



# General Assembly

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## Human Rights Council

### Twenty-second session

#### Agenda item 8

#### Follow-up to and implementation of the Vienna Declaration and Programme of Action

### **Note verbale dated 22 March 2013 from the Permanent Mission of Bulgaria to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council**

The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to submit the comments made by the authorities of Bulgaria following the statement of the International Humanist and Ethical Union, delivered on 19 March 2013, under agenda item 8.

The Permanent Mission of the Republic of Bulgaria would highly appreciate it if the secretariat of the Human Rights Council could kindly circulate the present note verbale and the annex thereto\* as a document of the twenty-second session of the Human Rights Council.

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\* Reproduced in the annex as received, in the language of submission only.

## Annex

*[English only]*

### **Comments provided by the Bulgarian authorities in connection with the Statement of the International Humanist and Ethical Union delivered on 19 March 2013 under HRC agenda item 8**

#### **On the specific issue raised about the 238 death cases in homes for children with disabilities for the period 2000 – 2010**

In relation to the 238 reported death cases of children in specialized institutions, the Prosecutor General of the Republic of Bulgaria under Order №523 dated 02 March 2010, instigated inspections of homes for mentally retarded children and youths, and homes for children with physical and mental disabilities<sup>a</sup> to be conducted by representatives of the relevant District Prosecutor Offices together with representatives of the Bulgarian Helsinki Committee and external experts.

The purpose of these inspections was to establish whether officials and staff have committed violations that led to causing death, bodily injuries and discredit to children, and also to investigate the relevant reasons and circumstances.

22 inspections were conducted, out of which 21 were in homes for mentally retarded children and youth and in the Medical and Social Care Home for Children in Pleven, with the participation of experts of the Control over Child Rights Protection General Directorate at the State Agency for Child Protection. Multidisciplinary teams were involved in the observations, including experts with the Bulgarian Helsinki Committee, District Prosecutor Offices, Regional Inspections for Public Health Protection and Control, clinical psychologists and pediatricians of the respective multiprofile hospitals for active treatment, employees with the respective municipal Social Assistance Directorates and representatives of municipal administrations.

In the course of these inspections, inhumane treatment of children on the part of homes' personnel was not established. No evidence of punishment of children that could be detrimental to child's dignity or harm child's health was detected. Some inspections concluded that in some of the death cases registered, children were buried without conducting an autopsy, the latter being attributed to loopholes in current legal regulations. Consequently, amendments to the Ordinance on criteria and standards for social services for children were introduced and a new standard for resident services and services in specialized institutions was adopted.

Under the new standard any specialized institution or resident service must have a procedure devised for registration of death cases and must follow a notification sequence so as competent authorities, parents/guardians or trustees, and respective Social Assistance

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<sup>a</sup> <http://www.bghelsinki.org/bg/publikacii/dokladi-na-bhk/godishni-dokladi-za-pravata-na-choveka/>  
<http://sacp.government.bg/programi-dokladi/dokladi/>

Directorate to be duly informed. The procedure includes development and approval of internal rules on notification and registration of death cases.

**On the issue of changing the model of providing care to children placed in specialized institutions and on the implementing of a reform in child protection system:**

The Government has set forth its clear policy views on the rights of the vulnerable children in the **National Strategy “*Vision for Children Deinstitutionalization in the Republic of Bulgaria*”** /National Strategy/adopted in February 2010. In November 2010 an Action Plan for Strategy implementation has been approved. The expert group set up under an Order of the Minister of Labour and Social Policy, dated 15 Feb 2010, with the objective to develop an Action Plan has encompassed representatives of Government institutions<sup>b</sup>, UNICEF, the National Network for Children and the National Association of Municipalities in the Republic of Bulgaria. The Action Plan was also submitted for comments to two European Commission Directorates, namely, DG Regional Development and DG Employment, Social Issues and Inclusion.

As stipulated in the National Strategy, the *Deinstitutionalization* is a process of replacing institutional child care with family care or close to family care within the community, without restricting such a process to solely removing children from institutions. This process involves prevention of placing children in institutions, and creating new opportunities for children and families to acquire community support.

The National Strategy and the Action Plan entail implementation of the projects outlined below, financed by the European Structural Funds.

Action Plan implementation has started with the ‘Childhood for All’ Project, targeting about 1800 children with disabilities, aging from over 3 years old to youngsters placed in 24 homes for mentally retarded children (HMRC) and 31 medical and social care homes for children (MSCHC). The Project is implemented by the State Agency for Child Protection. The main project goal is to apply a sustainable deinstitutionalization model for disabled children placed in specialized child institutions<sup>c</sup>.

