's possibility to file complaints about ill-treatment in these institutions and ensure the prosecution of offences;

(b) Strengthen its efforts to eradicate all acts of degrading treatment and violation of children's dignity in schools, boarding schools, remand and detention centres;

(c) Enhance training for staff of these institutions in order to raise their awareness and to impress upon them the rights of the child which have to be strictly ensured also in these institutions; and

(d) Raise teachers' awareness on peer mobbing and bullying in classrooms and schools and encourage schools to adopt action plans to address these harmful behaviours.

30. With reference to the UN Study on Violence against Children, the Committee recommends that the State party:

(a) Take all necessary measures to implement recommendations of the United Nations Study on Violence against Children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia held in Ljubljana from 5-7 July 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

(i) Strengthen national and local commitment and action

(ii) Prioritize prevention

(iii) Promote non-violent values and awareness-raising

(iv) Enhance the capacity of all who work with and for children

(v) Create accessible and child-friendly reporting systems and services

(b) Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse, and

(c) Seek technical cooperation in this respect from OHCHR, UNICEF and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

Corporal Punishment

31. While noting that corporal punishment is unlawful in the home, schools, the penal system, alternative care settings, and in situations of employment, the Committee is concerned that children are still victims of corporal punishment in all the above mentioned settings.

32. **The Committee urges the State party, to take into account its General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), to enforce the ban of corporal punishment by:**

(a) Undertaking public and professional awareness raising;

(b) Promoting non-violent, positive, participatory methods of childrearing and education and reinforcing knowledge among children of their right to protection from all forms of corporal punishment; and

(c) Bringing offenders before the competent administrative and judicial authorities.

4. Family environment and alternative care

(arts. 5; 18 (paras.1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)

Family environment

33. The Committee notes the numerous efforts undertaken by the State party to deal with the rights of the child within the family setting. However, the Committee is concerned at the inadequate support provided to families with children and especially to families in a crisis situation due to poverty, families caring for children with disabilities and to single-parent households. Furthermore, the Committee is concerned that insufficient early intervention, including family support and crisis intervention, gives rise to neglect and abandonment of children and is the root cause of the high number of institutionalized children. In that regard the Committee is concerned at the insufficient availability of family counselling services and parental education programmes as well as professional staff trained to identify and address family problems.

34. **The Committee recommends that the State party:**

(a) Redirect allocations of national and regional budgets, with increasing funding for programmes and services to encourage the possibility of children to remain in their family environment;

- (b) Increase support to families with children, in particular for those living in poverty, families caring for children with disabilities and to single-parent households;**
- (c) Develop and financially support community-based and family-focused services for families at risk of social problems and families who care for children with developmental challenges, disabilities or health problems; and**
- (d) Establish social services providing family counselling and parenting education and train professionals, including social workers providing assistance to parents in the upbringing of their children and provide them with continuous, gender sensitive and targeted training.**

Alternative care

35. While noting the State party's indication that foster care as an alternative type of placements of children without parental care is preferred over institutional care, the Committee is concerned at the insufficient numbers and adequate training of foster families which results in the high proportion of children still placed in institutions. The Committee is also concerned that the coordination within the care system, as well as the periodic review of placement is not a regular practice in all alternative care placements.

36. The Committee recommends that the State party review its policies on alternative care for children deprived of a family with a view to developing a more integrated and accountable system of care and support by:

- (a) Strengthening and expanding the foster care system through improved training of social workers and increased counselling and support for foster families;**
- (b) Enhancing coordination between all persons involved in the care of children deprived of a family environment, including police, social workers, foster families and the staff of public and private orphanages;**
- (c) Establishing a set of standards and procedures for all public and private organizations working with these children that encompass the principles of the Convention, particularly the best interests of the child and respect for the views of the child and ensure that their placement is periodically reviewed, in accordance with article 25 of the Convention;**
- (d) Taking steps to regularly monitor the status of children in kinship homes, foster care, pre-adoptive homes and other care institutions.**
- (e) Ensuring regular visitations and inspections of all alternative care facilities;**
- (f) Providing an independent child accessible complaints mechanism; and**
- (g) Developing care plans for each child in care which will be reviewed on a regular basis.**

Adoption

37. The Committee notes the steps taken in the area of adoption with regard to the harmonization of law and procedures with the principles and provisions of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993) and takes note of the preparation of the draft Family Code. The Committee while noting the increased controls in the adoption

procedures, both national and inter-country, is concerned about the insufficient organizational and human resources provided to the central adoption authority in order to fulfil its function. Furthermore, the Committee is concerned at the high number of children waiting for adoption and that there are difficulties in placing children of Roma origin within the State party.

