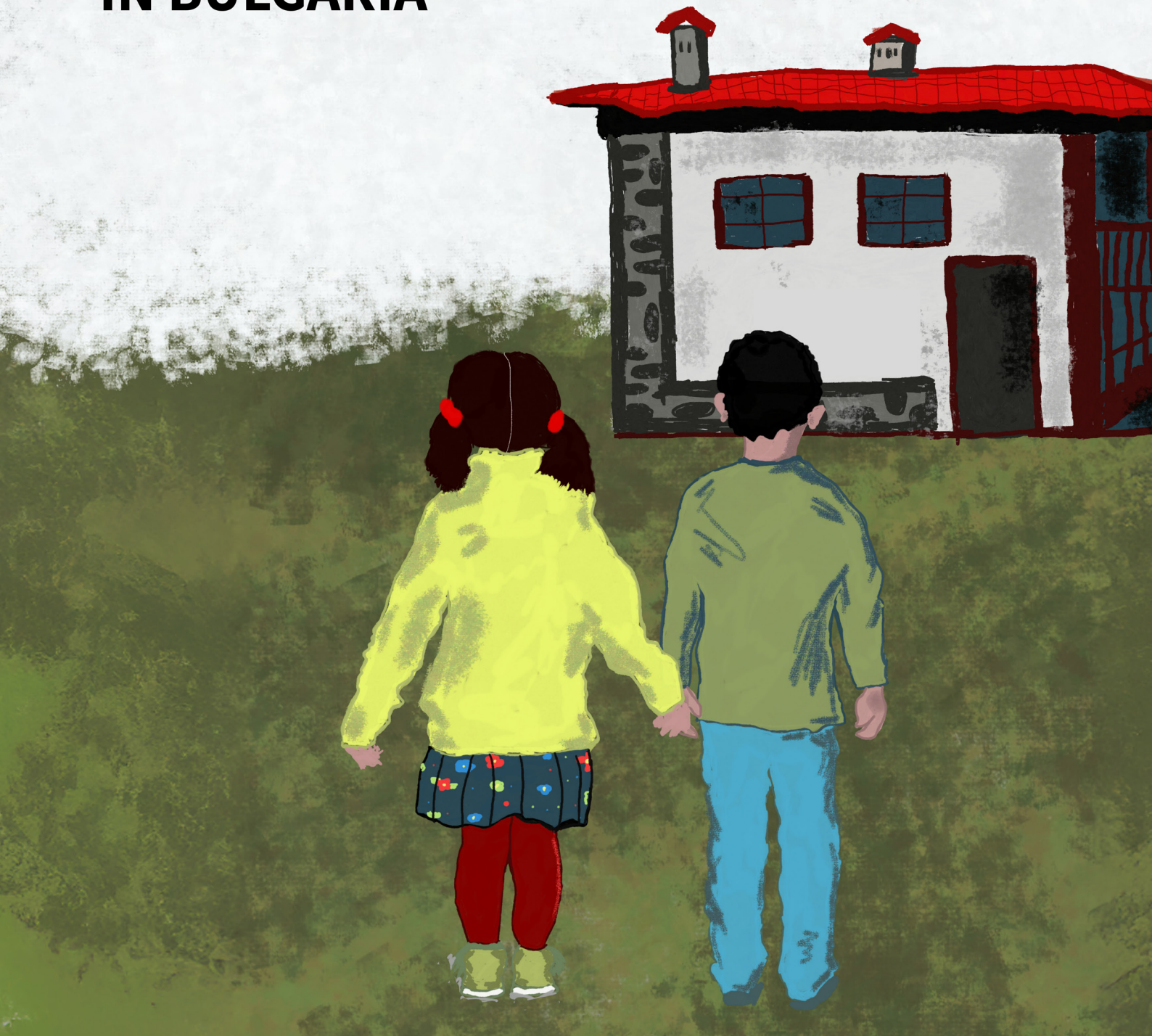


FORGOTTEN FUTURES

ROMANI CHILDREN IN STATE CARE IN BULGARIA



CHALLENGING DISCRIMINATION PROMOTING EQUALITY



EQUAL
OPPORTUNITIES
INITIATIVE
ASSOCIATION



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FOREWORD

As someone who grew up in an institution, separated from my family at a young age, I know firsthand what such an experience leaves behind. I was just one of five children but, for reasons I still struggle to fully understand, I was the only one placed in a children's home while my siblings were able to grow up in a family environment. The sense of isolation, of being different, never left me. It follows you, shapes how you see the world and your place in it. This report hits close to home because it tells the story of so many children, like myself, who were separated from their families not because it was necessary, but because the system allowed it.

The report's findings bring to light an issue that strikes at the core of what it means to be human: how we treat the most vulnerable members of our society. It's impossible to read it without feeling a deep sense of injustice. These are children whose lives are being shaped by a system that is supposed to protect them but instead often fails them.

At the heart of this issue is a question of basic fairness. How can it be ethical for Romani children to be disproportionately placed in state care simply because their families are poor or because of deeply ingrained social, or even racial biases? The report shows how poverty and discrimination are treated not as social issues to be solved, but as reasons to break apart families. These are children who, instead of receiving support, are removed from their homes, stigmatised, and institutionalised. It is a heartbreaking reflection of the systemic inequities that persist in our world.

What stands out most, though, is the failure of the deinstitutionalisation process in Bulgaria - a process meant to liberate children from large, cold institutions. Instead, many have been moved to smaller homes, still cut off from the community. These children, particularly Romani children, continue to live lives of isolation, away from the warmth of a family.

The ethical concerns don't stop there. Social workers – the people entrusted with the care of children - are often influenced by societal attitudes, making decisions that reflect personal biases rather than the best interests of the children. This report forces us to confront the fact that these decisions are not just abstract, bureaucratic choices, but that they have a profound impact on the lives of real children, children who deserve to be treated with respect, compassion, and fairness.

And then there's the issue of transparency, or rather, the lack of it. The deliberate failure to collect data on the ethnicity of children in care effectively hides the scale of the problem. It's as if we're turning a blind eye, refusing to acknowledge the reality that Romani children are disproportionately affected. This lack of accountability isn't just an oversight - it's an ethical failure. Without transparency, how can we ever hope to address these injustices?

Ultimately, this report doesn't just present facts and figures - it presents a moral call to action. These children deserve better. They deserve a system that works for them, not against them. We have a collective responsibility to ensure that every child, no matter their background or circumstances, is treated with the love, care, and respect they deserve.

Michal Ďord
Project Steering Committee Coordinator and Care Leaver

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LIST OF ABBREVIATIONS

ASA	Agency for Social Assistance
CPA	Child Protection Act
DI	Deinstitutionalisation
FACA	Family Allowances for Children Act
GDPR	General Data Protection Regulation
NGO	Non-governmental Organisation
PDPA	Personal Data Protection Act
RACPA	Rules on the Application of the Child Protection Act
RASAA	Rules on the Application of the Social Assistance Act
RASSA	Rules on the Application of the Social Services Act
RSAD	Regional Social Assistance Directorate
SAA	Social Assistance Act
SACP	State Agency for Child Protection
SAD	Social Assistance Directorate
SSA	Social Services Act

INTRODUCTION

Roma in Bulgaria are among the most marginalised and impoverished communities in Europe, with Romani children being particularly vulnerable. In fact, Roma constitute the only ethnic group where the proportion of individuals living in poverty is double that of those who are not poor; a stark contrast to the broader population. The rates of poverty, malnutrition, and social exclusion among Romani children show shockingly high disparities compared to their ethnic Bulgarian counterparts. As a result, huge numbers of Romani children are classified as ‘at risk,’ leading to disproportionately high numbers of them entering state care.

This in-depth review of the current situation of Romani children in state care institutions in Bulgaria was conducted by Equal Opportunities Initiative Association in partnership with the European Roma Rights Centre (ERRC). It aims to prompt and prod the institutions to adopt the necessary reforms and amend current practices to ensure a rights-compliant approach to Romani children who, like all children, have a right to protection, care, and to *“grow up in a family environment, in an atmosphere of happiness, love and understanding.”*¹

Bulgaria’s ongoing political instability, coupled with weak governance, a fragile economy, and an erosion of human rights standards, has undermined any prospect for an effective and concerted Roma inclusion policy framework. Another casualty of political polarisation has been the rights and well-being of children, with a national strategy for the child derailed in 2019 by an orchestrated far-right public backlash against children’s rights.

In 2019, the government declared that its deinstitutionalisation (DI) of child care was successfully completed ahead of schedule and in no need of an update. While it is beyond doubt that over the past decade Bulgaria has seen a

dramatic 80% reduction in the number of children in state institutions, it is clear, as many child care advocates declared, that ‘child care reform in Bulgaria was far from over’.

Indeed, while Bulgaria was held up as Europe’s DI poster-child, the NGO Validity accused those funding and driving Bulgaria’s ‘faulty model of DI’ as being responsible for a process of ‘trans-institutionalisation’, where individuals are moved out of large-scale institutions to smaller types of institutions that are just as segregated and cut off their communities as ever, with the rapid expansion of so-called ‘group homes’ across the territory, often on the periphery of communities.²

Beyond the closure of large-scale institutions, DI, as understood as a process of preventing separations by providing support to children and families and expanding family and community-based care and services, was found wanting in the report. Stakeholders and survey participants bore witness to a system of child care buckling under heavy strain; critically under-resourced and understaffed. Many spoke of the severe lack of suitably qualified staff to manage complex processes, and the absence of clear strategic coherence or effective mechanisms for multi-statutory coordination to deliver anything resembling a diversity of child care services regulated by rights-based and outcomes-oriented standards.

The survey revealed discriminatory attitudes by some social service providers, deep fears of the institutions held by vulnerable Romani parents, and a lived experience of discrimination that caused many to cast doubt that officials acted at all times ‘in the best interests of the child.’ As one critic put it, the lack of expert personnel who do not exclude or blame vulnerable groups allows for the perpetuation of discriminatory and stigmatising practices, a problem that has been masked for years by lack of data.

Romani children, like all children, have a right to protection, care, and to “grow up in a family environment, in an atmosphere of happiness, love and understanding.”

1 UNICEF, *Convention on the Rights of the Child text*. Available [here](#).

2 Validity, ‘Investigating Bulgaria’s failed approach to deinstitutionalisation of persons with disabilities – new report’, 20 October 2021. Available [here](#).


Additionally, the research found that the experience of discrimination and high levels of mistrust among Romani communities was compounded by very limited or non-existent knowledge of the workings of the child care system or the processes that resulted in children being taken into institutional care.

When it comes to ethnically disaggregated data, the official line remains that strict data protection laws at both the EU and national level preclude the collection of ethnic data. ERRC research has shown that data on ethnicity is collected, and that the Ministry could in fact produce anonymised ethnically disaggregated information concerning the numbers of Romani children in state care, but chooses not to.³

Another discriminatory consequence of a system that moves young people into smaller group homes, segregated and isolated on the peripheries of communities, is that it leaves these young people woefully unprepared for life outside the system. This puts young people exiting the system in a perilously vulnerable position, especially those with psychosocial disabilities. Before any DI process can be considered

complete, cross-sectoral efforts are needed both in terms of preparing these young people for independent living prior to coming of age, and providing them with the necessary support for life on the outside.

From a rights-based perspective, enhanced accountability and complete transparency concerning the workings of the child protection system are vital. This deep dive into the workings of the child care system in Bulgaria sheds light on the decision-making processes which lead to disproportionate numbers of Romani children being placed in state care institutions. This study forms part of a wider international action research and advocacy effort by the ERRC and its national partners to provide evidence for legal interventions to prevent unnecessary removals, to stimulate public debate at both national and European levels to push for substantive reforms in order to root out both deliberate and unwitting discriminatory practices, to advocate for increased social support for families in difficulty, and **to ensure that children are not removed from their families primarily because of poverty and prejudice.**



Participants bore witness to a system of child care buckling under heavy strain; critically under-resourced and understaffed.

³ ERRC, *Blighted Lives: Romani children in state care*, January 2021. Available [here](#).

REPORT SUMMARY

PURPOSE AND SCOPE OF THE REPORT

Over a decade of research and litigation by the European Roma Rights Centre (ERRC) and its partners has revealed that Romani children have long been overrepresented in state care institutions compared to their proportion of the population as a whole in Bulgaria, the Czech Republic, Hungary, Italy, Romania, and Slovakia.⁴ Despite the undoubted progress made in reducing the number of children in state institutions across the five countries, there are increasing concerns about the process itself. There can be no doubt that the fall in numbers has been dramatic, especially in Bulgaria where over the past decade there has been an 80% drop in the number of children in institutional care.⁵

Despite this, due to the lack of ethnically disaggregated data, the number of Romani children separated from their biological families and placed in institutional, state, and alternative care institutions can only be estimated from information gathered from social workers, community mediators, and NGOs working in the field of children's rights. While existing research suggests that anti-Roma discrimination, social exclusion, and deep poverty are key factors contributing to disproportionate numbers of Romani children being placed in state care, this research aimed to 'drill deeper', gather more in-depth qualitative and quantitative information to steer effective litigation and advocacy, and to provide policy guidance about urgent action to address these problems in the child care and protection system in Bulgaria.

The report contains a comprehensive review of the legal and policy framework surrounding the separation of families and placement of children in state-run or authorised child protection institutions, including foster care. It includes an analysis of existing literature, mapping of the child protection system, and an

examination of how ethnicity-related data is handled in the system. Special attention is given to identifying legal and policy gaps and practices which contribute to the overrepresentation of Romani children in state care. The research also explores the structural factors which place huge numbers of Romani families 'at risk', examines the impact of societal attitudes, and delves into the decision-making processes which lead to disproportionate numbers of Romani children being placed in state care institutions.

Additionally, the report evaluates the effectiveness of the Child Protection framework and identifies gaps in service provision for vulnerable families. It also addresses whether there is differential treatment of Romani children within state care institutions, and whether conditions are equal between Romani children and others inside the homes, and if there is a potential for segregation.

As part of the field work for the research, a survey was undertaken which examines how anti-Roma discrimination combines with poverty, poor housing, and inadequate support services to impact on how Romani children fare within the child care system. It looks at various real-life scenarios involving newborns at risk of institutionalisation, and explores potential support strategies to prevent child removals.

The desk research on the existing legislative and practical framework, as well as the field research, was conducted throughout 2023. The three distinct districts covered in the field research – Stara Zagora, Plovdiv, and Montana – share the characteristics of high percentages of Romani populations and a high incidence of social intervention that result in family separations.

4 State care institutions include, those state institutions in which children/youth from age 0 to 18 who have been abandoned, or who have been removed from their parents' care and are placed on a temporary or permanent basis due to perceived endangerment. This also includes foster care. Alternative placement such as NGO-run centres or state boarding schools should also be included in so far as they operate within the child protection framework, or if child protection workers influence their placement in such. Juvenile detention systems are not covered in this research.