Following an assessment of the needs of 1797 children and young people with disabilities in these care homes, suitable community services to replace institutional care have been identified and 81 municipalities have initiated the process of developing such services.

The desire of families to maintain contact with their child and the actual capability to do so have been screened, and as a result parents of 90 children have initiated to get in contact with them; parents of 30 children have telephoned the respective home looking for information about their child, and parents/relatives of 60 children have visited the home to meet their child.

Innovative operation methods have been introduced in the institutions aiming to prepare children for the forthcoming accommodation change (feeding, intensive communication, ergotherapy) which have positively influenced the behaviour of the

<sup>b</sup> The Action Plan was further agreed by all relevant Ministries before the Council of Ministers approved it.

<sup>c</sup> <http://sacp.government.bg/detstvo-za-vsichki/>

children: enhanced communication ability; more frequent expression of various emotions; improved locomotor activity.

Better child care quality and living conditions have been provided to the Project target group; 153 children have been adopted; 34 have been placed in foster care; 36 have been reintegrated; 15 have been placed in protected homes; 7 have been accommodated in their previous homes, and 31 have been accommodated in Family Type Accommodation Centres (FTAC).

The 'DIRECTION: Family' is implemented by the Ministry of Health in partnership with the State Agency for Child Protection and the Social Assistance Agency. The Project focuses on setting up prevention services aimed at restraining the placement of children in any specialized institutions as well as provision of integrated health and social services. This Project is piloted in 8 MSCHC across the country – Gabrovo, Montana, Pazardzhik, Pernik, Plovdiv, Sofia, Rousse, Targovishte<sup>d</sup>.

The Project 'I have a Family' covers actions to decentralize and widen the scope of foster care and develops services in support of foster parents. Project is expected to run for the period 30 September 2011 – 31 October 2013. Project's funds amount to BGN 14 989 455 and are granted under Operational Program "Human Resources Development" /HRD OP/.

The 83 municipalities partnering with the Social Assistance Agency have set up 83 foster care teams all across the country. Since the service onset, a total of 850 foster family applications have been lodged with partner municipalities. Since the Foster Care Commission has been set up with Regional Social Assistance Directorates, more than 250 foster family candidates have been approved. The approved foster families have accommodated 107 children<sup>e</sup> (as of 09 Jan 2013).

The Project 'Strengthening Social Assistance Agency /SAA/ capacity to improve social work quality and efficiency' aims at enhancing professional and administrative capacity, and motivation of employees at Social Assistance Directorates. Project funding amounts to BGN 9 946 169, and is under HRD OP.

On the grounds of a social workers workload analysis, a selection has been carried out and some additional 400 social workers have been hired in the Social Assistance Directorates under SAA.

The Project 'Development of a social services planning and delivery system at regional level' is implemented by the Social Assistance Agency in partnership with the State Agency for Child Protection, and aims at improving sustainability of social services planning, management, delivery and quality control processes. Project funding is under HRD OP and amounts to BGN 5 726 545<sup>f</sup>.

The Project 'Support' is implemented by the State Agency for Child Protection /May 2012 -15 Jan 2015/. It is funded by Technical Assistance OP and amounts to BGN 3 629 990. The Project offers a clear mechanism for communication and coordination of all stakeholders, additional expertise on process management, and guarantees participation of

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<sup>d</sup> <http://www.mh.government.bg/Articles.aspx?lang=bg-BG&pageid=468&categoryid=4662&articleid=4404>

<sup>e</sup> [www.asp.government.bg](http://www.asp.government.bg)

<sup>f</sup> [www.asp.government.bg](http://www.asp.government.bg)

all stakeholders in the deinstitutionalization process according to stakeholders' commitment<sup>g</sup>.

**Data on children and number of specialized institutions in Bulgaria:**

The Child protection system and the service providers work actively to achieve the goals laid down in the National Strategy. As a result of activities as prevention, reintegration, placement with family and relatives, foster families, and adoption, there is a stable trend in reducing the number of children in specialized institutions, namely:

- 2009 – 137 specialized institutions (SI) – 6730 children;
  - 2010 – 130 SI – 5695 children;
  - 2011 – 127 SI – 4755 children;
  - 2012 – 122 SI – 4239 children.
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<sup>g</sup> <http://sacp.government.bg/proekti/proekta-podkrepa/>