38. The Committee recommends that the State party strengthens its central adoption authority and other bodies dealing with the adoption process with a view to:

- (a) Establish a training programme on adoption for, inter alia, judges, lawyers, staff of the national registry and for the accreditation bodies;**
- (b) Provide public awareness about adoption and the conditions for adopting to the public at large, preparation for prospective adoptive parents and children about their upcoming adoption;**
- (c) Ensure adequate procedures to monitor all steps of the adoption process effectively;**
- (d) Ensure that children of Roma origin are not discriminated against in the adoption process and establish programmes to reduce misconceptions related to the adoption of Roma children; and**
- (e) Ensure that the child's best interests are the paramount consideration in all adoption procedures.**

Children without parental care living in social care institutions

39. While noting the Government's efforts to deinstitutionalize children, and also to improve the situation of children in institutions, the Committee is concerned that limited progress has been made in reducing the large number of children, especially Roma children, placed in institutions. Furthermore, the Committee is concerned at the insufficient and inadequately trained personnel working within these institutions and at the inadequate budgetary allocations which may have a negative impact on the physical conditions prevailing in these institutions and the quality and quantity of the food and other services provided. The Committee is also concerned that some children leaving institutions are not well prepared to take on the responsibility of adult life and that not all of them are eligible for further support services. The Committee is also concerned at reports that many children lacking parental care, in particular abandoned children, are apprehended and placed in the same closed facilities as children suspected or accused of criminal wrongdoing.

40. The Committee recommends that the State party, while taking into account the recommendations of the Day of General Discussion on children without Parental Care (CRC/C/153):

- (a) Continue its efforts for deinstitutionalization while taking steps to ensure that appropriate alternative accommodations are provided for each child;**
- (b) Ensure that there are enough and properly trained staff and carers for all facilities and adequate resources for the proper functioning and monitoring of the system;**
- (c) Continue providing training and education programmes, in collaboration with NGOs, for children who leave the institutions and encourage their reintegration into society;**

- (d) Ensure that children without parental care are placed in facilities separated from children suspected or accused of criminal wrongdoing, in order to provide them with appropriate care;**
- (e) Provide these children with mainstream education; and**
- (f) Take into account the views and best interests of the child while aiming, whenever possible, at reintegrating them into their families.**

Abuse and neglect

41. The Committee is concerned at the increase in rates of children subjected to abuse, including psychological, physical and sexual abuse and that only a negligible number of cases reaches the courts.

42. The Committee recommends that the State party:

- (a) Develop and implement a comprehensive strategy for the prevention and reduction of child abuse and neglect by, inter alia, undertaking awareness raising campaigns and providing adequate support to children and families at risk;**
- (b) Develop and implement an effective system for reporting of cases of child abuse and neglect, by inter alia, providing training for all professionals working with and for children;**
- (c) Strengthen the psychological and legal support for children victims of child abuse and neglect;**
- (d) Prosecute and sentence perpetrators of these crimes; and**
- (e) Ensure the access to and sustainability of the toll-free, 24-hour national helpline for children, and grant it a 3-digit number.**

5. Basic health and welfare

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

43. The Committee is concerned at the persisting shortage of resources for the development of educational, social and health services for children with disabilities and their families in their own living environment. Furthermore, the Committee is concerned that children with disabilities are often placed in large residential institutions and that these institutions do not provide the professional competence and special equipment required. The Committee is also concerned at the lack of efforts to develop an effective monitoring and data collection systems on the situation in social care homes for children with disabilities, particularly with regard to the right of children with disabilities to education. The Committee is also concerned that Roma children with disabilities experience double discrimination.