5 ERRC, *Blighted Lives: Romani Children in State Care*. January 2021. Available [here](#).

KEY FINDINGS

POLICY AND LEGAL REVIEW:

- The complexity of the child protection framework is overwhelming, since its provisions are not unified in a single piece of legislation but are spread across a multiplicity of primary and secondary legal instruments that also contain provisions regulating other public domains.
- The focus of child protection efforts is still largely on responding to abandonment and promoting alternatives to residential care, rather than supporting parent-child relationships within the family environment.
- Limited cooperation and coordination remain a general weakness of the child protection system.
- Most of the primary and secondary legislation within the child protection framework contains an explicit provision prohibiting discrimination. Despite that fact, however, the SAA and the FACA also include provisions that withhold access to social benefits and allowances in cases where children are not vaccinated or not regularly attending school. Given that certain social groups, such as Roma, face greater challenges in terms of access to education and healthcare, these restricting provisions can be considered highly discriminatory, especially in light of the fact that the prevention limb of the child protection system remains underdeveloped.
- Despite the scarcity of relevant ethnically-disaggregated data, it can be surmised that Romani children are more likely to be removed from their families and placed in alternative care than children of other ethnic groups in the country.

SURVEY FINDINGS:

- The main reasons for leaving a child in an institution are the lack of financial resources and adequate conditions for raising the child due to poverty.
- Over half of children placed in the examined facilities for state care were of Romani origin.
- The quantitative survey indicates that the decision to place a child in institutional care is typically made either immediately after birth or even before the child is born. This underscores **the importance of commencing abandonment prevention efforts as early as possible during pregnancy**. To achieve this goal, support should encompass both pregnancy and the period immediately following birth.
- 63.3% of respondents assumed that people in their neighbourhood were scared that social services or the Child Protection Directorate might take away their children, with 29.2% of respondents believing that parents in their neighbourhood often had such concerns. Over half of respondents, 50.4%, believed that social workers may not be working in the child's best interest to remain within the home environment.
- The qualitative research points out that, because of widespread stereotypes and discrimination, Romani children are less accepted by foster families and as a result many of them are instead placed in state institutions.
- It also reveals a significant gap in policies and implementation practices related to prevention of separation and removal of children from the Romani community.

RECOMMENDATIONS:

- Greater emphasis should be placed on the **prevention of child abandonment and removal** in primary child protection legislation, in particular by providing stronger measures to support parents and reduce the need for alternative care.
- The enactment of public policies on child protection at national and local level should be conducted in collaboration with NGOs actively working in the field of childcare.
- Central and local authorities should conduct a focused survey investigating the reasons behind the separation of Romani children from their families and adopt measures specifically targeted at preventing removal on account of socio-economic factors.

ROMA IN BULGARIA

As the European Commission noted, exacerbating poverty and social exclusion are grounds for the Bulgarian government to step-up social inclusion measures: *“Many Roma suffer from extreme poverty, unemployment, low levels of education, inadequate housing, poor health and well-being. Social exclusion reinforces prejudice against Roma, making their marginalization socially acceptable.”*⁶

In general terms, as noted in a 2023 European Economy Institutional Paper, Bulgaria’s poor

performance on key institutional and governance indicators in the areas of judicial independence, corruption, and corporate governance of state-owned enterprises has a long-term impact on economic potential and welfare.⁷ Economic growth and an improvement in living standards since Bulgaria joined the EU has not led to a reduction in social inequalities, a diminution of regional disparities, or any improvement in the relative socio-economic status of Roma in Bulgaria.

“Social exclusion reinforces prejudice against Roma, making their marginalization socially acceptable.”

SOCIO-ECONOMIC DEPRIVATION

Data from the EU’s Fundamental Rights Agency (FRA) starkly highlights the disparities between Roma and the rest of the population. Among the key indicators are the ‘at-risk-of-poverty-rate’ for Roma, which stands at 71% compared to the national average of 24%. For Romani children aged 0-17 the poverty risk rate stands at 77%, compared to the general population rate of 28%.⁸ An estimated 62% of Roma are living in severe material deprivation, against a national average of 19%. For children aged 0-17 the disparity is even worse, with a rate of 78% for Roma against 20% for the rest of the children in Bulgaria.

Underachievement in basic educational skills is twice as high as the EU average in Bulgaria, with rates particularly high among students from disadvantaged backgrounds. Segregation of Romani pupils aged 6-15 stands at 64%, which makes it the most pronounced in Europe aside from Slovakia. The NEET (not in

education, employment, or training) rates among Roma aged 16-24 is 54% compared to 14% for the rest of the youth population.⁹

Bulgaria’s health system is characterised by *“limited and unequal access to healthcare services across the country”*¹⁰, and its deficiencies are aggravated by staff shortages, low investment and spending on healthcare, and a heavy reliance on out-of-pocket payments. The 15% of the general population which is uninsured can only access a few publicly-financed health services. The insurance gap is even higher among Roma, where 53% of the population is uninsured.¹¹

Housing deprivation for Roma stands at a rate of 66% compared to 22% for the rest of the population and, as the European Commission has warned, continued spatial segregation in urban and rural regions further exacerbates social exclusion and

6 European Commission, *National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of the Roma (2021 - 2030)*, 15 December 2021. Available [here](#).

7 European Commission, *European Economy Institutional Papers, 2023 Country Report Bulgaria*, Institutional Paper 226, June 2023. Available [here](#).

8 European Union Agency for Fundamental Rights, *Roma in Ten European Countries*, 2012. Available [here](#).

9 *Ibid.*

10 European Commission, *European Economy Institutional Papers, 2023 Country Report Bulgaria*, Institutional Paper 226, June 2023. Available [here](#).

11 *Ibid.*

isolation, leading to “*deteriorating housing conditions, to problems with the construction and maintenance of infrastructure and hygiene, to transport problems and difficulties in providing services.*”¹² As a World Bank 2021 report emphasises, residential segregation reinforces school segregation with subsequent implications for inequalities in education. Bulgaria has the highest level of residential ethnic segregation in Europe (83%), and one of the highest levels of school segregation, meaning “*the immense negative consequences of school segregation for marginalized students are well-established.*”¹³

These social inequities have been aggravated by an unprecedented political crisis, which saw the country face five elections over two years, with no clear victory for any single party or stable coalition. The prelude to this crisis was mass public unrest and protests in 2020 against the endemic corruption and state capture by the ruling party. Public distrust and disillusionment with the political process and state institutions runs deep, and weak governance compounds the pervasive sense of uncertainty.

ANTI-ROMA RACISM AND INSTITUTIONAL DISCRIMINATION

In this charged and polarised political context, notions of social equity, inclusion, and human rights have come under sustained attack, and principles of fair treatment and equal opportunities that guided institutional practices are being constantly undermined. As a consequence, marginalised communities, particularly Roma, are facing heightened discrimination and exclusion.

This has been exacerbated by inciteful and racist rhetoric often perpetuated by politicians and public figures, and amplified by both online and mainstream media. So extreme was the situation in 2020, that Council of Europe Commissioner for Human

Rights Dunja Mijatović called out “*the rampant intolerance manifested towards minority groups in Bulgaria*”, and “*deplored the climate of hostility against Roma, in particular against those who had to leave their homes following rallies targeting their communities in several localities.*”¹⁴

Anti-Roma rhetoric and hate speech not only reinforces harmful stereotypes but also legitimises discriminatory actions and policies. It creates an environment where prejudiced attitudes are socially acceptable and even encouraged, leading to increased public hostility and discrimination against Roma.

It creates an environment where prejudiced attitudes are socially acceptable and even encouraged.

Back in 2018, the UN Human Rights Committee expressed its concerns about reports of increased acts of hate speech and hate crimes, particularly against the Romani community, including racist, xenophobic, and intolerant speech on television, in the media, and on the Internet, from persons at the highest levels of government and in election campaigns. The Committee was also concerned about:

(a) the continuing allegations of high rates of abuse by law enforcement officials of persons upon

arrest and in detention, as well as incidents of police abuse against persons of Romani origin through ‘punitive raids’;

(b) inadequate statistics on ill-treatment and unlawful use of force; and

(c) the lack of an independent oversight mechanism to investigate criminal conduct by law enforcement officials.”¹⁵

According to research cited in the 2020 Helsinki Committee report, *Guilty by Default*, Roma in

12 European Commission, *National Strategy of the Republic of Bulgaria for Equality, Inclusion and Participation of the Roma (2021 - 2030)*, 15 December 2021. Available [here](#).

13 The World Bank, *Challenges and Opportunities to Improve Housing in Marginalized Communities in Bulgaria*, April 2021. Available [here](#).

14 Council of Europe, *Report by Commissioner for Human Rights Dunja Mijatović on her visit to Bulgaria, 31 March 2020*. Available [here](#).

15 UN Human Rights Committee, *Concluding observations on the fourth periodic report of Bulgaria*, 15 November 2018. Available [here](#).

Bulgaria were twice as likely to be the victims of physical police violence than non-Roma, and those who self-identified as Roma accounted for more than 50% of new prisoners, as well as more than 50% of those serving prison sentences, despite making up only 10% of the population.¹⁶

The combination of an erosion in human rights standards, political instability, weak governance, and a fragile economy in a very unequal society means that, in Bulgaria, the prospects for an effective and concerted Roma inclusion policy framework remain as remote as ever.

In Bulgaria, the prospects for an effective and concerted Roma inclusion policy framework remain as remote as ever.

IMPACT OF THE COVID-19 PANDEMIC

The 2020 study by the EU Agency for Fundamental Rights (FRA) on the impact of the Coronavirus pandemic on Roma revealed that the virus ravaged some communities more than others, and that Roma, often living in substandard and overcrowded housing conditions, faced an increased risk of contracting COVID-19. Romani communities have a higher prevalence of chronic diseases such as diabetes and cardiovascular diseases, which made them more vulnerable to severe outcomes if infected with COVID-19.¹⁷ In a 2021 report, the World Bank stated that the COVID-19 crisis further escalated the dire economic situation of marginalised Roma, with many *“unable to smoothen or compensate a loss of income resulting from sudden unemployment or a decline in remittances from abroad.”*

The shift to remote learning during the pandemic disproportionately affected Romani children, with many families lacking access to the necessary technology and internet connectivity for online education. FRA data highlighted that only 43% of Romani households in Bulgaria had internet access, compared to the national average of over 75%. This disruption in education will have long-term implications for educational attainment, exacerbating existing educational inequalities.

Roma were also disproportionately affected by measures taken to contain the virus. Lockdowns and movement restrictions disproportionately affected the type of work that many Roma do, whether engaged

in the informal economy, or working as street vendors, at markets, in construction, or in recycling. This *“exacerbated their precarious living conditions and deepened inequalities.”*¹⁸

Between April and June 2020, FRA noted ten Romani neighbourhood lock-downs across Bulgaria, involving tens of thousands of residents. It was argued that these measures were discriminatory and disproportionate, and FRA cited examples of the use of drones with thermal sensors being used to identify people with high temperatures in Burgas, and a plane spraying 3,000 litres of disinfectant on Romani houses and neighbourhood streets in Yambol.¹⁹

The introduction of restrictive measures in Romani neighbourhoods in Bulgaria was, according to Amnesty, accompanied by *“an increasingly hostile anti-Roma rhetoric, frequently stoked by politicians”*, who were exploiting the public health crises to *“present Roma as a collective threat to the general population”*.²⁰ In May 2020, two UN Special Rapporteurs on racism called on the Bulgarian government to stop hate speech and racial discrimination against the Romani minority in its response to COVID-19, and halt police operations targeting Romani neighbourhoods during the pandemic. They expressed deep concern *“at the discriminatory limitations imposed on Roma on an ethnic basis that are overtly supported by Bulgarian State officials as part of the broader measures to prevent the spread of COVID-19.”*²¹

16 Dilyana Angelova and Slavka Kukova, *Guilty by Default: Discrimination against Roma in the Criminal Justice System in Bulgaria*, Bulgarian Helsinki Committee, Sofia, 2020, p. 33. Available [here](#).

17 FRA, *Coronavirus pandemic in the EU – impact on Roma and Travellers - Bulletin 5*, 29 September 2020. Available [here](#).

18 *Ibid.*

19 *Ibid.*

20 Amnesty International, *Stigmatizing Quarantines of Roma Settlements in Slovakia and Bulgaria*, 17 April 2020. Available [here](#).

21 United Nations Human Rights Commission, Press Release: *Bulgaria / COVID-19 response: “Stop hate speech and racial discrimination against the Roma minority” – UN expert*, 13 May 2020. Available [here](#).

CHILD POVERTY, EXCLUSION, AND INEQUALITY

The 2022 UNICEF policy brief on child poverty revealed that in Bulgaria 36.2% children under 18 are at risk of poverty. This figure is one of the highest in the EU and significantly higher than the EU average, which is 24.2%. The data shows the extent to which children from poor households in Bulgaria were significantly more likely to experience severe housing deprivation (39%) compared to other children from non-poor households (6%). For the Romani population, most of whom live in poverty, a further specific driver of homelessness and severe housing deprivation is the high number of dwellings located out of zoning and with no building documentation, in neighbourhoods with poor housing conditions and little to no infrastructure.²²

Roma constitute the only ethnic group within which the share of the poor exceeds the share of the non-poor. In fact, there are twice as many poor Roma than there are non-poor; 66.2% poor as opposed to 33.8% non-poor. The poverty and social exclusion rates among Romani children also are disproportionately high; while Romani children

make up just 10.8% of the population in the age group 0–19, they account for 46.5% of the total number of poor children in Bulgaria, and 56.7% of the number of children experiencing severe housing deprivation.²³ Malnutrition and the consumption of low-quality food products prevail in poor households: 52.3% of Romani children are unable to have a meal with meat, chicken, or fish every second day due to financial reasons as compared to 9.7% of children from the Bulgarian ethnic group.²⁴

The risk of poverty is significantly higher for children from households where parents have only a primary education or less, are unemployed or economically inactive, have three or more children, or live in rural areas: *“Poverty is both a result and a driver of social exclusion for Romani children, who are largely excluded from ECEC (early childhood education and care) services, are more likely to leave school early, live in overcrowded dwellings with poor housing are more likely to leave school early, live in overcrowded dwellings with poor housing conditions and have no effective access to healthcare.”*²⁵

There are twice as many poor Roma than there are non-poor.

22 UNICEF Europe and Central Asia Regional Office. *Un/Equal Childhood: Deep Dive in Child Poverty and Social Exclusion in Bulgaria, 2022*. Available [here](#).

23 *Ibid.*

24 UNICEF. *The State of the World's Children. Children, food and nutrition*, 14 October 2019. Available [here](#).

25 UNICEF Europe and Central Asia Regional Office. *Un/Equal Childhood: Deep Dive in Child Poverty and Social Exclusion in Bulgaria, 2022*. Available [here](#).

