CHILD PROTECTION INDEX

Bulgaria 2016

Measuring government efforts to protect girls and boys

www.childprotectionindex.org

Created by a consortium of local, national, regional and international members of civil society.
The Bulgarian National Network for Children

is an alliance of civil society organisations and supporters that work with and for children and families across Bulgaria. We unite to promote, protect and monitor child rights. We believe that policies and practices that directly or indirectly affect children should be developed, implemented and monitored in compliance with the best interests of the child and with the active participation of children and youth.

We are guided by the UN Convention on the Rights of the Child as the core document that influences our philosophy, values and work. NNC is a member organisation of ChildPact.

www.nmd.bg

The member organisations of the Bulgarian National Network for Children are:

- ‘1st of June’ Association – Byala Slatina
- ‘Science and Technics Centre’ Association – Vratsa
- Children and Adolescents’ Association – Children and Families’ Association – Haskovo
- Clowers’ Association – Chirpan – Colourful Future Association’ – Varna – Community Centers’ Public Fund of Pleven – Pleven
- Future for the Children Association – Kazanlak
- ‘Naya’ Association, Targovishte – Club of Nonprofit Organizations – Targovishte – Paideia’ Foundation – Partners – Bulgarian’ Foundation – People III of asthma’ Foundation – Yambol
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World Vision International is a Christian relief, development and advocacy organisation dedicated to working with children, families and communities to overcome poverty and injustice. World Vision International’s Middle East and Eastern Europe Office is the official partner for the Child Protection Index. www.wvi.org/meero

September 2016

Series I of the Child Protection Index includes nine countries: Albania, Armenia, Bosnia and Herzegovina, Bulgaria, Georgia, Kosovo*, Moldova, Romania, and Serbia.

*This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

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## Abbreviations

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<th>Abbreviation</th>
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<tr>
<td>CSC</td>
<td>Community Support Center</td>
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<td>CPD</td>
<td>Child Protection Department</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>ILO</td>
<td>International Labour Organisation</td>
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<td>NCCP</td>
<td>National Council on Child Protection</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>SACP</td>
<td>State Agency for Child Protection</td>
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Introductions
Bulgaria ratified the UN Convention on the Rights of the Child in 1991. We inherited a child protection system from a communist past, and prior to initial reforms, Bulgaria’s child protection system did not respond successfully to the UNCRC requirements. There was neither the legal framework related to the protection of children’s rights, nor adequate capacity among state structures to work with children at risk. In 2000, the percentage of institutionalised girls and boys was among the highest in Europe, at 1.78 per cent of the total population; the government had placed over 35,000 children in public institutions.

Fifteen years later, the number of institutionalised girls and boys in Bulgaria has dramatically dropped to a total of 2,721 (as of December 2014). Despite state commitments, however, NNC’s civil society members have observed that deinstitutionalisation policies and the child protection system do yet fully respond to the high numbers of children at risk to exploitation and other forms of violence. There are insufficient numbers of social workers and uneven distribution of existing community-based services.

For us, the Index provides an opportunity to present an external perspective for our politicians and experts working in state institutions.

On behalf of the National Network for Children I would like to thank all the experts and colleagues who took part in the preparation of the Index and to those who will read it and take steps to ensure a better life for children in Bulgaria. We hope the recommendations and the conclusions will reach the decision makers at all possible levels – local, national, regional and international. And most of all, let’s hope that their decisions will be wise and made with a vision to provide the best to our children!
The Complexity of Reform

There is a complexity to a strong child protection system that demands multiple, coordinated steps by many actors to serve and protect girls and boys at risk to violence and exploitation. This is the challenge that still eludes most governments throughout the world.

To overcome this complexity, all stakeholders must work together in unity – government at all levels and sectors, civil society, donors, experts and citizens – for the sake of our children. The Child Protection Index is a tool to help us unify our efforts more concretely. In simple terms, the UNCRC provides a list of rights for children and youth that are necessary to ensure their protection, participation and well-being. In this pilot year, the index measures government policy and actions to ensure these rights. For now, the Index concentrates only on government because governments are signatories to the UNCRC. There are also some child protection actions that only governments can achieve, given their unique status to govern, control territory and look after the well-being of their citizens.

With a more complete understanding of government policy and actions we believe that other child protection actors will be able to take more strategic actions in support of government reform efforts. The alignment of donors, civil society actors and non-state international organisations can build a productive platform to coordinate strategies and accelerate progress towards the fulfilment of the UNCRC.

We hope the Child Protection Index is a tool to convene new partnerships and unpack the complexity of the reform process to afford greater contributions from all.
Index Methodology

The Child Protection Index is designed to encourage regional cooperation, stimulate more robust implementation of the UNCRC, and serve as a policy analysis tool for civil society, governments and donors. The Index consists of 626 indicators that together measure a state’s policy and actions to protect and care for girls and boys under their jurisdiction. The Index framework of indicators heavily relies on the Implementation Handbook for the Convention on the Rights of the Child, published by UNICEF. The Handbook provides a series of yes, no and partially-implemented checklists to create an understanding of each UNCRC article’s significance. The Index uses these checklists as core indicators to measure state performance.