44. The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's General Comment No. 9 (CRC/C/GC/9) on the rights of children with disabilities, take all necessary measures to:

- (a) Provide children with disabilities and their families with adequate support, including access to social protection to allow them to remain within their families;**
- (b) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers;**
- (c) Establish a formal monitoring system for residential care homes for children which closely examines the right to education of children with mental and other disabilities, as well as ensure that monitoring incorporates concrete steps to follow up recommended actions, and favours the participation of civil society organizations;**
- (d) Develop and effectively apply new regulations to ensure that management of homes for children with mental disabilities is regularly evaluated in relation to securing the right to education and other rights for children living in the homes;**
- (e) Establish and implement a comprehensive data collection system which takes into consideration the number of children with disabilities (disaggregated by age, sex, and ethnic or social origin), number and categories of homes for children with mental disabilities, number of children entering and leaving the homes, information on where children are moved to, information on the number of children who have been integrated into special schools or mainstream schools;**
- (f) Use these data to develop a comprehensive and specific national policy on disability which promotes the full and equal enjoyment of all human rights and fundamental freedoms by all children with disabilities and their full and effective participation in society; and**
- (g) Develop skills of local level governments and institutions, including Child Protection Departments, support activities of NGOs (especially organisations of parents) and cooperate with them in the process of continuing to develop community based day care and early childhood development services for children with special needs.**

Health and health services

45. The Committee notes the efforts undertaken in the area of health including the reform of the health system as well as the special Health Strategy for Disadvantaged Persons from the Ethnic Minorities. However, the Committee remains concerned at the still limited and inequitable access to adequate health-care services, especially for Roma children and children in the rural areas, reflected, inter alia, in the relatively high infant mortality rate and in the segregation of Roma patients in hospital facilities that remains common practice.

46. The Committee recommends that the State party:

- (a) Develop a comprehensive programme to improve mother and child health, including through basic health care services for the most vulnerable children, in particular, for Roma children and children living in rural areas;**
- (b) Take all necessary measures, including the continued training of health personnel, particularly those working in the Roma communities, to ensure equitable access to health services by the Roma population and other vulnerable groups;**

- (c) **Closely collaborate with the minority communities and their respective leaders to elaborate effective measures to abolish traditional practices prejudicial to the health and well-being of children, such as early marriage; and**
- (d) **Take all the necessary steps to end segregation in hospital facilities.**

Adolescent Health

47. The Committee is deeply concerned about the high rate of early pregnancies and the high abortion rate among adolescents which indicates that abortion may be used as a method of contraception. Furthermore, the Committee is concerned that the legal minimum age for medical treatment without parental consent is set at 16 years and notes the limited availability of programmes and services in the area of adolescent health at school. The Committee is also concerned at the shortage of mental health services provided to children.

48. The Committee recommends that the State party, taking into account the General Comment No. 4 on adolescent health and development (CRC/GC/2003/4) of 2003:

- (a) **Take all necessary measures to provide adolescent reproductive health services and strengthen measures aimed at the prevention of early pregnancies through, inter alia, making a comprehensive range of contraceptives widely available, reproductive health education in schools and increasing knowledge about family planning;**
- (b) **Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems including on psychological development;**
- (c) **Strengthen training of general practitioners, nurses, social workers and other primary care specialists in the field of mental health and emotional wellbeing of adolescents, with a view to improving the capacity and quality of child mental health professionals in the country;**
- (d) **Lower the minimum legal age for medical treatment without parental consent; and**
- (e) **Develop a comprehensive mental health policy, including, mental health promotion, prevention of suicidal and violent behavior, outpatient day care and inpatient services for adolescents with mental health problems, as well as programmes to support families with children at risk.**

Drug, tobacco, alcohol and other substance use

49. The Committee is concerned at the high incidence of drug, tobacco, alcohol, and other toxic substances use among children.