POLICY AND LEGAL REVIEW

The foundations of the child protection system in Bulgaria are laid out by a set of principles and general legal prescriptions contained in the Constitution. These include the principle that families, and children in particular, fall under the protection of society and the State, as well as the provision that the bringing up and caring for children is both a right and an

obligation of their parents, in the fulfilment of which they shall be assisted by the State.²⁶ Furthermore, the Constitution mandates that the rules and procedures for restricting or terminating parental rights shall be laid down in primary legislation, and that children left without the care of their family fall under the special protection of society and the State.²⁷

CHILD PROTECTION ACT

The main legislation stipulating the principles and measures of child protection in Bulgaria, and also establishing the institutions tasked with the implementation of child protection activities, is the Child Protection Act (CPA).²⁸ The CPA provides that the main public bodies responsible for child protection are: the Chairman of the State Agency for Child Protection (SACP), the directorates of the Agency for Social Assistance (ASA), municipal mayors, as well as a group of exhaustively enumerated ministers.²⁹ The functions of the Chairman of the SACP, who is appointed by decision of the Council of Ministers, include:

- to develop public policies on child protection in cooperation with ministries and other state authorities;

- to create and monitor the execution of national and regional programs for child protection, and; crucially,
- to support, direct and coordinate the efforts of all actors engaged in activities within the child protection system.³⁰

Furthermore, at central level the SACP is supported by a National Child Protection Council; a consulting and coordinating body comprised of representatives of ministries, public agencies, municipalities and civil society organisations.³¹

SOCIAL ASSISTANCE DIRECTORATES

The Social Assistance Directorates (SADs) of the ASA are responsible for the implementation of child protection policies at municipal level. A Child Protection Department is established in each SAD. Some of the specific functions of the SADs include: to make recommendations to the relevant municipal councils regarding municipal programs for child protection; to determine concrete child protection measures and oversee their implementation; to

conduct inspections on complaints for violation of children's rights; to provide support and assistance to the families of children in need; and to maintain registers of children requiring or placed under different protection measures.³²

At the local level, SADs are supported by Commissions for the Child, which are bodies with advisory and coordinating functions similar to those of the National

26 Art. 14 and 47 of the Constitution of Bulgaria, prom. SG Issue No. 56 of 13 July 1991, last amended with SG Issue No. 100 of 18 December 2015.

27 Art. 47(4) and 47(5) of the Constitution.

28 Child Protection Act, prom. SG Issue No. 48 of 13 June 2000, last amended with SG Issue No. 62 of 5 August 2022.

29 Art. 6 of the CPA.

30 Art. 17a of the CPA.

31 Art. 18 of the CPA.

32 Art. 20 and 21 of the CPA.

Child Protection Council at the central level. Each Commission for the Child is chaired by the respective municipal mayor and includes representatives of local units of different ministries, local units of public agencies, and civil society organisations.³³

The Child Protection Act stipulates that all children have a right to protection of their physical, intellectual, moral, and social development, as well as a right to protection of their rights and legitimate interests.³⁴ Moreover, the CPA outlaws any restrictions on children's rights and privileges that are based on race, nationality, ethnic origin, gender, lineage, financial status, religion, education, personal beliefs, or disability.

The other rights assigned to children under the CPA include: protection from violence, protection of the child's identity, right to expression, right to be informed and consulted, protection of religious beliefs, protection of their personal data, and right to participation in administrative and judicial procedures that affect the child's interests.³⁵ In addition, children are given the obligation to respect the rights of their parents, guardians, caregivers, and society as a whole, and to observe public order and morals.³⁶

The legal framework in the CPA pertaining to children's rights reflects the provisions of the United Nations Convention on the Rights of the Child.³⁷ Special attention should be awarded to children's right to participate in administrative and judicial proceedings affecting their interests. In accordance with the CPA, a child must be heard in the course of any such proceedings if they are at least 10 years of age, except in the cases where this would interfere with the child's interests.³⁸ Thus, the law defines 10 years of age as the threshold for conferral of this particular right on any child.

Furthermore, the Rules on the Application of the Child Protection Act (RACPA) envisage the '**best interests of the child**' as a key principle that should guide all actions of child protection institutions in the fulfilment of their functions.³⁹ The CPA defines best interests as an assessment of:

- a child's wishes and feelings;
- a child's physical, psychological, and emotional needs;
- a child's age, sex, background, and other characteristics;
- parents' capacity to take care of a child;
- the harm that has been or could be inflicted on a child, and;
- the consequences for a child resulting from a change in circumstances.⁴⁰

The notion of best interests has been elaborated upon by the United Nations Committee on the Rights of the Child, which stated that "*assessment of a child's best interests must include respect for the child's right to express his or her views freely and due weight given to said views in all matters affecting the child.*"⁴¹

In this regard, it should be highlighted that prior to the 2019 amendments of the RACPA, social workers were not required to consult children and obtain their agreement as regards the action plans social workers designed in cases of identified need of protection.⁴² This issue, which to an extent undermined the "best interests" principle, was addressed by the mentioned RACPA amendments, and the rules now provide that social workers should consult action plans with the respective child, unless this would interfere with the child's rights and interests.⁴³ The rights and interests of children are further safeguarded by a number of policy documents. Notably, however, the overarching national strategic document that should provide the framework for all specific programs and initiatives in the field of child protection is currently outdated.

In June 2019, the draft National Strategy for the Child 2019-2030 was suddenly withdrawn in the face of an orchestrated public backlash against children's rights. As the National Network for Children in Bulgaria reported, the draft strategy was subjected to a massive disinformation campaign by

33 Art. 20a of the CPA.

34 Art. 10 of the CPA.

35 See Chapter II of the CPA: Rights of the child.

36 Art. 15a of the CPA.

37 Convention on the rights of the child (1989) Treaty no. 27531. *United Nations Treaty Series*, 1577, pp. 3-178.

38 Art. 15 of the CPA.

39 Art. 4 of the Rules on the Application of the Child Protection Act, prom. SG Issue No. 66 of 25 July 2003, last amended with SG Issue No. 49 of 6 June 2023.

40 Par. 1, item 5 of the Supplementary Provisions of the CPA.

41 UN Committee on the Rights of the Child (CRC), *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, 29 May 2013, CRC /C/GC/14.

42 See Fresno, J. et al, 2019. *Analysis of the Child Protection System in Bulgaria*. Fresno, the Right Link and PMG Analytics, pp. 30-31.

43 Art. 16a of the RACPA.

far-right organisations and radical religious groups, which made “*false and provocative claims that it is diminishing the rights of the parents and that the state and the social services will be able to take away children from their families ‘based on the Norwegian model of child protection’.*”⁴⁴

Fake narratives quickly gained traction in public discourse that children could be taken away for banal reasons, “*such as a refusal to buy a toy or ice-cream to the child and will be given instead to Norwegian gay couples for adoption.*”⁴⁵ These wild claims precluded any rational debate and stoked public fears of an overreaching state, overly eager to snatch children from their families. Efforts to explain the real objectives of the strategy—such as improving child welfare, providing better support to families in crisis, and ensuring the safety and well-being of children—were simply drowned out by the tide of sensationalist disinformation. The government, for its part, failed to explain the importance of the strategy to the public: “*Instead, the complete silence was followed by a statement by Prime Minister Boyko Borisov that the Strategy is withdrawn and it will not be adopted.*”⁴⁶

Five years on, a new national strategy has yet to be adopted. The lack of a national strategy prevents the development of national programs for child protection, which should normally be devised on an annual basis. Consequently, the national authorities,

particularly the National Assembly and the Council of Ministers, are currently in continuous violation of their obligations under the core legislation on child protection in the country.

In the meantime, the Government adopted the National Programme for Prevention of Violence and Abuse of Children (2023 – 2026).⁴⁷ The Program’s main objectives are to reduce the cases of violence and abuse of children, to improve coordination and reporting between the competent institutions and to build the capacities of experts working with victimised children. Furthermore, the Programme employs a zero-tolerance approach to all forms of violence and seeks to introduce measures for raising public awareness about the problems encountered by children.

In April 2024 Eurochild reported on progress with the consultation process on the draft of the National Strategy for the Child 2024-2030, and the Ordinance for Quality of Social Services which was adopted in June 2022.⁴⁸ But, meaningful progress is once again hostage to political fortune. As reported in August 2024, Bulgaria’s political instability deepened even further as attempts to form a government have repeatedly foundered since the June 2024 elections, and the country’s weary voters are predicted to be heading to the polls in the autumn for the seventh time in three years.⁴⁹

44 Eurochild, News: *Bulgaria’s National Strategy for the Child 2019-2030 withdrawn following disinformation campaigns*, 16 June 2019. Available [here](#).

45 *Ibid.*

46 *Ibid.*

47 National Programme for Prevention of Violence and Abuse of Children (2023 – 2026), adopted with Decree No. 51 of the Council of Ministers of 23 January 2023.

48 Eurochild, *Insights and perspectives on children’s rights in Bulgaria*, 10 April 2024. Available [here](#).

49 Balkan Insight, *Bulgaria Heads to Seventh Election Amid Voter Fatigue*, 5 August 2024. Available [here](#).

CHILD PROTECTION MEASURES

CHILDREN AT RISK

The Child Protection Act (CPA) mandates the provision of special protection to any children at risk.⁵⁰ The definition of “child at risk” is contained in par. 1, item 11 of the Supplementary Provisions of the CPA and includes:

- children whose parents have left them without care or whose parents are dead, unknown, deprived of or with restricted parental rights;
- *children who have fallen victim to abuse, violence, exploitation or ill treatment within or outside their family environment;*
- *children whose physical, psychological, intellectual or social development is in danger of harm, and; children who have dropped out of school or are in danger of dropping out.*

The procedure for assessing the need for enforcement of child protection measures in a particular case begins with the receipt of a complaint at one of the Social Assistance Directorates (SADs), which can be filed by a child, a child’s parents, or by any natural person, public body, or other legal entity.⁵¹

Once it is received, the complaint is evaluated within a 10-day period (or, in cases involving violence or exploitation of a child, within 24 hours) by a social worker of the relevant SAD, who collects information from different sources, including the affected child, the family, relatives, kindergarten or school, general practitioner, neighbours, and other SADs. The social worker opens a case when

it is identified that the child in question is in fact at risk. Within four weeks of opening a case, the social worker prepares an assessment report that includes an appraisal of the risks for the child, the capacities of the parents, and the available resources for remedying the situation.

On the basis of the assessment report, the social worker develops an action plan with short-term and long-term goals, including child protection measures and activities for meeting those goals. The action plan is shared with the persons taking care of the child and with the child, and the social worker organises follow-up meetings with all stakeholders at least once every six months.⁵²

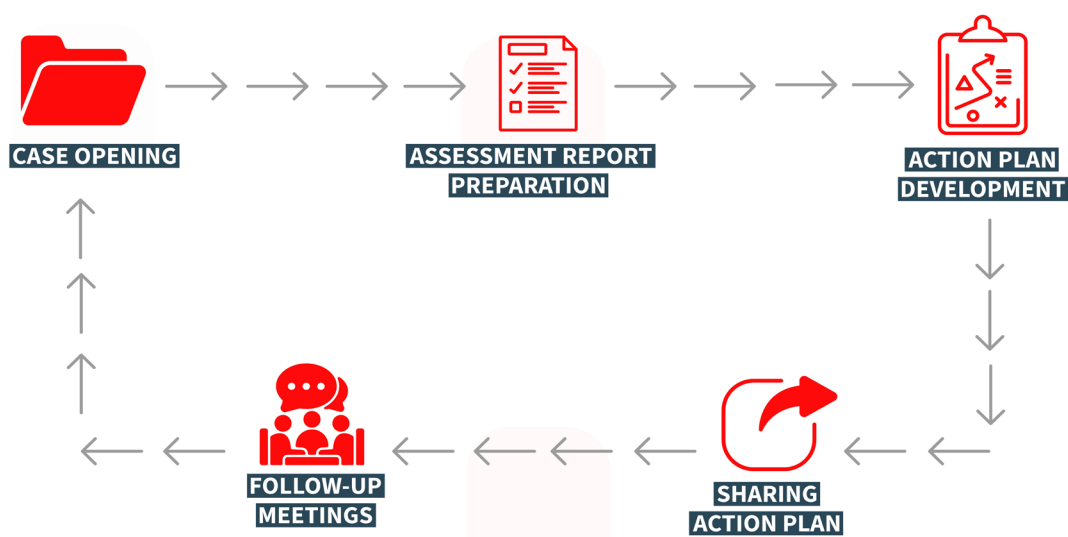


Figure 1. Social Work Case Management Procedure

50 Art. 5 of the CPA.

51 Art. 9 of the RACPA.

52 Art. 16 and 16a of the RACPA.

The different types of child protection measures that a social worker's action plan may envisage are stipulated in the CPA and include, among others: (a) provision of support, assistance, and services within the concerned child's family environment; (b) placement of the child in the care of relatives and extended family; (c) adoption; (d) placement of the child in the care of a foster family, and provision of integrated health and social services for residential care.⁵³

Protection measures within the family environment aim to support parents and caregivers in the

process of raising and looking after children at risk. These measures focus on capacity building by offering pedagogic, psychological, and legal consultations to parents and caregivers. The concerned children also receive support in the form of information and consultations on appropriate opportunities for studying or work.⁵⁴ In the case where the parents or caregivers refuse to cooperate towards the execution of the devised action plan, the director of the relevant SAD can issue an order to compel.⁵⁵

SOCIAL SERVICES AND SOCIAL ASSISTANCE BENEFITS

Social Services Act (SSA): The provision of social services, including implementation of child protection measures, is regulated by the Social Services Act (SSA).⁵⁶ The SSA was adopted in 2019, and introduced significant amendments in the legislative framework governing the development and provision of social assistance in Bulgaria. Before the adoption of the SSA, social services were primarily regulated by the Social Assistance Act.