To read the Index, a score of one is a perfect score; the lower the score, the weaker the action; the higher the score, the stronger the action for children.
The Index measures five dimensions of government action for each of the articles of the UNCRC that refer to child protection. These five dimensions are: policy and law, services, capacity, coordination and accountability.

**Dimensions of Government Action**

- **Policy & Law**: The dimension of policy and law scores a country’s efforts to create policy, laws and regulations that protect and care for children in situations of violence and vulnerability.

- **Services**: The dimension of services measures a country’s efforts to provide services that respond to children at risk or experiencing exploitation or in need of special care.

- **Capacity**: The dimension of capacity scores a country’s efforts to provide resources, staff, infrastructure and equipment necessary to adequately implement its policies and services for children.

- **Coordination**: The dimension of coordination scores a country’s efforts to effectively coordinate between different ministries, agencies and levels of government.

- **Accountability**: The dimension of accountability measures a country’s efforts to create accountability of public sector actions and formalise responsibilities so that public sector actors know their roles and limits of responsibility.
Index Indicators

The Index framework consists of a total of 626 indicators that are categorised into the following sections.

- **15** Measure child vulnerability
- **11** Measure governance environment
- **594** Measure efforts to end & prevent violence and care & protect children
- **6** Measure social work capacity
Index Teams

Teams at the national level researched and collected data to answer each index indicator question. Regional teams compiled data, analysed country results and visualised results.
Analysis and Policy Recommendations
The “child vulnerability” score measures three distinct elements: the situation of children living outside of their biological families; public sector personnel available to advocate on behalf of vulnerable children; and finally, the amount of state welfare expenditures as a percentage of GDP.

Bulgaria scores relatively low in “child vulnerability”, ranking sixth out of the nine Index countries with a score of 0.395 out of a possible score of 1.0. Albania (0.367) and Moldova (0.336) are close in score with Bulgaria.

Bulgaria’s score is best explained through the following analysis. Bulgaria has significantly reduced the number of its girls and boys living in residential institutions over the last decade. However, of children separated from their parents, more than 50 per cent still reside in institutions including a high rate of children between the ages of 0-2 years. Bulgaria has successfully initiated efforts to build foster and kinship care services, and adoption rates are high in proportion to the number of children separated from their parents. Bulgaria does not disaggregate data on disability so it is not clear what percentage of children already adopted or in foster or kinship care are children with disability.

There is also too little data on the number of state-employed, licensed social workers to make an assessment of the scope of care they can offer. Bulgaria does not enlist specialised judges skilled in child rights and child protection to hear cases regarding the status of children.

Bulgaria’s expenditure on social protection is high, totalling seventeen per cent (17.4 per cent) of its total Gross Domestic Product (GDP).

With such a landscape, it is recommended that Bulgaria improve prevention and alternative care services with a focus on very young children (0-2 years old), develop specialised justice mechanisms to address child/family issues and improve data collection, management and reporting on issues that affect children in adverse situations.
Bulgaria scores 0.522 out of a total possible score of 1.0 in the category of “governance environment”, ranking seventh out of the nine Index countries. Bulgaria scores between Bosnia and Herzegovina (0.515) and Kosovo (0.525).

Generally, governance refers to the process of rulemaking and enforcement, and the index reviews whether a government has pursued aspects of good governance in its implementation of the UNCRC. Good governance upholds citizen rights, provides transparent access to information, relies on consistent decision making and rule of law and pursues furtherance of the public good.

Bulgaria has signed into law three separate acts regulating the state’s obligations to uphold child rights and child protection. Reform is underway in Bulgaria to replace these laws with updated provisions. The reform should allow Bulgaria to meet its child protection obligations using a modern, relevant and consolidated approach. Consolidation creates a consistent basis for decision making and the rule of law when there are many public sector actors involved in child protection. Such reform should include new and comprehensive family policy that aligns social and economic measures, education, healthcare, housing, child protection and social assistance for family well-being. To implement the newest reforms it is recommended that Bulgaria introduce a new National Strategy on the Child and Family to replace its current National Strategy on the Child which will expire in 2018.

Another element of good governance requires transparent access to information. Access to information allows all stakeholders the right and ability to contribute to reform efforts effectively. For the public sector, transparent information provides credibility and a way towards stronger accountability. For citizens and beneficiaries of the child protection system, the availability of formal mechanisms increases accountability channels where “on the record” documentation mitigates corruption or a lack of real assistance. Finally, for parliamentarians charged with legislative power, up-to-date information and a keen understanding of day-to-day child protection affairs would allow for more effective legislation and increase public sector accountability to the law.

Bulgaria maintains a number of permanent mechanisms to coordinate, review and monitor strategy and implementation on child protection. Although strong progress has been made, it is recommended that Bulgaria create a consistent methodology to monitor and evaluate the implementation and progress of its national strategies for child rights and protection. Without stronger monitoring, successful policies and needed next steps are difficult to evaluate. In order to align government budgets with prevalence of need and impact of programming, an evaluation process should link to policy discussions on public expenditure. Because national budgeting applies to sectors rather than strategies, various ministries may prioritise funding differently. Sector-based budgeting can limit the extent and value of cross-sectoral coordination. It is recommended that Bulgaria establish permanent arrangements for budgetary analysis that: 1) ascertain the proportion of overall budget devoted to children, 2) identify disparities between regions, rural/urban areas and particular groups of children, and 3) target the most vulnerable/disadvantaged children by allocating budgets according to need.
The National Council on Child Protection (NCCP) is the official coordinating body for child protection and maintains a diverse membership of ministries and civil society members. The NCCP provides a strong monitoring presence on government strategy and implementation for children. Bulgaria does not host a parliamentary body to discuss policy and build momentum for research and debate on pressing child protection situations. It is recommended that Bulgaria’s Parliament create and advocate for child protection using its powers of legislation and investigation by building an accountability mechanism linking Parliament with the public sector.

