

1. The problem: Bulgaria's institutionalised children – key facts

- Bulgaria has the second highest rate of placement of children in institutions in Europe (Russia is first) and the highest rate of placement of infants: approximately 3,000 children are currently living in institutions for children aged 0-3 (although a number of these are aged 4 and over)
- NGOs estimate that up to 24,000 live in institutions; the Bulgarian Government's official figures place the number at some 8,600
- the vast majority of children in institutional care have parents: less than 2% are orphans although most of the children in institutional care have little or no contact with their parents
- in institutions for children who are not disabled, the vast majority of children are from the Roma community: in Stara Zagora institutions for children aged 3-7, 84% are Roma; indications are that this is typical of the situation across the country
- of the 145 institutions in Bulgaria, 26 are 'like' Mogilino (the institution featured in the recent BBC film) – i.e. ostensibly for children with disabilities
- 1,700 children live in these institutions for children with disabilities, which are generally in isolated, remote rural locations where access to quality staff and other services is very rare / non-existent
- the children have a range of needs from support to manage mild learning difficulties/ physical impairments to more intense care for those with multiple disabilities: it is simply not possible to provide the variety of care required in this 'one size fits all' setting
- complete data is not available, but there is reason to believe that a significant number of children have died in such institutions – e.g. eleven children have died in Mogilino in the last two years
- across the institutional system, it is clear that children's rights – to grow up in a family, not to be discriminated against, to health and education, to participation in decisions about their own lives – are breached
- physical conditions and the quality of care in many institutions are appalling: heating, food and clothing are inadequate and there is little / no access to education or health services
- even where basic needs are met, large-scale institutional care has a profoundly damaging impact on the emotional, psychological and social development of children: children living in institutions lose up to 1 month of their physical growth for every 2.6 months in an institution¹
- the vast majority of institution staff are neither qualified nor motivated to provide the care the children need: attracting quality professionals (of whom there are too few) for low salaries, is a huge challenge which the Government has not yet started to tackle; the problem of recruiting quality staff is particularly acute in more remote, rural areas

¹ results of the 2006 Bucharest Early Intervention Project, led by a US research group – who found that physical growth was impacted by emotional neglect

2. Institutions in Bulgaria: what has *really* happened? - critique of the Bulgarian Government statements on Mogilino

1. The Bulgarian Government claims that the legal framework has been changed and pro de-institutionalisation policies introduced

This is basically true: since 2000 there has been a fairly comprehensive reform of the legal framework governing the provision of social services for children and families, including the Child Protection Act, introduction of legislation on Foster Care and incorporation into Bulgarian law of EC legislation on disability. There has also been a “strategic plan to decrease the number of children placed in specialized institutions”.

However, neither the legislation nor the de-institutionalisation policy have been fully implemented across the country – and in some places, not even partially. The de-institutionalisation strategic plan did not contain a detailed action plan; made no commitment to the closure of specific institutions by defined dates; and was not backed by any budget.

2. The Bulgarian Government claims that "between 2001 and 2006 there was a 31.4% reduction in numbers of children placed in institutions".

This is a highly spurious number based on a number of half-truths:

- nobody has followed-up on the majority of the reintegration cases which have happened so we do not know whether those children who have ‘left’ the system are in fact receiving the care they need;
- some /many of the children who have left institutions should simply have never been in the institutional system in the first place: there are many cases of mis-diagnosis of health/disability, leading to wrongful placements and those institutions which are theoretically ‘educational establishments’ intended to provide schooling have in practice been used by poor families and over-stretched social services to provide free food, clothing and accommodation in institutions, rather than seeking to support families in the community;
- there has been a decline in the population and a negative birth rate for nearly 20 years – and yet the number of children in the institutions aged 0-3 years has been constant for 4 years: this in fact represents an increase in the number of children, relative to population, being placed in institutions as infants;
- according to figures provided by the Agency for Social Assistance, in 2007 some 1,900 children have entered the system whilst only some 1,500 have left: i.e. there is still a huge inflow problem

All of this comes following a re-classification of what a ‘specialised institution’ is through the introduction of the Child Protection Act, 2000. This change to the legal definition of what a ‘specialised institution’ is automatically took some 15,000 children out of the system, including those living in educational boarding schools and ‘special’ schools for example.

3. The Bulgarian Government claims that "A 2004 assessment led to the closure of 6 institutions"

These ‘closures’ were achieved by simply moving the children to other institutions. Whilst this may have very marginally improved the quality of care for some children, it is clearly not a lasting solution to the problem and is certainly not ‘de-institutionalisation’.

4. The Bulgarian Government claims that it recommended the closure of the institution for children with disabilities, Mogilino, but the Municipality did not comply

Technically, this is true - but this only serves to demonstrate the lack of political commitment at a central level to de-institutionalisation. The implementation of key national policy, and the obligation to uphold internationally recognised human rights, cannot be left at the whim of local mayors who are more focused on ensuring work for local people than quality of care for children. A decision has been made that closure decisions are now to be the prerogative of the Agency for Social Assistance, not individual Municipalities, which is to be welcomed.

5. The Bulgarian Government claims that "During Bulgaria's accession process, the European Union took a close interest in the measures taken to improve childcare provision and continues to do so. In its 2006 pre-accession report, the European Commission noted that Bulgaria was making progress in the area of child protection, but that improvement was still required, particularly in living and sanitary conditions of institutions".

It is true that the European Commission has for many years been fully aware of the situation in Bulgaria – and to some extent, it is the lack of real engagement of the EC and EU Member States which has encouraged the Bulgarian Government to believe that its efforts have been 'sufficient' in response to (theoretical) EU pressure. Visits made by representatives of the EC to institutions have resulted in some sporadic 'pushing' of the Bulgarian Government but little else: this has simply never been a political priority for the EU as a whole nor its Member States on an individual basis:

- it was only in the 2003 EU-BG Accession Partnership Agreement that there was a political commitment made to "systematically reduce the number of children living in institutional care" (a commitment weaker than that the Romanians had, as well as later): by this stage, a target date for accession was already fixed;
- the EC Regular Reports on Bulgaria's EU accession have been inconsistent and weak in relation to children in institutions;
- there has only been limited financial support for de-institutionalisation and most of it, ironically, not coming until the 2006 implementation of the PHARE 2004 programme - i.e. just before EU accession, so money accompanied with no political pressure;
- the EC's monitoring of grant spending in this area was (pre-accession) practically non-existent

6. The Bulgarian Government claims that it "has committed to ensuring decent and equal living conditions in all child-care institutions... developing community-based services, and reducing the high rate of child institutionalization. NGOs are working with the Bulgarian Government to replace large-scale, long-term institutional care with community-based childcare services".

The implementation of de-institutionalisation policy is very patchy and weak and there are still a limited number of alternative services. There are only some 90 children in foster care, compared to over 15,000 in Romania. The vast majority of 'alternative services' in BG are in fact not 'alternatives' but are being created in parallel to the institutional system. Of course, the development of community based services is going to be slow but there has to be real commitment and an active effort to:

- ensure a sufficient number of professionally trained, well resourced social workers able to support families who are at risk of placing their children in institutions and work to find family placements for children already in institutions: social workers have case loads in their hundreds (in the UK a child protection team social worker might have some 20-30 cases)
- the active dismantling of perverse incentives to institutionalise e.g. removing the linkage between the number of children in institutions determining the number of staff and ensuring that Government financial subsidies for institutional placements are not higher than financial subsidies for non-institutional placements, as is currently the case.