The new SSA legislation places a stronger focus on specific groups of persons, in particular children with disabilities and children at risk. It adopted a new, integrated approach to the provision of social services, which strives to promote easier access and coordination of different services under a more unified procedure. Finally, the SSA puts a strong emphasis on the importance of quality in the provision of social services. In this regard, the Act stipulates the establishment of a new public body – Agency for the Quality of Social Services – tasked with monitoring and controlling the provision of social services, and with granting licenses to providers.⁵⁷ Under the SSA, providers of social services can be the municipalities, as well as private actors – natural persons and legal entities.⁵⁸

Following the adoption of the SSA, the scope of the Social Assistance Act⁵⁹ was significantly reduced, and the provision related to the regulation of social

services was completely removed from the contents of the Act. The primary focus is now the provision of social assistance through monetary and in-kind benefits, and guaranteeing support for the social inclusion of persons receiving such benefits.⁶⁰

Social Assistance Act (SAA): The SAA established the Agency for Social Assistance and its territorial units – the Social Assistance Directorates (SADs) mentioned above – and outlines the functions of the Agency that include: the implementation social assistance policies developed at central level; ensuring the provision of social assistance benefits; developing a unified system for assessment and oversight of the work of SADs; and maintaining registers of children in need of adoption and of potential adopting families.⁶¹

The SAA contains a specific provision prohibiting any form of direct or indirect discrimination based on gender, race, ethnic origin, citizenship, religion, political beliefs, or any other quality or attribute specified in national or international legislation.⁶² At the same time, the SAA stipulates that parents, adoptive parents, guardians, and caregivers under the CPA can receive monthly social assistance benefits only if the children in care are regularly attending kindergarten or school (depending on their respective age), unless attendance is impossible due to the children's health status.⁶³

53 Art. 4 of the CPA.

54 Art. 23 of the CPA.

55 Art. 18, par. 4 of the RACPA.

56 Social Services Act, prom. SG Issue No. 24 of 22 March 2019, last amended with SG Issue No. 104 of 30 December 2022.

57 Art. 22 of the Social Services Act (SSA).

58 Art. 29 and 30 of the SSA.

59 Social Assistance Act, prom. SG Issue No. 56 of 19 May 1998, last amended with SG Issue No. 102 of 23 December 2022.

60 Art. 1 of the Social Assistance Act (SAA).

61 Art. 6 of the SAA.

62 Art. 3 of the SAA.

63 Art. 11(3) of the SAA.

The specific conditions and procedures for providing social assistance benefits are laid out in detail in the Rules on the Application of the Social Assistance Act (RASAA).⁶⁴ It should be highlighted that the rules provide for reductions or even complete withdrawal of monthly and targeted benefit in cases where children in care have not been enrolled in school or kindergarten, or when they have not undergone required routine check-ups and preventive measures, or received mandatory immunizations.⁶⁵ The RASAA also stipulated the establishment of Public Councils responsible for assisting with the implementation of social assistance policies at local level.⁶⁶

Prior to the entry into force of the Social Services Act, the RASAA also regulated the provision of social services, but this has now been moved under the scope of the Rules on the Application of the Social Services Act (RASSA).⁶⁷ The RASSA have completely reshaped the model of management and administration of social services, including their definition and categorisation, the manner of their

provision, and their financing. Crucially, the RASSA prescribes an integrated and coordinated approach to providing social support, in which the central role is awarded to the providers of social services. Under the supervision of the SADs, the providers devise individual support plans for persons in need and organise the provision of integrated assistance by different social systems.⁶⁸

Family Allowances for Children Act: Another relevant piece of legislation in the context of provision of social assistance is the Family Allowances for Children Act (FACA).⁶⁹ The FACA regulates the rights and procedures for receiving family allowances (monetary and in-kind) to help cover any expenses associated with pregnancy and child-raising. Similar to the SAA and the RASAA, the FACA also contains legal norms that restrict or remove the right to family allowances when children do not attend school or have not undergone preventative care examinations or required immunisations.⁷⁰

CHILD REMOVAL AND REUNIFICATION

A child can only be removed from their family environment under exhaustively specified circumstances, including:

- when the child's parents are dead, unknown, deprived of or with restricted parental rights;
- continuously unable to take care of the child or continuously failing to take care of the child without good reason;
- or when the child has become victim of violence within the family, or when there is a serious threat of harm to the child's physical, psychological, intellectual or social development.⁷¹

Furthermore, the CPA expressly provides that child removal can only be applied as a protection measure if all protection measures within the family environment have been exhausted, except in the cases where removal is required urgently.

The placement of a child in the care of relatives and extended family, a foster family, or in a social or integrated health and social service for residential care has to be ordered by a court.⁷² Before the initiation of court proceedings and while the case is still pending, the SAD in whose jurisdiction the concerned child's current address falls can enforce temporary placement by means of an administrative order.⁷³ The temporary placement order has immediate effect, but can be appealed before a court by the concerned child's parents within 14 days of its receipt.⁷⁴ There is no statutory limitation on how long temporary placements can last. The court proceedings for enforcing placement as a protection measure begin with a request to the district court that has to be submitted by the SAD within one month from the date of the temporary placement order. The proceedings can also be instigated by the prosecutor or the

64 Art. 9 of the Rules on the Application of the Social Assistance Act (RASAA), prom. SG Issue No. 133 of 11 November 1998, last amended with SG Issue No. 44 of 19 May 2023.

65 Art. 9 and Art. 14, among others, of the RASAA.

66 Art. 52 of the RASAA.

67 Rules on the Application of the Social Services Act, prom. SG Issue No. 98 of 17 November 2020.

68 Sections II and IV of Chapter 2 of the RASSA.

69 Family Allowances for Children Act, prom. SG Issue No. 32 of 29 March 2002, last amended with SG Issue No. 102 of 23 December 2022.

70 Art. 7 and Art. 8, among others, of the FACA.

71 Art. 25 of the CPA.

72 Art. 26 of the CPA.

73 Art. 27 of the CPA.

74 Art. 27a of the CPA.

concerned child's parents. The court pronounces a judgment, with which it can approve the request or impose a different protection measure than the requested one, but in any case, it must clearly state the duration of the placement outside the family environment.⁷⁵

The family in which a child is placed pursuant to a court judgment — be that the family of relatives or a foster family — is obliged to provide the child's parents with information about the child and to assist in maintaining a relationship between the parents and the child.⁷⁶ The placement can be suspended by the district court upon a request from the parents, the relatives, the foster family, the SAD, or the prosecutor.⁷⁷ While the court proceedings are pending, the director of the relevant SAD can temporarily suspend the placement. In this case, the SAD can take a decision regarding the future raising and upbringing of the child or impose another temporary child protection measure in accordance with the best interests of the child. The judgment of the district court can be appealed

before the regional court, but the appeal does not stop enforcement.

It is also pertinent to mention the Ordinance on the conditions and procedure for the implementation of measures for preventing the abandonment and placement of children in institutions, and for their reintegration.⁷⁸ This secondary legislation aims at placing a stronger emphasis on supporting families and children through protection measures within the family environment, i.e., its objective is to deter placement in childcare institutions via preventive mechanisms. The Ordinance is especially targeted at newborn children and pregnant women, and the protection measures it envisages are applied temporarily; for a period of up to 12 months.⁷⁹ In addition, the Ordinance stipulates the conditions under which a child can be reunited with their family, as well as the circumstances under which reunification efforts are not to be undertaken.⁸⁰ The reunification procedure is initiated upon the suggestion of the social worker in charge of the case and made on the basis of an evaluation report of the parents' capacities and the need of the concerned child.

DEINSTITUTIONALISATION

In 2010, the Bulgarian authorities adopted the 'National Strategy "Vision for Deinstitutionalization of Children in the Republic of Bulgaria" 2010 – 2025'. The Strategy stated that placement of children in institutions violates their rights guaranteed with international conventions to which Bulgaria is a state-party, and reproduces discriminatory practices in education and access to quality care and services.

The Strategy represented a political commitment to reform the care system, to launch a process which would prevent removals and placements of children in state institutions, and create new opportunities for children and families to receive community support; to replace the 'classical' residential institutions with a network of community-based services, and ensure a better quality of care.⁸¹

The 2016 Action Plan identified some of the key challenges the process faced since its launch:

- Insufficient and inefficient coordination between ministries, local authorities and service providers; and lack of joined-up policy implementation between the different agencies related to child protection and welfare;
- The creation of community-based services, which either ran in parallel to the large institutions or actually imitated or duplicated the institutional model;
- Lack of capacity within the child protection system, in particular the Child Protection Departments (CPDs) in the Directorates "Social Assistance" (DSA); and
- Inadequate financing, inefficient use and failure to absorb available EU funds, and uneven progress and regional disparities.⁸²

The Action Plan outlined planned and costed activities which would; rule out the need for the existence of specialised child-care institutions

75 Art. 28 of the CPA.

76 Art. 33 of the CPA.

77 Art. 30 of the CPA.

78 Adopted with Decree No. 181 of 11 August 2003, last amended with SG Issue No. 37 of 7 May 2019.

79 Articles 2-6 of the Ordinance.

80 Art. 17 of the Ordinance.

81 Republic of Bulgaria, Ministry of Labor and Social Policy, *Deinstitutionalization of child care*. Available [here](#).

82 Republic of Bulgaria, Ministry of Labor and Social Policy, *Updated Action Plan for the Implementation of the National Strategy "Vision for Deinstitutionalization of Children in the Republic of Bulgaria" 2010–2025*. Available [here](#).

and systematically close them down, develop the necessary statutory framework for the support of the transition towards the community-based and family-based care, and improve the efficiency of the care system for vulnerable children and their families.⁸³

The 2019 ‘Monitoring Report on the Realization of the Updated Action Plan’ stated that only 21 child care institutions remained open in 2019, compared to 137 such institutions back in 2010.⁸⁴ The total number of children in institutional care was reported to be 510. Additionally, five homes for children without parental care were shut down in 2019. The Monitoring Report stressed the importance of reform in the provision of social services through the adoption of the Social Services Act, and identified this as a key step in finalising the process of deinstitutionalisation.⁸⁵

While the national policy on deinstitutionalisation of child care (DI) was initially planned to end in 2025, it was widely declared as successfully completed ahead of schedule in 2019, and the government decided not to update the deinstitutionalisation plan after 2021. However, as Eurochild declared in a 2020 statement: “*care reform in Bulgaria is far from over*”. The Eurochild statement noted that while Bulgaria was often held up as the ‘poster child’ of how the EU can support deinstitutionalisation, its members were critical of the disproportionate investment of EU funds in building new small group-homes across Bulgaria: “*some of these new small-scale residential care settings perpetuate an institutional culture due to lack of inclusion in the community combined with low staff morale, training and support.*”⁸⁶

“Care reform in Bulgaria is far from over.”

The statement expressed concern about the stalling of government commitment amidst a wider backlash against human rights and progressive social policies – “*a toxic mix where the most vulnerable in society have the most to lose*” – and noted that the sad reality was that some of those intended ‘beneficiaries’ of deinstitutionalisation reforms, “*were still suffering dehumanisation at the hands of over-stretched care workers.*” In 2020, Eurochild called on the authorities to:

- Develop a road map to operationalise the second Action plan for the implementation of the national strategy ‘Vision for deinstitutionalisation of children’ for the period 2020 – 2025 and a comprehensive monitoring and evaluation framework to monitor progress, challenges and inform policy and practice development.
- Improve quality of alternative care and support the establishment of a robust gatekeeping mechanisms to ensure that children are admitted to the alternative care system only after all possible means of keeping them

with their parents or wider family have been examined and exhausted.⁸⁷

As to whether, or to what extent, the process of deinstitutionalisation can be considered a success, according to survey research conducted by the Know-How Centre for Alternative Child Care, the results show that for those for whom DI is a program for achieving set results on planned projects – i.e. the number of institutions closed, new services created, number of service providers appointed – it is successful and complete, while for those for whom guaranteeing the human rights of children matters most, **the process is deemed a failure.**⁸⁸

Critics of DI cited evidence that “*in the newly-created social services for children in the community, relations are institutionalised, because what dominates them are rules and procedures, not relations of attachment - the main factor for good child development.*” DI is also considered a failure because the measures for the prevention of separation and reintegration are not effective

83 *Ibid.*

84 2019 Monitoring Report on the Realization of the Updated Action Plan for the Implementation of the National Strategy “Vision for Deinstitutionalization of Children in the Republic of Bulgaria” 2010–2025, pp. 3-5.

85 *Ibid* at p. 66-67.

86 Eurochild, *Care reform in Bulgaria is far from over: Statement in reaction to Disability Rights International Report*, Brussels, 20 March 2020. Available [here](#).

87 *Ibid.*

88 Know-How Center for Alternative Child Care, *Bulgarian Deinstitutionalization – failure or success?*, April 2022. Available [here](#).

enough and, according to data from the Social Assistance Agency, the success rate of prevention and reintegration cases was falling.⁸⁹

In conclusion, the Know-How Centre drew attention to the often-ignored human factor in the stalled and incomplete DI process, and how deficits stem from

a deep mistrust of scientific data, lack of evidence-based policies and practices, difficulty in critical thinking, lack of insight into people's experiences on the ground, and continued stigma over entire groups of people; and how *"in the social sphere, it is particularly difficult to overcome the attitude that vulnerable groups cannot be integrated."*

"It is particularly difficult to overcome the attitude that vulnerable groups cannot be integrated."

The DI process continues to separate children and families, and the care system lacks specialised approaches to prevention; has not improved the quality of state care, and lacks expert capacity and personnel who *"who do not exclude and do not blame people from vulnerable groups."* Without these attitudes and skill, the Know-How Centre stated that:

*"the methodology for individual case work is violated, leading to the confirmation of discriminatory and stigmatising practices. Lack of data has masked the problems for years, but it has also masked some successful interventions to address them."*⁹⁰

These deficits are compounded by an overcentralised management system that issues general instructions that precludes interventions that are individualised and tailored to localised contexts and the interests of communities, parents, and children.

In a damning indictment of a chronically-underfunded and crisis-ridden care system, the report describes how parents remain excluded from the interventions of the social system, that service workers in general, *"have a bad attitude*

towards parents, they consider them hopeless", and how alternative care reproduces the institutional working model of decision-making within the protection system itself.

Another problem was that a huge proportion of small care-home staff had previously worked in institutions and transferred the institutional model of care to their new workplaces without sufficient training; *"The lack of expertise and skills, the formal and ineffective training, and the 'institutional background' all led to an emotional dynamic in the children-caregivers relations characterised by unclear and unhealthy psychological boundaries."*⁹¹

As for the children, while the old homes are gone, the report found that children remain massively institutionalised, lacking the vital bond of attachment. Ties with close people are systematically cut when they enter the system, as they are moved from one place to another. This causes *"toxic chronic stress, the psychological cost of which is expressed in interrupted education, lack of occupation, mental problems or undeveloped skills for independent living."*⁹²

Alternative care reproduces the institutional working model of decision-making within the protection system itself.

FOSTER CARE

Foster care is one of the most desirable forms of alternative care, as it provides children at risk with

an environment that closely resembles the family life they are used to. The CPA defines foster care as the

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Gergana Nenova and Radostina Antonova, 'Children's rights in Bulgaria between theory and practice: The case of the deinstitutionalization reform.' *Intersections, EEJSP* 9 (2): 54–71, 16 September 2023. Available [here](#).

⁹² Know-How Center for Alternative Child Care, *Bulgarian Deinstitutionalization – failure or success?*, April 2022. Available [here](#).

raising and upbringing of a child placed in the care of relatives, extended family, or a foster family.⁹³ A foster family can be a married couple or a single person who is entrusted with taking care of a child under the terms of a special contract.

Foster families can also be professional, in which case they are required to possess a qualification for raising children, acquired under the terms of an ordinance issued by the Council of Ministers. As of 2024, a foster parent may receive up to BGN 1,399.50 per month for one child (EUR 717). In addition, the state provides financial resources for monthly allowance per child in a foster family which equals up to BGN 576 per month (EUR 294) depending on the age of the child.