Accountability between government and its citizens is another important governance task for child protection. Bulgaria has an established Ombudsman’s office that can hear citizen complaints and follow up through investigation and recommendations. The office’s responsibilities have recently been expanded to include complaints on child rights. It is recommended that Bulgaria ensure that the Ombudsman institution fully complies with the Paris Principles on the status of national human rights institutions. To do so, Bulgaria should create a special child rights position within the Ombudsman office that serves to independently monitor child rights policies and respond to specific complaints.
Government action to prevent and end violence against girls and boys must respond to domestic abuse and neglect, economic exploitation (labour), sexual exploitation and trafficking. Government and a variety of other actors at every level are essential in effective efforts to identify situations of violence, adequately report and investigate these situations, refer victims to services of rehabilitation and operate such services effectively.

Bulgaria’s efforts to prevent and end violence are most advanced on the issues of child labour and trafficking.
All Forms of Violence

In the “catch all” category of violence discussed within Article 19 of the UNCRC, Bulgaria ranks second out of the nine Index countries with a score of 0.709 out of a possible score of 1.0. Romania (0.800) and Serbia (0.679) are closest to Bulgaria in rank. “All forms of violence” is defined in the article as mental or physical violence, any form of corporal punishment, and any other form of cruel or degrading treatment in any setting.

Bulgaria’s actions to prevent all forms of violence against children are most evident in its law and policy (0.900) and coordination protocols (0.875). Bulgaria’s services are fairly strong (0.700) while its scores on capacity (0.500) and accountability (0.569) are relatively weak.

Bulgaria’s law and policy score is relatively strong because its laws are detailed in scope and aligned with UNCRC language.

Bulgaria’s legal framework prohibits violence against children in all circumstances (e.g. in the home, at school, in alternative care, day care or rehabilitation environments). Bulgaria’s law also creates a reporting and referral system that obliges all individuals, particularly professionals who engage with children in the education, health or child protection sectors to report any alleged act of violence against children.

Bulgaria’s services score represents its efforts to create reporting and referral mechanisms that can both identify situations of abuse and respond accordingly. Child-friendly reporting mechanisms are publically available; Bulgaria hosts a national level child helpline and a domestic violence hotline, both open 24 hours a day. To make these hotlines even more effective, it is recommended that Bulgaria encourage child-consultation for feedback and re-design.

Bulgaria’s Agency for Social Services (Directorates and Departments) receives reports, investigates allegations and manages the process of protection. Public and private services exist to provide alternative placements, counselling, psychological support and urgent care. There are 14 Crisis Centres on record that provide specialised and urgent care, but they currently lack the scale to meet national need. It is recommended to scale Crisis Centres nationally so that all Social Service Departments have access to special referral services. Private services must be licensed and are regulated by the state through detailed quality and financial standards. Municipal services are not licensed by state authorities. It is recommended that the process of licensing extend to all state and municipal services in order to maintain adequate standards over time.

Bulgaria’s capacity score is limited in part because it is unclear as to whether there is sufficient capacity to operate Social Service Departments at the local level. Workloads, trainings and financial resources are limited and may not effectively meet the needs of children. Very often local departments raise funds through donations and external project funding. Further, because financial standards only cover service quality in terms of operations and staffing, only a small part of the budget goes toward replacing outdated or broken equipment and maintaining infrastructure. It is recommended to extend financial standards to include property and equipment depreciation rates.
Bulgaria’s accountability actions for service delivery also need further development, which accounts for its limited score of 0.569. There are few independent monitoring bodies to validate the quality and impact of Bulgaria’s services for children. The Control Directorate operates within the State Agency for Child Protection (SACP) and cannot be considered an independent monitoring service. Its staff is limited to 35 people nationally.

The possible venue for independent monitoring services is the Ombudsman’s office. However, as of late, budget cuts also limit the scope of monitoring and action that it can take. It is recommended that Bulgaria design a system for monitoring that reviews and validates private and public services for child protection. A special office on child rights within the ombudsman’s office could offer such investigatory support. A child rights ombudsman’s office should connect with local level complaint mechanisms at the service level.
Economic Exploitation

Article 32 of the UNCRC prohibits child labour that interferes with a child’s education and is hazardous or harmful to a child’s development. The Article requires that States Parties set a minimum age for employment, define hours and conditions for acceptable employment of youth and create enforcement mechanisms to motivate compliance by all potential actors.

Bulgaria scores 0.756 out of a possible 1.0 and ranks second out of the nine Index countries in its actions to prohibit child labour. Romania is closest in rank to Bulgaria with a score of 0.820.

Bulgaria has acted strongly to create adequate law and policy (0.900) and services (0.916). However, its coordination mechanisms (0.700) and capacity (0.500) do not yet match its development of services. On accountability, Bulgaria scores 0.602 out of a possible score of 1.0.