50. The Committee recommends the State party to take all necessary measures to address the incidence of drug, alcohol, tobacco, and other substance use among children by, inter alia, providing children with accurate and objective information about toxic substance use, including tobacco use.

HIV/AIDS

51. The Committee is concerned at the increase in sexually transmitted diseases (STDs) rates, particularly syphilis and HIV/AIDS amongst adolescents.

52. The Committee recommends that the State party, while taking into account the Committee's General Comment No. 3 (CRC/GC/2003/3) on HIV/AIDS and the rights of the child and the international Guidelines on HIV/AIDS and Human Rights, strengthen its preventive efforts by conducting campaigns and educational programmes, particularly within schools, in order to raise awareness on STDs, including syphilis and HIV/AIDS, as well as on prevention methods.

Standard of living

53. While noting the efforts undertaken by the State party to reduce poverty and social exclusion, the Committee is deeply concerned at the relatively low standard of living of a section of the child population and their families. Quite a large percentage of the population, especially children under 15 years and Roma and Turkish children, are living in poverty and social isolation and are deprived of equal opportunities and access to essential services. The Committee is also concerned that adequate housing remains a problem for many families and for children after they have left children's homes and institutions. Furthermore, the Committee is concerned that recent changes in the Social Assistance Act might put more children and vulnerable families at risk of poverty and lowered standards of living.

54. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Take steps to improve the standard of living of families with children, in particular of those living below the poverty line;**
- (b) Take all necessary measures to make adequate housing, sanitation and infrastructure available for all families including for low-income and large families and Roma communities; and**
- (c) Reinforce its efforts to alleviate poverty and to ensure and protect support and material assistance, with particular focus on the most marginalized and disadvantaged children and their families and to guarantee the right of children to an adequate standard of living.**

6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

55. The Committee commends the State party's programme to provide free textbooks and meals for certain vulnerable groups of children.. The Committee also welcomes the State party's declaration that education is a priority of governmental policy, but does not see this reflected in the budget allocations for education, which still are low. The high drop-out rates, a concern of the Committee in the Concluding Observations following the Initial Report in 1997, were not reduced, so that more than 25 % of the children in rural areas do not even finish the 8th grade. In general, the quality of education and the marked urban-rural disparities are a serious concern of the Committee.

56. The Committee notes the efforts of the State party to better integrate Roma children in mainstream schools, including the National Programme and the Action Plan of 2005, but regrets the lack of data about Roma children and their educational

achievements and remains concerned at the limited success of the efforts resulting in the continuation of segregated schools for Roma children and high repetition and drop-out rates. The Committee welcomes the goal of including the majority of children with disabilities in general education schools and regrets that the goal could not be realized. The Committee is concerned that many of these children are still regarded as uneducable and live in special boarding schools and that schools which enrol children with disabilities do not receive additional resources to assist these children appropriately.

57. The Committee welcomes that one preschool year is mandatory and free, but is concerned that preschool facilities, which, according to the State party report, have unoccupied places, are not used for preparation of children with disabilities and Roma children for school. Furthermore, the Committee is concerned at the insufficient provision of vocational education and training, including for children who dropped out of school.

58. The Committee recommends that the State party:

- (a) Increase the budget allocation for education;**
- (b) Conduct a thorough analysis of the root causes of low achievement levels and drop-out of schools in order to develop measures which ensure that all children, in urban and in rural areas, complete the full course of compulsory education until the age of 16;**
- (c) Strengthen its efforts to integrate Roma children into the general school system by enhanced teacher training, curriculum revisions and appropriate teaching and learning methods as well as intensified parental education and participation;**
- (d) Include children with disabilities in the general school system, provide the needed personnel and material resources to the schools in which these children are enrolled and reduce the number of schools for children with special educational needs to the unavoidable minimum taking into account the Committee's General Comment No. 9 "The rights of children with disabilities" (CRC/C/GC/9);**
- (e) Expand early childhood development programmes and preschool education to more children and in particular use the mandatory year before primary school for a better preparation of children from ethnic minorities, in particular Roma children, and children with disabilities taking into account the Committee's General Comment No. 7 "Implementing child rights in early childhood" (CRC/C/GC/7/Rev.1);**
- (f) Increase the quality of school, in particular by introducing interactive teaching methods, better equipment of schools, teacher training before start in school and in-service training and active involvement of teachers in reform processes;**
- (g) Expand the integration of human rights and child rights education in the curriculum of all schools and shape learning and social life of schools accordingly taking into account the Committee's General Comment No. 1 "The aims of education" (CRC/GC/2001/1); and**
- (h) Establish a vocational education and training system for children, who wish to enter practical occupations, including for children who dropped out before graduating from primary or secondary education.**

7. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Economic exploitation including child labour

59. The Committee welcomes the fact that the State party's legislation restricts child labour and that the State party has developed a National Plan for Combating the Worst Forms of Child Labour. However, the Committee is concerned at the still large number of socially vulnerable children, especially Roma children, engaged in harmful and exploitative labour, particularly in agriculture, industry and domestic service. Furthermore, the Committee is concerned that there are no adequate or recent disaggregated data on child labour.

60. **The Committee recommends that the State party:**

- (a) Introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation;**
- (b) Collect data disaggregated by sex, age, urban/rural areas and ethnic or social origin on child labour;**
- (c) Continue its collaboration with ILO in order to assess the situation of child labour, in particular within the informal sector, work on the streets and domestic work, in order to develop strategies to strengthen awareness, prevention and assistance programmes; and**
- (d) Take measures to ensure effective implementation of the ILO Conventions No. 138 and No. 182, which the State party has ratified.**

Street children

61. The Committee appreciates the measures taken to address rights and needs of street children such as the adoption of the National Strategy for Protection of the Rights of Children in the Street in 2003 and the awareness and information campaigns undertaken in this area. However, the Committee is concerned that there are still a high number of children, predominantly Roma, living on streets and that street children are often placed in specialized institutions. Furthermore, the Committee is concerned that these children are especially vulnerable to trafficking and economic and sexual exploitation.

62. **The Committee encourages the State party to continue its efforts in cooperation with relevant NGOs to fulfil the rights and needs of street children, to address the root causes and develop effective strategies to increase awareness about the rights of street children. Furthermore, the Committee urges the State party to provide protection and assistance to children currently living on the streets taking into account the views of these children. The State party is further urged to elaborate and implement programmes, on the basis of in-depth studies and analysis of the root causes, in order to prevent children from leaving families and schools for the street.**

Sexual exploitation and abuse

63. The Committee is concerned at the rise in rates of children who are subjected to sexual exploitation and abuse and that only a negligible number of cases reaches the courts.

64. **The Committee recommends the State party to:**

(a) **Undertake in-depth studies and research to identify the scope, extent and root causes of sexual exploitation of children to facilitate the implementation of effective strategies;**

(b) **Increase its awareness raising campaigns and public education on sexual exploitation, prostitution and child abuse for children, their families, communities and the public at large and ensure the recognition of the gender perspective in these campaigns and in public education;**

(c) **Take measures to prosecute perpetrators of sexual exploitation of children and child abuse; and**

(d) **Implement appropriate policies and targeted programs for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Trafficking and abduction

65. The Committee remains concerned at the prevalence of national and cross-border trafficking especially of Roma children, young children and newborns and at the absence of related data.

66. **The Committee encourages the State party to:**

(a) **Collect data on trafficking disaggregated by sex, age, urban/rural areas and ethnic or social origin on trafficking;**

(b) **Continue and strengthen its awareness-raising campaigns including through education and media campaigns;**

(c) **Increase protection provided to victims of trafficking, including prevention, social reintegration, access to health care and psychological assistance and free access to legal aid; and**

(d) **Enter into bilateral and multilateral agreements for the prevention of trafficking and for the rehabilitation and repatriation of trafficked children.**

Sale, prostitution and pornography

67. **The Committee reminds the State party of the need to effectively implement its relevant concluding observations and recommendations on the Optional Protocol on Sale of Children, Child Prostitution and Child Pornography (CRC/C/OPSC/BGR/CO/1) adopted on 5 October 2007.**