It should be borne in mind that foster parents are not conferred any parental rights or obligations, unlike adoptive parents for instance. Candidates for becoming foster parents are vetted and approved by a Commission on Foster Care, which is created

at each Regional Social Assistance Directorate (RSAD). RSADs are obliged to maintain registers of all approved foster families.

Children aged 0-3 years and children with special needs are placed in foster care with priority. In 2022, 683 children were placed in the care of foster families, and the total number of children in foster care at the end of 2022 was 1593.⁹⁴ For comparison, the number of children placed in the care of foster families in 2021 was 632, and the total number of children in foster care at the end of 2021 was 1690. In addition, 85 new families were added to the register of foster families in 2022 (84 professional ones and 1 volunteer family), compared to 101 new families in 2021 (all professional).⁹⁵ The total number of registered foster families in 2022 was 1892, compared to 1992 in 2021. This decline in numbers suggests that foster care is not sufficiently promoted or supported in Bulgaria, despite the fact that it has huge potential to contribute to the successful completion of deinstitutionalisation, both in quantitative and qualitative terms.

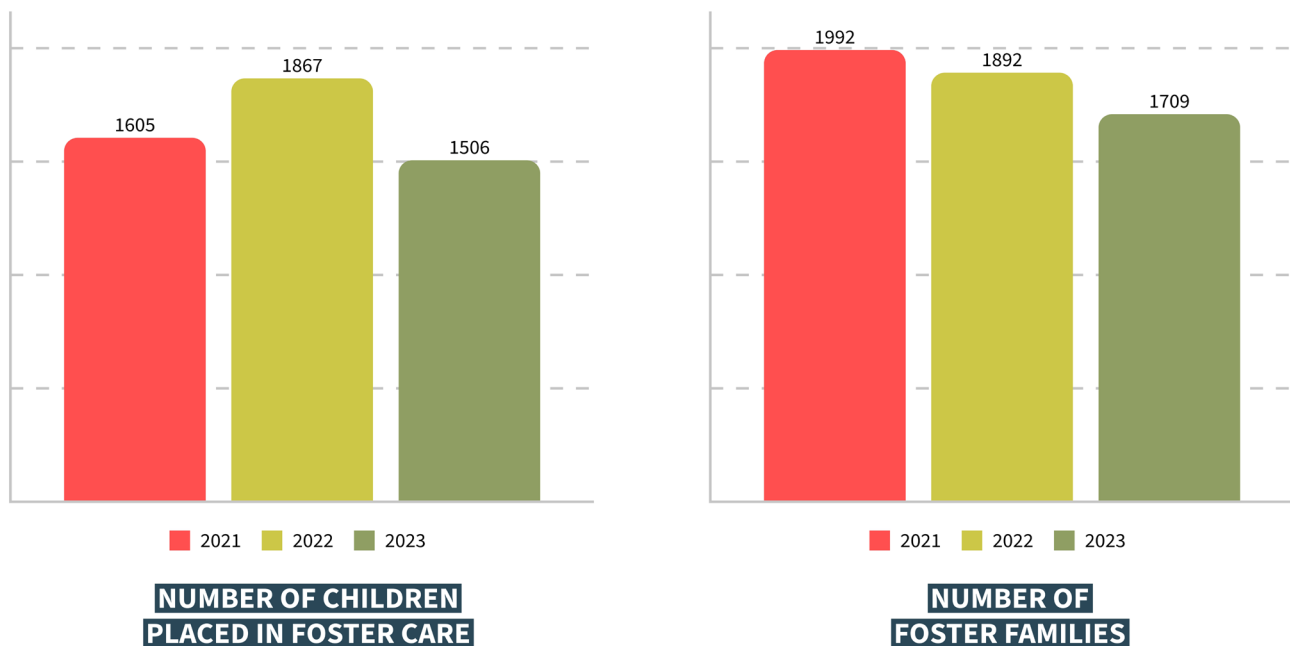


Figure 2. Number of children in foster care placements from 2021-2023

In its 2023 report, the National Network for Children (the Network) reported that the state has left foster care and its development ‘at a standstill’. Frequent changes of government have led to serious policy neglect and, apart from the 2021 ‘big change on paper’ - where the state budget now covers the remuneration of foster parents, previously financed

by EU funds - reforms to change the regulatory framework and create a single financial standard for foster care were effectively frozen. Thus decisions of state to improve the quality and ensure the sustainability of the foster care process, as well as facilitate formal civil sector participation, were once again postponed.⁹⁶

93 Art. 34a of the CPA.

94 2022 Annual Activity Report of the Agency for Social Assistance, published on 14 March 2023, pp. 30-32.

95 *Ibid.*

96 National Network for Children, 2022: State median (3.13) for “stagnant” care for orphans and foster care, 2 June 2023. Available [here](#).

Worrying trends included the fact that interest in foster care is decreasing with each passing year: as of the end of 2023, there were only four voluntary foster families in the entire country. Another issue of concern was the fact that many children in foster families live in villages and small towns where access to social services is limited, as are resources for socialisation.

The Network reported that in nearly 10% of the municipalities that have signed a contract with ASP for the provision of foster care, there are no signed contracts with foster families: i.e. there are no active foster parents and *“almost no work is being done to change the motivation, attitude and profile of foster parents to take care of children who need foster care in their localities.”*⁹⁷

The policy vacuum has also left the issue of social security for foster parents unresolved: *“the guarantee of decent remuneration, which is obtained on a principle different from the contract of service, which leaves foster parents without benefits in case of sickness, maternity and other social benefits that are due to their social workers.”* According to the Network, this may account for the outflow from foster care and *“the reluctance of young people or professionals involved in other spheres of public life to devote themselves to foster parenting.”*⁹⁸

Feedback from foster parents is often that both individual supervisions and group trainings are rather formal and do not help to resolve important issues, nor provide parents with a setting where they can share the real challenges in practicing foster care. Weak governance and policy neglect is such that *“the specialisation of foster parents remains in the realm of dreams, as does as the better*

organisation and implementation of substitute foster care - two issues that have remained unresolved for years.” The decline of interest in remunerated foster care is evident in the fact that there were only 85 applicants in 2022. At a very minimum, it would suggest there is a serious need for state-funded information campaigns to increase public sensitivity and interest in foster care, since there can be no dispute about the necessity for the such provision.

The Network’s latest report, published in 2024, likened the state of foster care to that of *“a terminally-ill patient in need of palliative care”* as 2023 was the last year of more than a decade of the system running on EU project-based funding.⁹⁹ Negative trends continued: poor communication between social workers and Child Protection departments, combined with the lack of sufficient skills and competences in social work, effective training and support, as well as the increase in the number of foster parents who are not sufficiently prepared and trained, *“created the conditions for a deterioration in quality and an outflow of applicants for foster parents, as well as public anger on the subject.”* 2023 also witnessed a tendency for ‘good’ foster parents to abandon this task because they could not cope with being the arbiter between social workers from municipal teams and state Child Protection departments. Despite the BGN 40 million with which the EU has financed foster care for over a decade, nothing of substance has changed in the system:

*“Thus, in the last year, in which security, sustainability and predictability were to be ensured for foster care, all those involved in it remained frustrated by the lack of political dynamics and solutions to guarantee them.”*¹⁰⁰

AVAILABILITY OF DATA

The CPA stipulates that no information and data concerning children can be disclosed without the consent of their parents or legal representatives, except in cases of submitting reports regarding children in need of protection.¹⁰¹ The legislation further states that when a protection measure is applied with respect to a child, no information about that child can be disclosed without a written statement from the protection body that issued the

measure. In addition, consent to share data also has to be obtained from any child over 14 years of age.

Furthermore, in the context of administrative or judicial proceedings concerning children at risk, no data or information shared within such proceedings can be disclosed without the consent of the parents/legal representatives and of any children aged 10 or above.¹⁰² In exceptional cases, the relevant court

97 *Ibid.*

98 *Ibid.*

99 National Network for Children, *Foster care in intensive care - an analysis of the state policy for foster care in 2023*, 12 May 2024. Available [here](#).

100 *Ibid.*

101 Art. 11a of the CPA.

102 Art. 16 of the CPA.

103 Art. 16, par. 3 of the CPA.

can allow child protection institutions to use such information or data when this is necessary for the adoption of protection measures and for upholding the best interests of the child.

Pursuant to the CPA, social workers and officials working in child protection institutions are obliged to observe the applicable legislative requirements on data protection in respect of any information that has become known to them in the process of supporting a child at risk.¹⁰³ The legislation envisages penalties for any unlawful disclosure of information or data regarding a child, including fines or other financial sanctions, as well as more severe penalties in the applicable cases.¹⁰⁴

With respect to the collection of data concerning Romani children in state care, Article 9.1 of the EU General Data Protection Regulation (GDPR) explicitly prohibits the processing of data revealing racial or ethnic origin. Article 9.2 provides for exceptions, when such data can be processed for reasons of substantial public interest, for example if it is necessary for the management of health systems and service; for reasons of public health; or for historical research or statistical purposes.¹⁰⁵

The Personal Data Protection Act (PDPA) stipulates that the processing of personal data related to racial or ethnic origin is only permissible when absolutely necessary, when there are appropriate safeguards protecting the rights and freedoms of data subjects, and when the processing is prescribed by EU or domestic legislation. The above stated requirements are cumulative. Moreover, in cases where the processing of such data is not prescribed by EU or domestic legislation, it can only be carried out if this is necessary for the protection of essential interests of the data subject or of another person (Article 51).¹⁰⁶

In practice, the annual reports of the Agency for Social Assistance contain information about the number of children placed in the care of relatives and foster families or accommodated in social services for residential care.¹⁰⁷ Information about the number

of adoptions is also available. However, the annual reports do not provide any data on the ethnic origin of accommodated children and cannot be used as a source of information for identifying whether Romani children are disproportionately separated from their families. It is noteworthy that the template for child protection assessment reports pursuant to Art. 16 of the RACPA, which is contained in Appendix 1a to the RACPA, **requires the collection of information about the children's identity, including their ethnic origin.** Therefore, it can be surmised that such information is available to child protection institutions but is not included in their public documents.

In light of the above, the most viable methods for obtaining information about the number of Romani children removed from their family environment and placed in alternative care are:

- 1) to file requests for access to public information with the relevant child protection authorities in accordance with the Access to Public Information act; or
- 2) to conduct surveys on location at different institutions by interviewing social workers and other employees engaged on the ground.

In the ERRC report *Blighted Lives: Romani Children in State Care*, which looked at the situation in five countries including Bulgaria, researchers received an official reply from the Bulgarian Social Ministry to their request for information, that: *“they do not have ethnic data as they do not process personal data on the basis of ethnic origin”*. ERRC researchers described this reply as ‘demonstrably false’, and they found that information on the ethnic origin of the children is in fact collected by the child protection staff in the primary social report for the assessment of the initial at-risk signal and for case-work preparation by the social workers:

“it is plainly visible from the documentation that data on ethnicity is collected, and the electronic system allows for processing and filtering such information. The Ministry could in fact produce anonymised ethnically disaggregated information concerning the numbers of Romani children in state care, but chooses not to.”¹⁰⁸

“The Ministry could in fact produce anonymised ethnically disaggregated information concerning the numbers of Romani children in state care, but chooses not to.”

104 Art. 45, par. 12 of the CPA.

105 EU General Data Protection Regulation, GDPRhub, Article 9. Available [here](#).

106 Republic of Bulgaria, Commission for Personal Data Protection, *Personal Data Protection Act (PDPA)*, prom. SG Issue No. 1 of 4 January 2002, last amended with SG Issue No. 11 of 2 February 2023. Available [here](#).

107 See the 2022 Annual Activity Report of the Agency for Social Assistance, published on 14 March 2023.

108 ERRC, *Blighted Lives: Romani Children in State Care*, January 2021. Available [here](#).

SOCIOLOGICAL RESEARCH

It is evident in Bulgaria, and other European countries, that when it comes to the issue of the overrepresentation of Romani children in state care the lack of ethnically disaggregated data poses serious challenges for effective reform to ensure better quality of care for 'at risk' Romani children and their families.

This research aims to examine the broader factors that place Romani families at a higher risk of child removal, including collecting quantitative and qualitative data on the situation of Romani families and children as regards interacting with the state care system. The information gathered contains much that can inform policy, and much that is essential for the successful design and implementation of measures needed to prevent child removals, create adequate social support for families, and ensure quality of care in community-based services.

The survey reflects the opinions among Romani communities concerning the care system and child removals, as well as shedding some light on the factors that lead parents to place their children in institutions, such as poverty, lack of housing, and poor living conditions. The issue of removals of newborn infants and their placement in institutional care is also examined, as are measures to prevent such removals. The survey also sought to understand how poverty and anti-Roma racism intersect, and to assess the adequacy constraints of the Child

Protection framework and identify pertinent gaps in providing services to families.

The research focused on identifying those factors that place Romani families at greater risk of having their children taken away from them. As part of the analysis, attitudes towards institutional structures and units offering services for children was examined, along with societal attitudes, norms, stigmas, and beliefs regarding the removal of children from their biological families. One of the main objectives is to identify at what precise point the decision to place a child in an institution is made, as well as the main factors influencing this decision.

Data received from the Social Assistance Directorate was examined to reveal the number of cases of children at risk reported and acted on by Child Protection Departments, and how many of the total number of children in care were placed with relatives or foster families, accommodated in family-type centres for children, or placed in specialised institutions.

The survey mapped the placement facilities (institutional, home settings, foster care) and status (temporary or permanent guardianship) of Romani children entering state care, and examined whether there is a different attitude toward them compared to non-Romani children. The report also addresses whether Romani children experience forms of segregation or differential treatment or conditions within state care institutions.

NOTES ON METHODOLOGY

To ensure comprehensive and reliable data collection, the research employed a robust methodological approach that included multiple case sampling and mixed data gathering methods. The quantitative survey was administered with **five** independent randomised samples, each comprising 96 households, as shown in Table 1. This sample size ensured that the maximum error of the study is less than 10% for each local community in the surveyed districts: Montana, Plovdiv, and Stara Zagora. These localities were selected because they have significant Romani populations combined with a high frequency of social interventions that lead to family separations.

	QUARTER	TOTAL POPULATION	SAMPLE	MAX. ERROR
STARA ZAGORA	KOSHARNIK	2,100	96	9.77%
	OGOSTA	1,100	96	9.56%
PLOVDIV	STOLIPINOVO - ROMA	4,000	96	9.88%
	STOLIPINOVO - TURKS	26,000	96	9.98%
MONTANA	LOZENETZ	15,700	96	9.97%

Table 1. Randomised sample from neighbourhoods in the surveyed districts

The randomisation process was based on the spatial stratification of each quarter into four enumeration zones, with a focus on maintaining relative equality in terms of population size. Given the vast size of Stolipinovo in Plovdiv, and the distinct separation between the ‘Romani’ and ‘Turkish’ parts, this neighbourhood was treated as two independent sub-quarters. Consequently, eight enumeration zones were selected within Stolipinovo. From an indicated starting address, and using an independent random walk step varying for each quarter, approximately 24 addresses was selected in each zone, moving clockwise from the starting point.