Bulgaria receives a high score on law and policy for the following reasons. First, Bulgaria has adopted all of the relevant International Labour Organisation (ILO) Conventions on child labour. Second, domestic legislation prohibits forced or compulsory labour and identifies the worst forms of child labour as per language in the Child Protection Act. The labour law prevents minors from engaging in hazardous or harmful work and any work that would interfere with a child’s education. Bulgaria has not created a strategy to reduce child labour. To further increase its law and policy score, it is recommended that Bulgaria create a national strategy to reduce child labour that includes strong data-gathering goals and policy actions to reduce the worst forms of child labour, including begging.

Although Bulgaria’s services score is very strong, its capacity to implement these services is weak. State efforts to identify and report child labour are limited. Bulgaria’s Labour Inspectorate is responsible for investigating complaints of economic exploitation against children, but the law does not assign any one authority the task of identifying such situations. Self-reporting or peer-reporting is available through Bulgaria’s child helpline. There has been limited use of public outreach and awareness-raising on child labour as a means to encourage reporting. It is recommended that public authorities in Bulgaria increase public awareness on child labour through a campaign that promotes the use of reporting mechanisms.

Further, no specific services have been organised to respond to child labour. Social services can place children found in situations of prohibitive labour into crisis centres and emergency placement centres where these services are available. It is recommended that Bulgaria review its own services and those of similar countries to determine whether an introduction of more specialised services is needed in situations of labour.

Social workers manage all cases involving child labour and child protection and are often overwhelmed by their caseloads. It is recommended that Bulgaria assign quality and financial standards to social work and case management to limit the number of cases that a single social worker manages at any given time. The problem of caseload is heightened by the fact that social workers do not always have access to psychologists, lawyers, and other experts whose
input is necessary for creating successful outcomes for children. Without these experts, social workers are forced to provide services and assume responsibilities outside of the realm of case management alone.

Data on the economic exploitation of children is limited; only cases that have entered the system are counted. Next steps require data collection that includes the number of children reported in other situations of economic exploitation such as begging. Such data must be disaggregated by age, gender and disability in order to create policies that respond to actual needs.
Article 34 of the UNCRC requires that States Parties protect girls and boys from sexual exploitation and sexual abuse. The Convention requires States to prevent the abuse of children through prostitution and pornography and prevent actions (coercive or otherwise) engaging children in unlawful sexual activity. States Parties must take all necessary action, including joint action with other States Parties to prevent this type of exploitation.

Bulgaria scores 0.713 out of a possible score of 1.0 and ranks second out of the nine Index countries in its actions to prevent the sexual exploitation of girls and boys. Bulgaria is closest in rank to Romania (0.817) and Serbia (0.691).

Bulgaria's coordination mechanisms to end and prevent sexual exploitation are strong at 0.900. Its law and policy is also advanced, scoring 0.811 out of a possible score of 1.0. Bulgaria's other dimensions of government action are somewhat limited: services (0.685), capacity (0.600) and accountability (0.592).

Bulgaria's highest score to prevent and end sexual exploitation is not its law and policy, but rather coordination efforts. However, Bulgaria's laws are strong and well-established. Bulgarian law protects children from unlawful sexual practices, prostitution and pornographic materials and performances. It is recommended that Bulgaria add an amendment that also protects children from exposure to or involvement in unlawful sexual practices via electronic communication devices. The law conforms to various international conventions, including the Council of Europe's Convention of Children against Sexual Exploitation and Sexual Abuse. Bulgaria's criminal code does not fully embrace all of the definitions of unlawful sexual practices included in the Council of Europe’s Convention of Children against Sexual Exploitation and Sexual Abuse. It is recommended that Bulgaria refine its domestic laws to protect children from unlawful sexual practices via communication technologies and widen the scope of unlawful sexual practices to include all definitions listed in the Council of Europe’s Convention of Children against Sexual Exploitation and Sexual Abuse. It is also recommended that Bulgaria sign and ratify the 2006 Additional Protocol to the Convention on Cybercrime.

Bulgaria's services score verifies that there is more work to be done to protect children from sexual exploitation. In the case of criminal proceedings, children as witnesses are protected through special measures. Pilot programmes called “blue rooms” offer child-friendly hearing rooms where certain testimony and court proceedings take place. It is recommended that these programmes are scaled nationally as a way to build protection mechanisms for children as witnesses to and victims of violence.

Bulgaria offers a child helpline as a venue for reporting cases of sexual exploitation. It also has a special agency for cybercrime that is charged with identifying and reporting the sexual exploitation of children via the internet. This special agency also has a hotline where citizens can report alleged situations of exploitation. Children have limited options for lodging complaints while residing in non-family alternative care institutions. Because they lack access to phones and are limited in contact to residential staff, children living in residential institutions are in need of child-friendly and accessible reporting
mechanisms.\textsuperscript{15} Once a situation of sexual exploitation is reported, a local social services department is responsible for protecting victims and assisting them with their recovery. In terms of emergency placement, not all regions have Crisis Centres capable of hosting children in temporary situations.\textsuperscript{14} Reports also indicate limited services for children who need psychological, legal and social support rather than mere placement.\textsuperscript{15} It is recommended that access to needed support services are scaled and not limited to alternative placement. These services afford children the right and opportunity to recover and reintegrate effectively within their communities.