Administration of juvenile justice

68. The Committee notes with appreciation the amendments to the Juvenile Delinquency Act, the introduction of measures regarding deprivation of liberty by courts and the adoption of the new Criminal Procedure Code in 2005. However, the Committee is concerned:

- (a) That the State party has not established specialized juvenile courts or chambers within the existing settlements as recommended by the Committee in its previous concluding observations;
- (b) At the definition of “anti-social behaviour” of juveniles which contradicts international standards;
- (c) That despite the fact that the Juvenile Delinquency Act defines the minimum legal age for criminal responsibility at the age of fourteen, children at a very low age (eight years) are considered by measures of prevention and re-education fixed by article 13 of the Juvenile Delinquency Act and which may be decided by the local Commission, without adequate guarantees;
- (d) That the deprivation of liberty is not used as a means of last resort;
- (e) At the high percentage of children placed in correctional-educational institutions; and
- (f) At the inadequate conditions prevailing in prisons and detention centres, including overpopulation and poor living conditions.

69. The Committee recommends that the State party take prompt measures to fully bring the system of juvenile justice in line with the Convention, in particular article 37(b), article 40 and 39, as well as with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee’s General Comment No. 10 (CRC/C/GC/10) on children’s rights in juvenile justice. In this regard, the Committee recommends that the State party:

- (a) Implement the Committee’s recommendations (CRC/C/15/Add.66) regarding juvenile justice;**
- (b) Reform the Juvenile Delinquency Act and the Criminal Procedure Code with the view to withdraw the notion of anti-social behaviour;**
- (c) Make a clear definition of the legal age of criminal responsibility in order 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;**
- (d) Set up an adequate system of juvenile justice, including juvenile courts with specialized judges for children, throughout the country;**
- (e) Use deprivation of liberty, including placement in correctional-educational institutions, as a means of last resort and, when used, regularly monitor and review it taking into account the best interests of the child;**
- (f) Provide a set of alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them;**
- (g) Ensure that children deprived of their liberty remain in contact with the wider community, in particular with their families, as well as friends and other persons or representatives of reputable outside organisations, and are given the opportunity to visit their homes and families;**
- (h) Focus on strategies to prevent crimes in order to support children at risk at an early stage;**

- (d) Train judges and all law enforcement personnel who come into contact with children from the moment of arrest to the implementation of administrative or judicial decisions taken against them;**
- (e) Ensure independent monitoring of detention conditions and access to effective complaints, investigation and enforcement mechanisms; and**
- (i) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice which includes UNODC, UNICEF, OHCHR and NGOs.**

70. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

Roma children

71. While noting that efforts are undertaken to ensure equal enjoyment of rights for Roma children as through the National Action Plan on the Decade of Roma Inclusion, the Committee remains deeply concerned at the negative attitudes and prejudices of the general public as well as about the overall situation of children of minorities and in particular Roma children, especially with regard to discrimination and disparities, poverty and their equal access to health, education, housing, employment and decent standard of living.

72. The Committee urges the State party to:

- (a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and professionals;**
- (b) Strengthen its efforts to remove discrimination and to continue developing and implementing - in close collaboration with the minority communities and especially the Roma community - policies and programmes aimed at ensuring equal access to culturally appropriate services, including education; and**
- (c) Develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights of Roma in Bulgarian society.**

8. Follow-up and dissemination

Ratification of international human rights treaties

73. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention on the Protection of All Persons from Enforced Disappearance, Convention on the Rights of Persons with Disabilities and its Optional Protocol and Optional

Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment.

Follow-up

74. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to relevant Government Ministries, the Narodno Sobranie and to local authorities, for appropriate consideration and further action.

Dissemination

75. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available to the public at large, civil society organizations, youth groups, media and other professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

9. Next report

76. The Committee invites the State party to submit its consolidated third fourth and fifth periodic report, which should include information on the implementation of the two Optional Protocols, by 2 July 2013. This report should not exceed 120 pages (CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

77. The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).