A total of 192 interviews were conducted in Plovdiv, 201 in Montana, and 96 in Stara Zagora. Of particular note is that the majority of respondents, 75.5%, identified as Romani. The survey results therefore can be seen to significantly reflect the opinion of Romani communities in the target localities. The full breakdown of the survey respondents is as follows:

TOTAL NUMBER OF RESPONDENTS: 489		
AGE	15-25	24.0%
	26-35	36.3%
	36-45	21.1%
	46+	18.6%
GENDER	MALE	32.5%
	FEMALE	67.5%
EDUCATION	NO EDUCATION OR INCOMPLETE ELEMENTARY SCHOOL	13.5%
	ELEMENTARY EDUCATION	31.1%
	PRIMARY EDUCATION	30.1%
	SECONDARY EDUCATION	22.7%
	HIGHER EDUCATION	2.7%

OCCUPATION	PUPIL/STUDENT	2.2%
	WORKER, SKILLED LABOUR	12.3%
	WORKER, UNSKILLED LABOUR	19.4%
	EMPLOYEE WITH MANAGEMENT FUNCTIONS	1.6%
	EMPLOYEE WITH EXECUTIVE FUNCTIONS	4.5%
	QUALIFIED SPECIALIST (TEACHER, DOCTOR, LAWYER, ARCHITECT, ETC.)	0.2%
	PRIVATE OWNER	2.9%
	UNEMPLOYED	23.1%
	HOUSEWIFE	31.5%
	SEASONAL WORK	5.7%
	ARTISAN	0.4%
	PENSIONER	3.9%
	MOTHERHOOD	3.7%
ETHNICITY	BULGARIAN	3.3%
	TURK	21.2%
	ROMA	75.5%
SPOKEN LANGUAGE	BULGARIAN	18.5%
	TURKISH	33.5%
	ROMANI	48.0%
OWN CHILDREN	NO CHILDREN	0.4%
	ONE CHILD	20.1%
	TWO CHILDREN	49.2%
	THREE CHILDREN	21.7%
	FOUR CHILDREN	6.4%
	FIVE OR MORE CHILDREN	2.3%

Table 2. Breakdown of survey respondents

The qualitative research study employed three distinct data gathering approaches: participatory observation, focus group discussions, and in-depth interviews. Trained fieldworkers conducted participatory observations, spending 3-4 days in a residential care institution in each location included in the research. They observed specific indicators such as care and neglect, socialisation and habituation, social skills, emotional development, and the social environment, including potential contrasts between public and private spaces for the children. At each location, the fieldworkers were expected to conduct a focused life-story interview with four children, exploring their daily routines and preferences. Sensitisation and ethical behaviour training was provided to the three designated fieldworkers before the commencement of their fieldwork.

The focus groups and in-depth interviews with parents and institutional stakeholders were centred around addressing specific issues; reasons for leaving a child in a state-care institutions, public attitudes and perception, the role of social service providers, and so on. The qualitative study is divided into two parallel phases: community fieldwork and institutional fieldwork.

The community fieldwork included:

- Focus group discussions with parents in order to map the local context, attitudes, practices, and possible peer-pressure issues.
- The in-depth interviews with parents at risk were conducted with parents who have left a child or several children at a residential care centre. The interview was designed and conducted in a sensitive (non-judgmental) manner.

The institutional fieldwork included:

- Focus group discussions with stakeholders, public authorities, local NGOs, local civil society activists and representatives of academia.
- In-depth interviews with principals and caretakers at residential child care centre.

The triangulation between different data gathering methods and study implementation at the selected localities is illustrated at Figure 3.

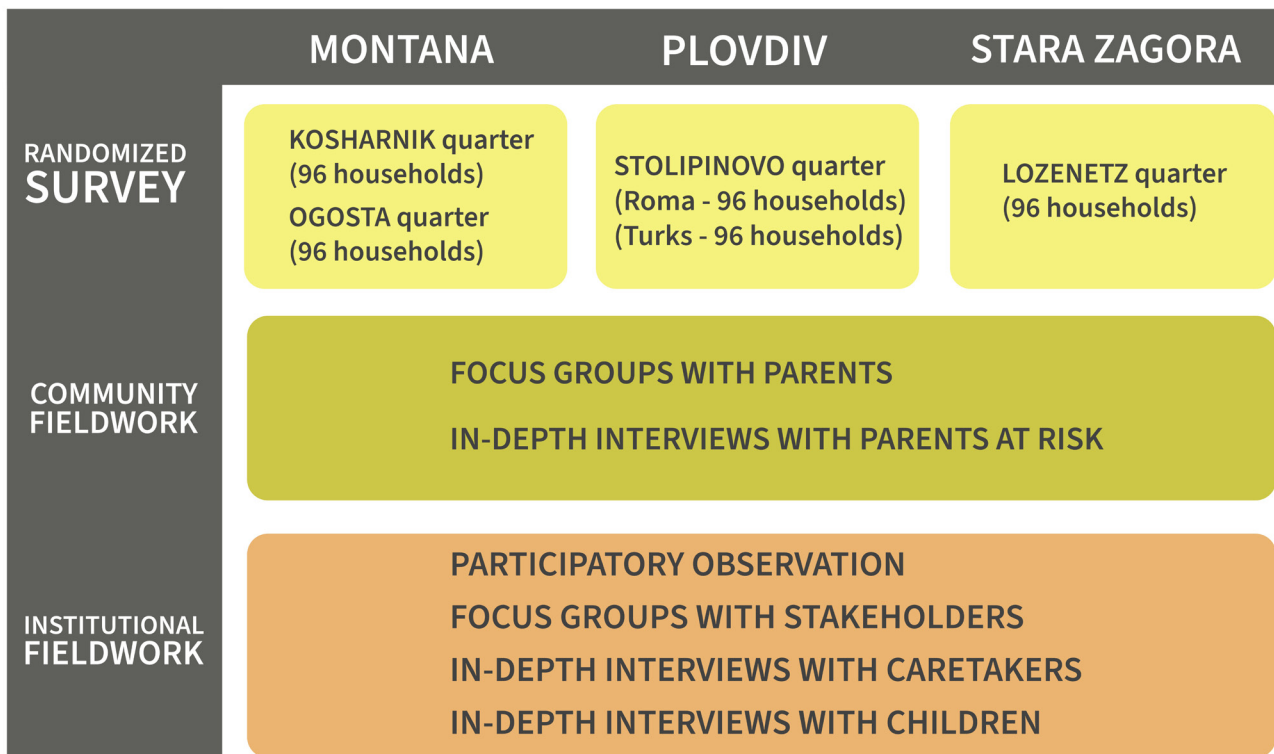


Figure 3. Triangulation of data gathering methods

RESEARCH FINDINGS

FOCUS GROUP DISCUSSIONS

FOCUS ON: DEINSTITUTIONALISATION

Participants in the stakeholder focus group discussions, which included representatives from local authorities, caregivers, and civil society, shared their firm belief that the structural reform involving the closure of state care institutions for children aged 3 to 7 years was implemented using a “trial and error” approach. The closure of institutions occurred at different points in time across locations, with Stara Zagora being the earliest in 2009, followed by Montana in 2010 and Plovdiv in 2011.

There is a shared understanding among stakeholders in the three regions that the official transformation of large institutions into small community centres has concluded. However, discussions emphasised the notion that the term “deinstitutionalisation” may not be entirely accurate, as the Family-Type Accommodation Centres (FTACs) are still considered institutions, albeit designed to be child-friendly. As of 31 December 2022, Bulgaria has four “Homes for Medico-Social Care”, with a total

capacity of 450 places, currently accommodating 221 children according to the National Statistical Institute (NSI). This information served as a point of discussion during interviews, leading to a consensus that institutions of this nature may still be necessary for children born with severe disabilities or chronic illnesses requiring ongoing medical attention. One institutional respondent from Plovdiv said:

“The initial commitment was to close all the homes by 2020, then the deadline was extended until 2021. According to our information, and in the national statistics, several homes currently remain, as large as in Stara Zagora, for the care of children with medical problems. Only those – 2 or 3 such homes - in Bulgaria. For us, their existence is justified, since these children cannot be raised in normal conditions and without specialised medical care for them. Otherwise, Bulgaria has fulfilled its commitment to close the large institutions and currently there are none”. (Plovdiv: Stakeholder, F)

FOCUS ON: FOSTER CARE

A widely-shared opinion emerged during the fieldwork that foster care is considered a best practice, although it is perceived as unsuccessful in Bulgaria. For many respondents, the failures of fostering also meant there was a continuing need for FTACs. Placing the blame squarely on foster families, they gave three reasons why they feel foster care does not function optimally:

- Firstly, many foster families prefer to take care of babies and toddlers, returning the children to child protection departments and social services once they reach adolescence.
- Secondly, some foster families treat it as a business, resulting in neglect of children, including inadequate education, underdeveloped social skills, and a lack of personal independence.
- Lastly, but significantly, some foster families **discriminate against Romani children** and

children with disabilities, refusing to accommodate such children regardless of their age.

As mentioned earlier, responsibility for the crisis in fostering lies primarily with the institutions. The state stands accused of serious policy neglect, having left reforms ‘at a standstill’, and repeatedly postponed making necessary decisions to improve the quality and ensure the sustainability of the foster care process. With this stagnation, interest in fostering diminishes with each passing year, with ‘good’ foster parents opting out because they are unable to cope with being the arbiter between social workers and state Child Protection departments.¹⁰⁹

While recent governments considered deinstitutionalisation to have been completed in 2021, many observers and experts see it as a process beset by unresolved challenges and system

¹⁰⁹ National Network for Children, 2022: *State median (3.13) for “stagnant” care for orphans and foster care*, 2 June 2023. Available [here](#).

crises. Currently, several measures have been adopted to ensure the quality standards for social services including those for children in alternative

care, and establish criteria for implementation, as well as mapping, monitoring, and evaluating the efficiency of social services.

FOCUS ON: REGULATORY FRAMEWORK

Service providers also questioned the regulatory framework in the focus group discussions, stating that the changes fail to take account of the specificities and wide disparities between urban and rural areas, in particular the scarcity of human resources and the critical issue of underfunding, which hinders delivery of much-needed social service provision in multiply-disadvantaged locations. Setting specific standards on public spending regarding residential services and community work was a controversial issue for the service providers, and as one explained, a source of much frustration:

“They speed things up a bit. So, now we start prevention – everyone rushes to prevention. Tomorrow, we start withdrawal – let’s withdraw. I was punished by the Social Assistance Agency and I’m asked as a social worker, a supervisor: ‘Why do you make such mistakes?’ Well because I have four people responsible for 500 cases.” (Montana: Stakeholder, M.)

For service providers, managing the real-life situation on the ground is complicated by having to apply processes defined by the regulatory framework with benchmark criteria set by legislators which seem to have little regards for the individual challenges faced by children and youth. A further difficulty is the inability to hire qualified people essential for a well-functioning local social system. Highly-qualified job seekers tend to migrate to the capital or other big cities for well-paid jobs. There is a critical staff shortage of social workers, psychologists, and therapists, one that service providers warned will worsen:

“Because of the low pay, because of the difficult working conditions, there will be no interest. Most students prefer to become sales staff or want some other things. They come to us for an internship, and I see them every day, but from the graduating

class a maximum of one to two people succeed and are motivated to start work [in this field].” (St. Zagora: Stakeholder, M)

They also pointed out that there is no coherent strategy at national or local government to address this labour shortage. Their observations have been borne out by research which found the social system is in crisis due to a lack of specialists, underfunding, and a centralised management system, where decisions are heavily top-down and very general, precluding specialisation by location and approaches that are individualised and tailored to the context. This style of management in turn forces employees to adopt an institutionalised approach, even when they have the skills and knowledge not to.¹¹⁰ Some attributed the problems to the fact that the Social Services Act was not developed in a participatory manner. While many of the service providers were involved, there was little participation of community-based, grassroot organisations with significant expertise in working with marginalised Romani communities. Consequently, **prevention was often overlooked as a meaningful intervention to address family separations, as was empowerment through information and awareness raising campaigns.** For front-line care providers in a chronically under-resourced, short-staffed system in a time of upheaval, faced with daily dilemmas, the stresses are considerable. As one interviewee put it:

“... and if we go deeper – what does it mean ‘in the best interest of the child’? Who judges it? The three of us here have been judging; it’s very difficult. It’s in those ‘best interests’ that you can’t sleep for three months because you wonder if it’s in your best interest that he has nothing to eat and that they put him away, or put him somewhere where he’s going to be beaten more?” (Montana: Stakeholder, M.)

Prevention was often overlooked as a meaningful intervention to address family separations.

¹¹⁰ Know-How Center for Alternative Child Care, *Bulgarian Deinstitutionalization – failure or success?*, April 2022. Available [here](#).

SURVEY RESPONSES

FOCUS ON: BIASED ATTITUDES

A significant challenge facing an adequate and effective social system and services is the persistent discrimination against the Romani community. **Biased attitudes and perceptions about Romani people, including doubts about their parental capacity and willingness to care for their children within a family environment, remain pervasive obstacles for the system.** During the focus group discussions for this research, the majority of participants used discriminatory language and discourse when describing their experiences working on cases involving Romani parents and children. As the Know-How Centre pointed out, a key task of the social sector, whose mission is to overcome the prejudices that marginalise Roma, is to ensure the people hired to carry out the mission put it into practice: *“Currently, this is not the case. To overcome this situation, investments and efforts should be focused on human resource development.”*¹¹¹

Biased attitudes towards Roma from social workers were observed not only in the qualitative research but were also corroborated in the responses to the quantitative survey questions, where Romani respondents shared deep concerns based on real-life incidents that took place in their neighbourhoods leading to fear and reduced trust in social service employees. Overall, around 30% of the respondents said that parents in their neighbourhood often have concerns about their children being taken away to be placed in an institution, while 33% felt that such concerns were rare. In Montana, however, more than 70% of respondents felt that such fear is prevalent in their community.

The experience of discrimination and high levels of mistrust among Romani communities is compounded by their very limited or non-existent knowledge of the workings of the child care system or the processes that resulted in children being taken into institutional care. This lack of knowledge and information is widespread among Romani communities. Field research data revealed that the 14.7% of respondents who considered themselves familiar with the system, actually for the most part had only very basic knowledge on the topic. This lack of information about the mechanisms of removing a child from their biological family is a constant source of tension and misunderstanding between families and the institutions working with children. From the field research it became clear that efforts should be made to raise awareness among parents, especially in Stara Zagora where negative attitudes as well as fear and mistrust of the social services was highest.