To prevent situations of sexual exploitation, parents, caregivers and children themselves must have more access to education and training on how to avoid, recognise and report alleged situations of abuse.
TRAFFICKING

Article 35 of the UNCRC requires that States Parties protect girls and boys from the abduction, sale or trafficking of persons. States Parties must take all necessary action, including joint action with other States Parties to prevent this type of exploitation.

Bulgaria scores 0.753 out of a possible score of 1.0 and ranks second out of the nine Index countries in its actions to prevent the abduction, sale or trafficking of children. Romania and Albania are closest in rank to Bulgaria with scores of (0.845) and (0.703).

In its efforts to eliminate the trafficking of persons Bulgaria is strong in policy and law (0.850), coordination mechanisms (0.900) and services (0.800). It lacks this same strength in the areas of capacity (0.625) and accountability (0.651).

Bulgaria earns a high score for law and policy to end and prevent trafficking because it has signed all significant international conventions that support the elimination of trafficking and sale of persons. The state is also aligned with neighbouring countries to fight trafficking through cooperation agreements inside and outside of the European Union.

Bulgaria’s services score is also strong because it has set up reporting, referral and assistance services for victims of trafficking. Bulgaria operates a child helpline for identifying and reporting all instances of child exploitation specific to trafficking and has created an early warning system for citizens to report missing persons. Bulgaria also uses public awareness campaigning to warn its citizens about trafficking.

While actions to prosecute alleged trafficking offenders is commended, there is precedent to suggest that authorities also charge trafficking victims with illegal entry and destruction of identity documents. Given that police are responsible for pressing charges and delivering facts for criminal prosecution, it is recommended that child victims of trafficking are not charged criminally for any actions committed while in captivity.

Bulgaria’s capacity score is weaker than its services score because although Bulgaria has set up mechanisms to care for and treat victims of trafficking, initial custody of trafficking victims is not always aligned with protection guidelines. There are three different placement facilities for trafficking victims: 1) detention centres for illegal migrants who are not citizens of Bulgaria or the European Union and do not have the correct passport state (visa, etc.), 2) special shelters affording particular security measures to protect victims of trafficking who may still be at risk, and 3) crisis centres that are open to all types of child victims. Given the severe trauma and particular circumstances of child victims of trafficking, it is recommended that Bulgaria not assign children with uncertain official status to a detention facility. Rather, actions and placement are necessary that are designed for the purpose of rehabilitation and reintegration, even in the case of undocumented children. Efforts to
limit the length of detention should also be pursued.\textsuperscript{20}

For child victims of trafficking who are placed in crisis centres and foster care, the lack of experts to help with recovery could compromise reintegration of these children into their communities.\textsuperscript{21} Placement becomes a stopgap for other more specialised services that could help victims recover while in their homes and everyday environments. When social services are underfunded and the ratio of social workers to clients is disproportional, an over-emphasis on placement has the effect of limiting social work engagement. It is recommended that Bulgaria create quality and financial standards for social work to allow social workers to adequately serve children who might need diversification of services for rehabilitation. Crisis centre staff and foster parents willing to care for child victims of trafficking require special training to address the needs and issues that these children face.
Article 23 of the UNCRC recognises that children with disability often need additional resources and care to enjoy a full and decent life. Therefore, Article 23 creates a special duty to protect and promote the welfare of children with disability and their families.

Bulgaria scores a low 0.525 out of a total of 1.0. This score, of all categories of vulnerable children, is Bulgaria's lowest, and ranks similarly with Moldova (0.508) and Albania (0.510).

Bulgaria's highest score is law and policy at 0.750. All other government dimensions of action for disability are significantly lower: services (0.387), capacity (0.500), coordination (0.333) and accountability (0.479).

As stated, Bulgaria's law and policy score is strong in efforts to care for and protect children with disability.

Bulgaria's laws prohibit discrimination based on disability and commit to extending the rights and opportunities of all citizens in Bulgaria to include people with disability. With this commitment the state agrees to expend resources to create additional mechanisms to support children with disability.

The Education Act affirms Bulgaria's commitment to inclusive education and through regulation mandates that children with disability should receive individual assessment and special measures to allow for their education, rehabilitation and development.

Bulgarian law also requires that people with disability can access public buildings through special measures including new infrastructure and equipment.

Services and capacity to support Bulgaria's commitments to children with disability remain weak. In pre-kindergartens, inclusive education is limited because schools are not equipped to provide access for children with disability. In the classroom there are few trained teachers or the curriculum needed to support inclusive education. Many of the same problems exist in primary education. A shortage of materials and teacher's aides limits the inclusion of children with mental and physical disability. As a result many children with disability do not have access to education and are confined in the home. Some attend special schools, but future employment opportunities are limited because the programming at these schools does not follow the same quality standards as regular schools. The state does not create additional resources that can be allocated to schools for specialised programming. School administrations do not have an incentive to provide for children with disability, as they would have to create additional services using the same limited resources already available for the rest of the student population. Therefore it is recommended that the state offers additional resources for students with disability so that schools can adequately prepare these children for enrolment.