According to the survey, respondents aged between 18 and 35 and those with very low or no education were the most likely to live in a neighbourhood where fear of social services or the Department of Child Protection was more widely shared. The data also indicates that respondents who speak Romani in their home are more likely to feel that people in their neighbourhood are afraid of having their children taken away. The most vulnerable and the most excluded communities were unsurprisingly the most fearful of state institutions and interventions.

IN YOUR OPINION, DO SOCIAL WORKERS, INSTEAD OF SUPPORTING THE CHILD STAYING IN A FAMILY ENVIRONMENT, WORK TOWARDS PLACING THEM IN AN INSTITUTION?

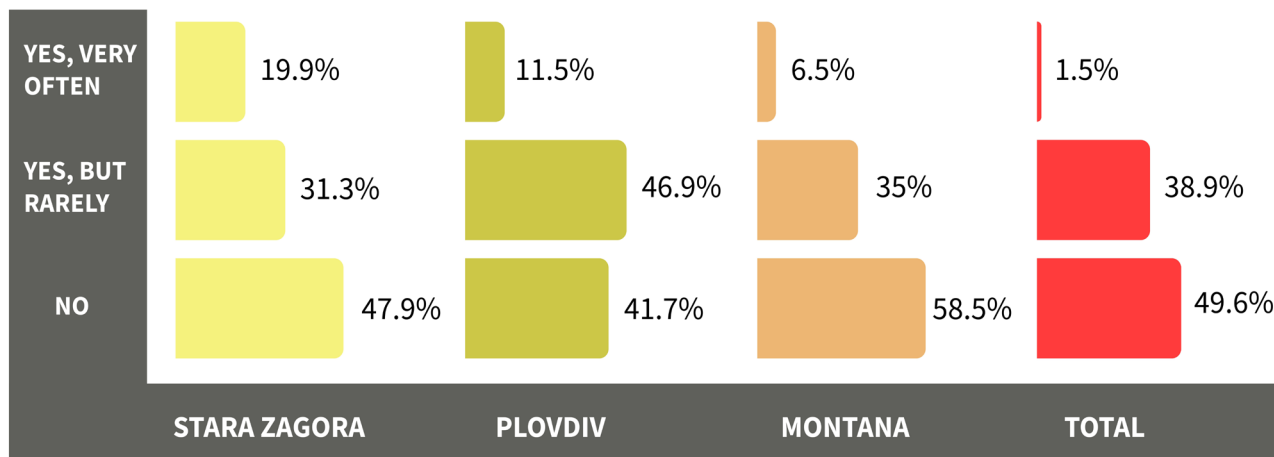


Figure 4: Opinion of survey respondents regarding social workers

111 *Ibid.*

A significant proportion of residents in the three surveyed cities expressed scepticism about whether social workers act in the best interests of children, with 50.4% holding this belief. This sentiment is more prevalent among older respondents. Those with larger families are particularly likely to assert that social workers ‘very often’ seek to place children

in institutions. The fear of child removal is most acute in Montana, while in Plovdiv 58.3% of respondents believe that social workers don’t always prioritise the child’s best interests. In Stara Zagora, 21.9% of respondents share the concern that social workers often favour institutionalisation and do not work in the best interest of the child.

RESEARCH VISITS TO CHILDCARE FACILITIES

Observations by the researchers who carried out visits to state care facilities as part of this research corroborated the overrepresentation of Romani children in these facilities. Researchers noted that over half of the children in the visited facilities were of Romani origin, and this de facto segregation plainly does not support a diverse ethnic and cultural environment for these children.

One clear and concrete manifestation of the institutional aspect of discrimination lies in the location of the child care facilities in Stara Zagora and Plovdiv. Both facilities are situated on the outskirts of town. The practice of placing these facilities out of sight is common practice in the Bulgarian social system. While the purported reasons may vary in each context, Bulgarian mainstream society tends overall to be unsupportive of rights-based approaches to child-care, and there is a strong ‘Not in my backyard’

factor at play when it comes to having care facilities located in residential neighbourhoods, as it was suggested that many adults perceive the children placed in such facilities to present a potential threat to safety, regardless of their age.

The researchers noted that on their visits to these facilities the staff were welcoming, the children were extremely positive about their stay, and all the interviewed youth mentioned their strong friendships with others living in the facility. While this may or may not be the real situation, it is clear that having the facilities in remote locations is socially isolating, makes it more difficult for children to integrate with the wider society, perpetuates non-acceptance of ‘children of the institutions’ by sections of the mainstream population, and renders it difficult, and sometimes impossible, to sustain the systemic engagement of parents and families with these children.

FOCUS ON: PRESERVING ROMANI IDENTITY IN CARE

Despite the fact that social workers’ Individual Care Plans for children in care include ‘cultural, religious, linguistic, ethnic needs’ among the categories of need; and notwithstanding the UN Declaration of Human Rights, which states that every person is entitled to the realisation of their cultural rights, deemed indispensable for their dignity, scant attention is paid to Romani cultural identity when it comes to children in state care. Their cultural needs go unmet, and their rights go unrealised by the system.

Studies show that strong cultural identity contributes to mental health resilience, higher levels of social well-being, and improved coping skills, among other benefits. Children and youth in care have faced trauma, unstable home environments, and are far more prone to mental health challenges. Studies have shown that strong cultural identity helps children deal with adverse experiences and transitions and can reduce depression and anxiety. Cultural identification helps shape the way children and youth position themselves in society, socialise and interact with others.¹¹²

The role that strong cultural identity plays in mental health, self-esteem, and over all well-being is highly underestimated by social service providers and legislators in a state and society that is broadly hostile to multiculturalism and does not place a high premium on the positive aspects of Romani culture. One respondent stated:

“Most of them, because they are older, they know the Romani language, they know the traditions and customs, and the culture... but if you ask me, especially here, we don’t encourage this kind of thing.”

In previous research conducted by the ERRC, social workers who were interviewed were keen to emphasise a colour-blind approach; that all children are considered equal and receive equal treatment regardless of ethnic origin. According to one social worker, ‘multiculturalism’ is not promoted in service provision:

“The children themselves understand each other perfectly. Having been removed from their families, the children become one community; they have the

¹¹² Ariella Hope Stafanson, *Supporting Cultural Identity for Children in Foster Care*, American Bar Association, 20 November 2019. Available [here](#).

*same problem, the same loss and pain – that they are abandoned, that they are not wanted. We get no questions about ethnicity or religion.*¹¹³

While only about 13% of the participants in the survey were aware of special programs for the promotion of Romani culture and identity, Romani respondents from all three cities unanimously welcomed the idea of more such programs. Additionally, the sense of ethnic identity of children in care is subsumed by another more pronounced identity, that of ‘children from the institutions’. This leaves them doubly burdened; deprived of a positive sense of ethnic and cultural identity and abruptly deinstitutionalised when they come of age without a sense of belonging in the wider society.

Another discriminatory consequence of a system that has effectively moved young people out of large-scale institutions into smaller group homes that are still segregated and isolated on the peripheries of communities, is that it leaves these young people woefully unprepared for life outside. When they

turn 18 (or when they graduate from secondary school), young people raised in alternative care find themselves exiting the system without adequate preparation. Unlike their peers who grow up in families and continue to be supported after they turn 18, these young people need to be educated in managing their finances, finding accommodation and a job, household budgeting, socialising, and everything to do with independent living. The state has no legal obligation to continue to support them in any way, and the institutional care system in Bulgaria lacks the capacity to prepare them for this step.

This creates a specifically vulnerable situation for those young people exiting the system, particularly for individuals with psychosocial disabilities. To ensure the successful completion of any deinstitutionalisation (DI) process, it is crucial to implement cross-sectoral efforts that prepare these young people for independent living before they reach adulthood, and to provide them with essential support as they transition into life beyond the system.

“Having been removed from their families, the children become one community; they have the same problem, the same loss and pain – that they are abandoned, that they are not wanted.”

TRENDS IN CHILD PLACEMENTS

Over the last ten years, at the national level, there has been a decline in the number of cases of children who have been subjected to a protection measure by the responsible authorities, consisting of the removal of the child from the biological family. The number

of children placed with relatives in 2013 was 1,577, while in 2022 the number was 593. A similar decline was observed in terms of children placed in foster care, which decreased from 1,441 cases in 2013 to 683 in 2022, as seen in Figure 4.

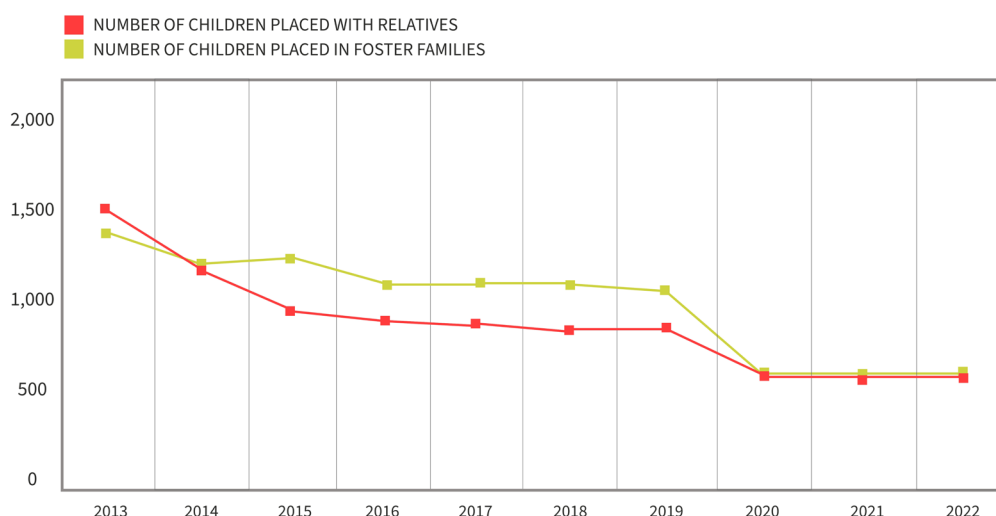


Figure 5: National level data on child placements with relatives and foster families from 2013-2022

113 ERRC, *Blighted Lives: Romani Children in State Care*, January 2021. Available [here](#).

RESEARCH FINDINGS

These national trends for placing children outside their biological families are partially reflected in the three municipalities surveyed, as shown in Figure 6. In Stara Zagora, placement with relatives has decreased over the years while in Plovdiv this practice has no record of implementation in the last five years. In Montana, the number of children

placed with relatives has remained roughly the same over the past ten years. Additionally, there has been no significant change in foster care placements in Montana nor Stara Zagora. It should be noted, however that the number of children placed in foster care in Montana is up to three times higher than the other municipalities.

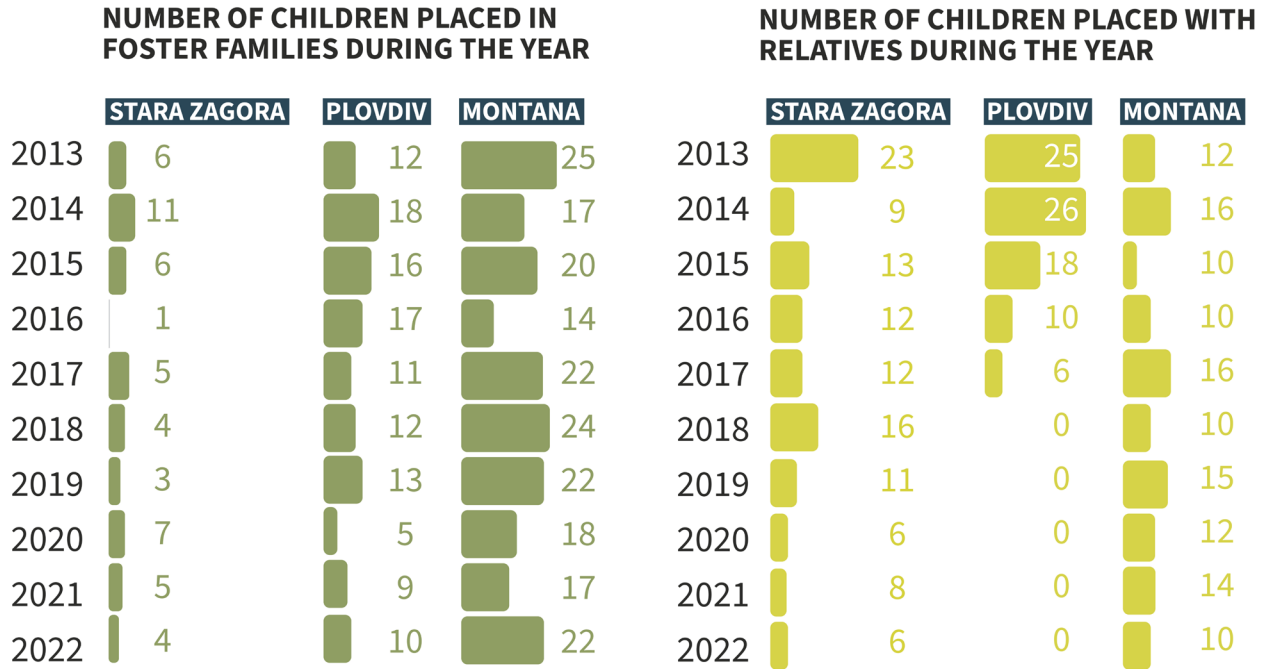


Figure 6: National level data on child placements with relatives and foster families from 2013-2022 in the target localities.

As is to be expected with the closure of the large institutions, national data figures show a steady decrease in the number of children being placed

in specialised institutions alongside a simultaneous increase in the number of children being placed in FTACs, as shown in Figure 7.