Health care services are also inadequate for the treatment of children with disability. Although the National Health Insurance Fund and the Ministry of Health offers free health care for children with disability, resources are not sufficient within localised health clinics to offer the kinds of services needed for development and rehabilitation. Many times, parents must pay private clinics for access to the right equipment for their child's development.
Access to health services for children with disability is more difficult in rural and suburban areas. It is recommended to scale access to transportation for children with disability and their families while expanding adequate health services nationwide to respond to the needs of children with disability.

Other services for children with disability also need further resourcing. Family-type residential homes that are actively used as placements for children with disability are underfunded. As a result, there is a high turnover of staff and quality is undermined. It is recommended that Bulgaria invest in equipment and infrastructure where necessary to protect children and offer platforms of development for children with disability.

Much of Bulgaria’s next steps to protect and care for children with disability require strong coordination mechanisms to allow for systemic improvement and wise use of valuable resources. Without strong coordination protocols that build upon national strategy, accountability is limited and individual decision makers can derail policies. Structural change becomes difficult to achieve when there are competing incentives. In Bulgaria there are no coordination mechanisms, standards of cooperation or protocols in law or regulation to ensure that these special measures are implemented for children with disability. At the local level, promising pilot projects have been designed to establish protocols and coordination, but outside of these practices coordination between the education, health and child protection sectors remains limited. It is recommended that best practices from promising pilot projects are used to support national level protocols and regulations for guiding practitioners on inclusive care and protection of children with disability.
Scores relating to Children Separated from their Parents

The following scores measure government efforts to manage the separation of a child from her parents. Although not all biological families are safe from violence and neglect or allow for appropriate child development, living outside the care and protection of a biological family creates an additional set of vulnerabilities for children. Without the care and protection of parents, other distinct groups and individuals must proactively step in to identify needs, provide protection and care and create a nurturing environment for growth and development. Without the proactive engagement of the right advocates and social safety nets, children outside of family care do not receive the basic care and protection to foster long term development, resilience and well-being. Instead, the effects of neglect and poverty leave children vulnerable to harmful actors and risky behaviours. The UNCRC sets forth particular obligations of States Parties to care for and protect this subset of girls and boys.

UNCRC States Parties must first work to prevent child and parent separations as long as parent care is within the best interests of the child (i.e. a child is not susceptible to harm from within the family unit). If separation is required to protect a child, States Parties must follow certain protocols to keep children safe and encourage a strong path of development for the child. If separation will be permanent, the UNCRC recommends an alternative family or community-based environment for the child’s development. Finally, the UNCRC instates a responsibility to care for children living on the streets without family or home.
Article 9 of the UNCRC addresses the separation of parent and child, creating three distinct obligations of the state. It requires that States Parties provide services and support to families, with the goal of keeping family units together. Second, it requires that States Parties only separate parents and children when separation is in the best interests of the child. Third, it requires that States Parties help parents and children maintain contact in cases when parents and children are separated. The first requirement is analysed below.

First, it requires that States Parties provide services and support to families with the goal of keeping family units together. The state can play an important role to prevent unnecessary separations. Bulgaria scores a total of 0.769 out of a possible score of 1.0 and ranks third overall out of the nine Index countries. Bulgaria records the highest possible score (1.0) in its law and policy to prevent unnecessary separations of parents and child. It also scores high in its services (0.833). In comparison, it has lower scores for capacity (0.500), coordination (0.667) and accountability (0.667).

Bulgaria's regulatory provisions offer a range of social welfare and psychological assistance services to prevent the separation of parents and children. Assistance can include cash payments and in-kind offers to parents. Unlike other countries that also offer welfare and assistance, Bulgaria's provisions were created to prevent the separation of parent and child for reasons such as poverty or family difficulties. Next steps should include the development of a family-centric policy approach to all child welfare actions that offers clear objectives and measures of success.

Other service delivery includes Community Support Centres (CSCs) and Mother/Child Centres that provide counselling and support to help families get back on track during difficult periods. These services are operated by municipalities.

In cases of missing children or parents, Bulgaria's police and social services are tasked to determine their whereabouts. Reports indicate that police take limited actions to achieve reunification. Letters or other official documentation may exist, but no significant investigatory measures are taken to resolve separation when separation has occurred. It is recommended that in cases of parent-child separation Bulgaria create protocols that require investigatory actions.

In cases where children need to be deinstitutionalised to ensure reunification with parents, social workers remain limited in time and resources which decreases the likelihood of successful reunification. Access to needed specialists such as psychologists, lawyers, speech therapists and others may not be available, which further limits the ability of social workers to successfully reunite families. It is recommended that Bulgaria ensure access to referral services for social workers and that caseloads are manageable according to quality standards.
Article 9 of the UNCRC also provides guidance to States Parties in situations that require the separation of a child from her parents. The Article provides that States Parties may only initiate separation of a parent and child when it is in the best interest of the child. In this way, the UNCRC allows that States Parties can act to separate children from their parents only when remaining in their custody would compromise a child’s development and well-being.

Bulgaria scores 0.619 out of a possible score of 1.0 and ranks third out of the nine Index countries. Bulgaria is closest in score to Serbia (0.670) and Kosovo (0.556).

Bulgaria's actions to initiate separation are strongest in its law and policy (0.769), services (0.687) and coordination (0.625). Bulgaria's capacity (0.428) and accountability (0.521) efforts are limited.