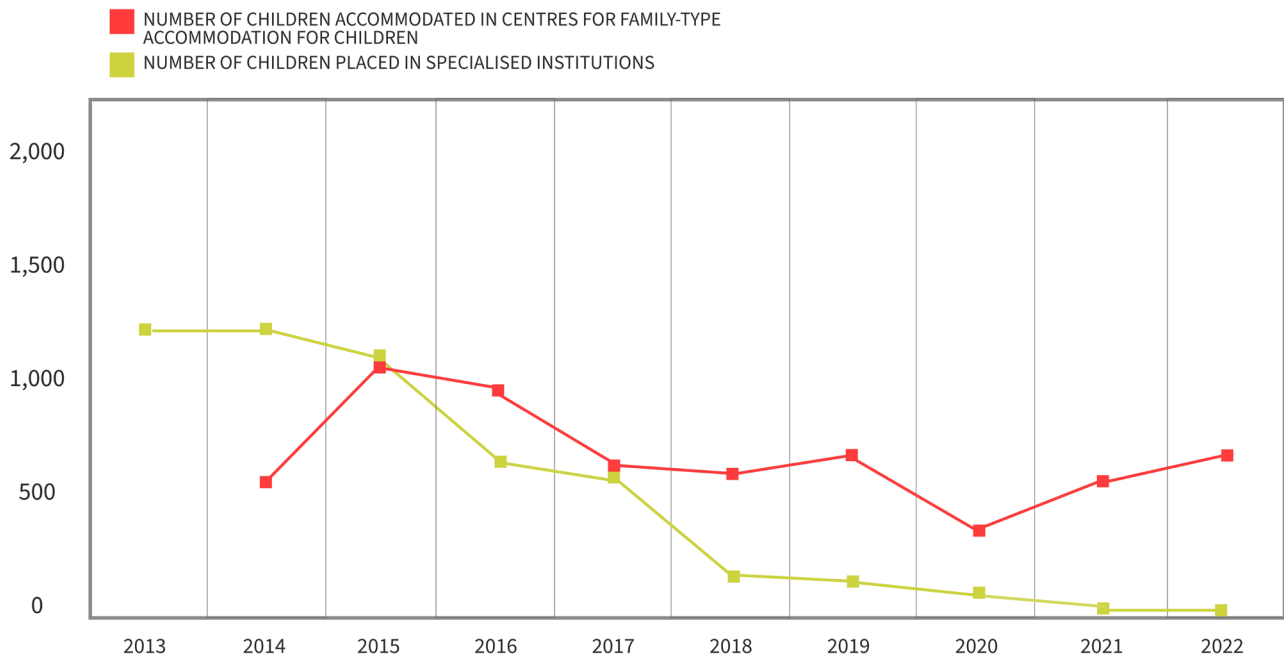


Figure 7: National level data on numbers of children placed in Centres for Family-Type Accommodation for children

FOCUS ON: CHILD ABANDONMENT

According to UNICEF, the focus of Bulgarian legislation is on preventing child abandonment, rather than preventing family separation. The pertinent regulation only provides general procedures and an assessment template for alerts for children at risk, and mention of institutional coordination mainly in respect to abandonment of newborn children, children with disabilities or “children left in health institutions.” There is no mention or provision for a coordinated, multi-institutional approach for the prevention of family separation or child abandonment.¹¹⁴

The issue of child abandonment has long been a concern; over 1,050 children were reported abandoned by their parents in 2018, with most cases occurring in the regions of Plovdiv, Stara Zagora, Pleven, and Montana.¹¹⁵ Research conducted in 10

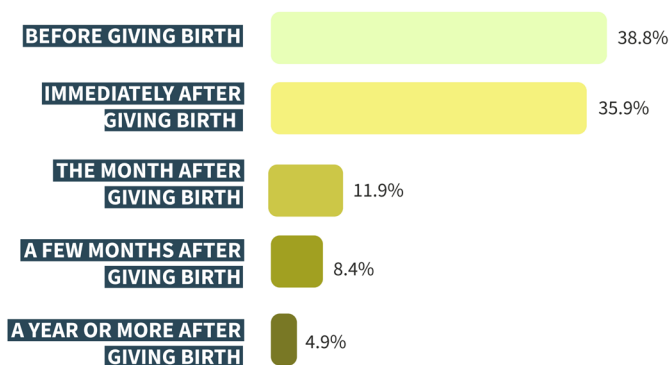
EU countries, including Bulgaria, found that child abandonment is one of the key reasons why children under the age of three are placed in institutional care. A comparison of children in institutions revealed that in Western Europe only 4% were abandoned, as opposed to 32% of children in institutions in Central and Eastern Europe. The survey identified the primary causes of child abandonment across the 10 countries were poverty or financial hardship, single parenthood, post-natal depression, mental illness, a lack of sexual health education, poor knowledge regarding family planning, restrictions regarding access to abortion, the child having some form of disability, the child being HIV positive, pregnancy as a result of rape, abuse, or force by partner, and a lack of services and resources to support parents who have children with disabilities.¹¹⁶

There is no mention or provision for a coordinated, multi-institutional approach for the prevention of family separation or child abandonment.

In Bulgaria, in a study that interviewed 75 parents who had recently abandoned their children (aged 0-3) at a local institution, the reasons given for abandoning the children included homelessness, lack of food, no heating during winter, and not enough resources including the very basics such as nappies. Additionally, 41% of the participants already

had four or more children in their family and felt that they could not afford any more. The study also found that 72% of the participants were mothers from the Romani community, “*who reported being asked by staff at the maternity unit if they wished to keep their child, and stated that a member of staff completed adoption forms for them as a matter of routine.*”¹¹⁷

WHEN DO PARENTS/MOTHERS DECIDE TO LEAVE THEIR CHILDREN?



Given the range of primary causes for abandonment, an early identification and prevention strategy by definition would involve multiple actors, a holistic approach, and an adequately funded system for institutional cooperation with a clear division of labour, roles, and responsibilities. UNICEF found that “*the coordination between concerned institutions takes place informally, and relies on the personal relations between municipal, state, and social workers.*”¹¹⁸

Figure 8: Timing of parents’ decision regarding child abandonment

114 UNICEF Bulgaria, *Analysis of the Child Protection System in Bulgaria*, 2019. Available [here](#).

115 Actualno.com, *Over 1,050 Bulgarian children were abandoned by their parents in 2018*, 24 February 2019. Available [here](#).

116 The University of Nottingham/DAPHNE, *Child Abandonment and its Prevention*. Summary Brochure. Available [here](#).

117 *Ibid*.

118 UNICEF Bulgaria, *Analysis of the Child Protection System in Bulgaria*, 2019. Available [here](#).

Concerning the abandonment of newborn and very young infants, the majority of respondents to this research’s survey shared that they had few (28%) or almost no (43%) examples of families who abandoned their children to be raised in institutions. Only 7.4% of survey participants could point to similar examples in their community. Such instances were mostly known to the youngest respondents and those with no education or incomplete elementary school level education. According to the respondents, poverty (45%), lack of housing, proper conditions for raising a child (35.2%) and lack of money to provide food (27.6%) are among the main reasons some families leave their children to be raised by institutions. Other parents are forced to leave their children in institutional care because of the young age of the mother, under 16 years (27.2%) and, in general, the young age of the parents and the inability to cope with raising the child (22.3%). Leaving a child in an institution is also common when the mother is left without support in raising the child, such as in cases where the father has abandoned the family

(20.4%) or because the father is unknown (15.5%), as well as when the mother has a serious illness and cannot take care of the child (19.6%).

Less frequently cited reasons included having many other children in the family (15.5%) and a lack of family support for raising the child (12.1%). Other, even less common reasons mentioned by respondents were the presence of domestic violence (9.8%), alcoholism or other addictions (8.4%), the child having a disability (8.8%), or the decision to leave the child in an institution until age 3 due to an inability to cope with raising them (5.3%).

The survey responses suggested that a child is separated from the family due to external influences, such as the decision of social workers (8%) or advice given by social workers (7%), or by a health professional at the maternity ward (3.7%) or a decision made by the mother-in-law instead of the parents (2.9%) only on rare occasions.

REASONS FOR PLACING CHILDREN IN FOSTER CARE

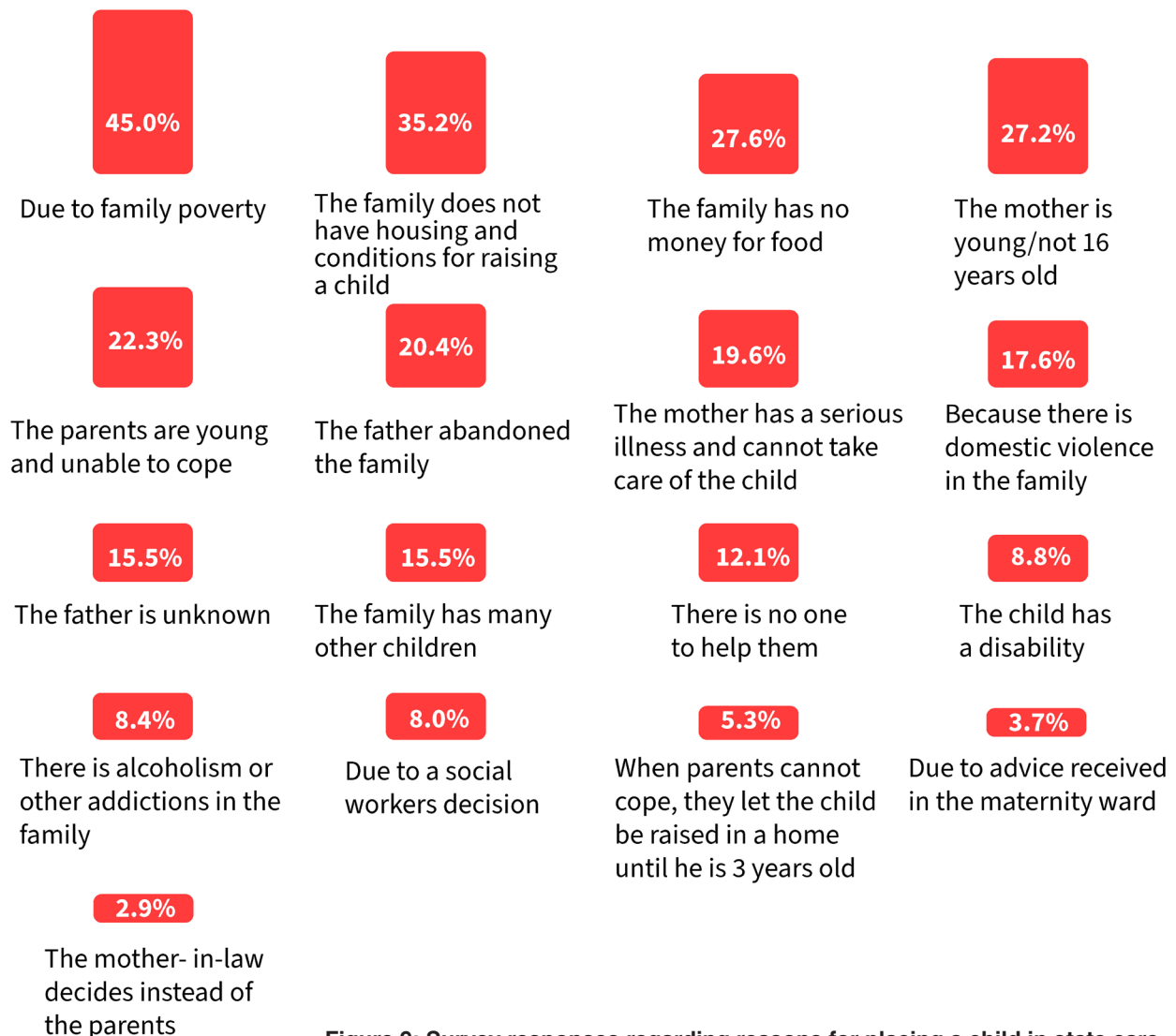


Figure 9: Survey responses regarding reasons for placing a child in state care

POTENTIAL SOLUTIONS TO CHILD ABANDONMENT

In the three cities surveyed, respondents highlighted a cluster of priority issues to prevent abandonment. The need for financial support (56.2%) and support to find a job (44.4%) were the most frequently mentioned, and 36% mentioned providing accommodation in social and municipal housing for families in need with young children. Over 35% highlighted the need to provide daily necessities such as formula and diapers. Other priorities in prevention were assistance in childcare and education (26.4%); prenatal medical care for timely detection of serious foetal abnormalities (25.8%), and the provision of free medicines (25.2%).

Some variations emerged between the three cities when ranking what would be most important to help prevent child abandonment. In Stara Zagora, the most frequent opinion was that financial assistance should be provided (52.1%), followed by support in raising and educating the child (43.8%). In Plovdiv, the need for support in finding a job (57.3%) and financial support (53.6%) were most frequently mentioned. In Montana, on the other hand, the need for adapted milk (65.7%), diapers (65.2%),

and financial support (60.7%) were mentioned most frequently.

According to the survey data, older respondents were more likely to choose support in the form of counselling, advice, training, community work. They are also more likely to recognise the need for assistance in finding work and accessing medical care. Younger people, on the other hand, more often felt that financial support should be provided. In an earlier stage of the study, it was found that the main reason for child abandonment is financial difficulties, a lack housing and childcare facilities, and often simply no money for food. These struggles most often affect younger parents in particular, and are emblematic of the systemic difficulties faced by Roma in Bulgaria more generally, stemming from ingrained poverty and discrimination.

As one interviewee put it: *“Roma are no different from us or from other ethnicities, but they are at a greater risk of certain things happening to them if they don’t get support. They are like everyone else, but the risk factors are more.”* (Montana: Stakeholder, M.)

RECOMMENDATIONS

Bulgaria should take decisive action to reform its child protection system by developing a comprehensive and systemic approach that prioritises the overall well-being of the child. This entails moving away from the current reliance on fragmented sectoral policies that often implement separate measures for different risk groups. Instead, a holistic strategy should be adopted that integrates all aspects of child welfare, including health, education, social services, and legal protection. By fostering collaboration among various sectors and agencies,

Bulgaria can ensure that all children receive consistent and coordinated support. This approach should focus on early intervention, prevention of child separation from families, and the provision of robust community-based services that support family reunification and strengthen family units. Ultimately, the goal is to create a cohesive child protection system that is responsive to the needs of all children, particularly those from vulnerable and marginalised communities, ensuring their rights, safety, and overall development.¹¹⁹

Recommendations:

- Invest in reforming the child protection system.
- Improve the mechanisms and protocols for gathering data on vulnerable children and provide access to data for stakeholders.
- Assess the impact, efficiency, and effectiveness of the interventions provided in social services for community support, including those that are part of the National action plan for implementation, to gather reliable data on what works and what does not work. practices of placing children considered at risk in state care institutions. Policies and practices in this regard should be changed and should focus on finding the most adequate solution in the best interest of the child, which is family placement.
- Shift focus of existing policies and practices toward prevention, including the development of an early warning system and screening from birth to support mothers and families of children at risk.
- End the malpractice of placing predominantly Romani children into state care institutions, by identifying alternative solutions to support children at risk.
- Introduce and implement capacity building programs targeted at embracing diversity for social service providers/workers to change both the narrative regarding Romani communities and decrease discriminatory attitudes toward Romani children and families at risk.
- The child protection authorities at central level should join efforts and collaborate on the establishment of a unified database containing information for the sex, age, ethnicity, health status and education of all children within the child protection system.
- State funded or locally funded programs should provide support to empower Romani families with the aim of increasing their knowledge of basic human rights and policies for family separation.
- The competent public authorities should take into account when formulating state policies on child protection all the available data collected about children in need of protection, including information about their sex, age, ethnicity, health status, and education.
- Greater emphasis should be placed on the prevention of child abandonment and removal in primary child protection legislation, in particular by providing stronger measures to support parents and reduce the need of alternative care.
- The enactment of public policies on child protection at national and local level should be conducted in collaboration with NGOs actively working in the field of childcare.
- Central and local authorities should conduct a focused survey investigating the reasons behind the separation of Romani children from their families and adopt measures specifically targeted at preventing removal on account of socio-economic factors.
- Relevant measures should be taken to improve the economic situation of parents to reduce poverty and improve access to public services such as health and social services for parents.



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