Bulgaria's legal framework is consistent with the UNCRC's provisions that allow child-family separation as a measure of last resort and taken only if necessary to protect the best interests of the child. 36 Child Protection Departments (CPDs) within the Agency for Social Assistance are charged to manage this process.

For cases of child-family separation, courts make the final determination of status. 37 In court, all relevant parties, including children, have the right to participate and express an opinion. 38 Children over the age of 10 are allowed a hearing. It is discretionary whether Courts allow a hearing in cases of children under the age of 10. It is recommended that Bulgaria’s judges allow for a liberal interpretation of this legal provision so as to provide a hearing in cases where children are deemed developmentally able to participate. It is also recommended that courts extend privacy to all children who participate in these cases. 39 Actions taken by some Bulgarian jurisdictions to provide private and wholly different hearing centres (outside of court rooms) should be documented and scaled when such efforts prove successful. Successful actions protect children from public attention and allow for child-friendly settings. It is also recommended to review judicial capacity to hear and decide cases that involve parent-child separation. Because Bulgaria does not currently have a group of judges defined and trained as “child-friendly”, adequate training must be provided to all judges who will preside over these types of cases.

The Ordinance for Prevention, Placement in Institutions and Reintegration for Children regulates all social services before and after court decisions on parent-child separation. Within these regulations, there are protocols and quality standards that social workers must follow. It is recommended that these quality standards also define an appropriate ratio of cases to social workers so that social workers can manage their capacity (time and resources) according to the best interests of the child.
Caring for Children Separated from their Families

Once a child is separated from his/her parents (due to a voluntary surrender of custody or state action to separate family members), States Parties have a duty to allow and help maintain contact between the child and parents. The UNCRC maintains that the bond and relationship between parent and child is an important child right. Family and, specifically, parental connection fosters the emotional development of personhood.

The Index scores a government’s effort to allow and help maintain contact between parent and child as required under Article 9 of the UNCRC. Generally, all nine countries have made significant efforts to preserve contact between parents and children who have been separated. Bulgaria scores 0.875 out of a possible score of 1.0.

Bulgaria narrowly misses a perfect score on actions to promote and maintain parent-child contact during times of separation because not all of its institutions ensure the right of parent-child visitation. During monitoring visits in 29 residential institutions, authorities found that irregular and inadequate contact between institutional staff and parents had a negative impact on rights of visitation.40 Next steps require new efforts to welcome and facilitate parent-child visits in residential care settings.

States must also take action to provide adequate care environments for children deprived of their biological families (Art. 20). Bulgaria scores 0.672 out of a possible score of 1.0 and ranks second out of the nine Index countries. It is closest in score to Romania (0.743).

Bulgaria scores almost perfect on its law and policy to provide alternative care for children separated from their families (0.921). Its capacity to meet its obligations is much lower (0.346). Services (0.706), coordination (0.750) and accountability (0.631) are relatively high in comparison to capacity.

Bulgaria validates its strong law and policy score in prioritising placement in family and community settings rather than institutional care. Foster care, kinship care and adoption are priority placements with institutional care as a last-resort alternative.41

Regulation of residential institutions is advanced and aligns with standards protecting children from harmful practices such as sleep and food deprivation, among others. However, it is recommended that descriptions of harmful practices extend to compulsory uniforms. The lack of clothing choices in residential care minimises individual creative expression and development of personhood in a situation that already limits these childhood needs per se.

Bulgaria is building family-based services to align with its priority placement law (family rather than institutional care). Foster care services are available in advanced piloting stages throughout the country.42 Although a methodology has been developed, quality and financial standards have not yet been introduced. It is recommended that foster care services are scaled nationwide and that quality and financial standards are developed specific to foster care practices. Foster care and all alternative care placements receive monitoring visits at intervals of six months.43 Kinship care services are less advanced than
foster care, it is recommended to set quality and financial standards for kinship care and provide protocols that define success and needed steps towards successful placements.

Capacity to place and monitor children in alternative care settings is low. Ongoing professional education and training is needed to instil new expertise and to help social workers maintain standards of excellence. Further, the lack of standards for caseloads and competence levels (for the hiring of social workers) further erodes the capacity of current social workers. Capacity appears unequal between Community Support Centres (CSCs act as service providers for counselling and family support) and Child Protection Departments (CPDs). Interviews suggest that CSCs are well equipped and funding is sufficient on an annual basis. On the other hand, CPDs do not have appropriate computers, equipment or infrastructure to successfully engage in case management. Data gathering is needed to analyse budgets and results in order that needs and expenditures are more equally matched.
Adoption

In situations where the state terminates parental rights (voluntary by parents or state sanctioned), the UNCRC establishes the right of children to live in a secure, family environment. Adoption affords children without parental care the right to live in a secure, family environment. In the area of adoption Bulgaria scores a total of 0.548 out of 1.0. It is closest in score to Georgia (0.529) and Moldova (0.520).

Bulgaria scores high on its law and policy (0.821) but its other dimensions of government action are weaker: services (0.400), capacity (0.250), coordination (0.333) and accountability (0.506).

With its high policy and law score, Bulgaria’s adoption standards align with the “best interests of the child” and are designed to take a child’s view into account. However, adoption services are not specialised under the law to a single body, which leads to wide discretion amongst various authorities. Adoption authorities include local CPDs, Adoption Councils, and judges. Without standards and protocols in place to regulate adoption, the quality of adoption outcomes and processes is questionable. It is recommended that Bulgaria increase transparency in decision-making by developing quality and financial standards and protocols to regulate adoption. Also recommended is that Bulgaria effectively coordinate responsibilities to minimise overlap between actors while allowing for complementary actions.

Bulgaria’s services score is weaker in part due to variant protocols. Bulgaria manages international and domestic adoptions differently through separate ministries, with the Ministry of Justice handling international adoption and the Agency of Social Assistance handling domestic adoption. It is recommended that the state design its adoption policies and implementation with a mind toward allocating these responsibilities to one final, centralised authority. A centralised authority can align all adoption policy and create necessary standards for all adoption practices.

During the adoption process Child Protection Departments (CPDs) provide consultative services for adoptive parents and children. There is no data to understand the role of the consultation process or whether all CPDs provide this sort of support. It is recommended to include protocols on this consultation process so that CPDs can maintain a level of consistency in their actions and the adoption process can be formalised. Bulgaria’s adoption laws require that biological parents consent to proceeding with adoption and agree to the termination of parental rights. However, the Family Code allows for some exceptions on consent. In the case of exceptions parents should be warned in advance with allowances in place to address and/or avoid these exceptions by all reasonable means.

Bulgaria monitors adoption placements after final adoption proceedings end; however, questions exist as to whether such monitoring is merely a formal action or if it is actually effective in supporting families. Bulgaria does not require that adoptive families or state authorities preserve a child’s identity in terms of ethnicity, religion or cultural background. Although a regulation exists that affords a child the right to receive information about his or her birth, over 90 per cent of submitted requests are denied. It is recommended...
that Bulgaria affirm the right of children to know their history and identity in all cases of adoption and take actions to simplify the request process, increase the success of applicants and provide timely results. Such action may require a new government body or office to collect and maintain this essential data.
The UNCRC also addresses the rights of one of the most vulnerable classes of children deprived of parental care: children living and/or working on the street. Article 20.2 requires States Parties to address the situation of children living and/or working on the street.

Bulgaria scores 0.606 out of a possible score of 1.0 and ranks second out of the nine Index countries. Romania is closest in score at 0.750.

Bulgaria's law and policy protecting children living on the street is limited (0.500) but it scores perfectly (1.0) on its services. Bulgaria’s capacity to deliver its promises is strong (0.875) with coordination at 0.625. Accountability is limited (0.458).

Bulgaria’s legal framework creates services for street children through its Social Assistance Act. Under the Act and its implementing regulations Bulgaria operates day shelters, night shelters and mobile teams that concentrate on areas known for high concentrations of child-begging. There are counselling and social services for rehabilitation and reintegration that also address status registration and other needs of children living and/or working on the street. There are many good practices throughout the country, but these practices are limited in scale and not necessarily linked to other services. Next steps require further networking amongst practitioners and social services to fortify a more cohesive approach.

Bulgaria has not yet assigned one lead authority to respond to children living and/or working on the street. Police or social services respond to reports of child-begging or street children. When police engage with street children their actions are often aligned with juvenile delinquency provisions that may lead to criminal detention. When social services are the first to identify these same children they can offer a wider variety of responses such as rehabilitation, counselling and shelter. It is recommended that Bulgaria assign engagement responsibilities exclusively to social services and align police involvement with case management protocols and standards.
Policy Conclusions

Article 4 of the UNCRC requires that, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention..." The UNCRC is not meant to remain a document of ideals, but rather a document that describes implementation.

The Index measured Bulgaria’s implementation of its UNCRC child protection commitments. With a score of 0.594 out of a possible score of 1.0, Bulgaria’s next challenge is to further implement its commitments through increased resources and scale of services. To achieve this goal, the Index results lead to the following recommendations:

[Law & Policy, Accountability]  
Adopt quality and financial standards for all services and mechanisms that respond to children in situations of adversity; without these standards to serve as benchmarks for success, services cannot be measured and held to account for success or failure. Without standards, service providers are not obligated to allocate their budgets to specific resources or tasks or to maintain activities that align with best practices and commitments.

[Services, Capacity]  
Expand the scope of government-sanctioned child protection services to require nationwide implementation of all services; in general, Bulgaria records low capacity scores, reflecting the uneven development, coverage and access to services by children in need of protection or care across the country. Without nationwide coverage, there is discriminatory distribution of resources and protection mechanisms that may disproportionately and negatively affect Bulgaria’s most vulnerable girls and boys. Bulgaria must now commit to new funding that increases the quantity and quality of needed services, and commit to new infrastructure and equipment required to safely and effectively meet the development needs of vulnerable children, including children with disability.

[Services, Capacity]  
Specific to children with disability, create adequate accessibility and inclusive settings for services, including residential care; in particular, special attention must be paid to the condition of children with disability. Bulgaria’s poor performance reflects the need to seriously consider and prioritise the development of specific services that respond to the needs of these children and their families, and to improve access to support services across the country.
[Accountability] Create consistent, independent monitoring mechanisms to review the quality of service provision and administer licensing. Monitoring should review both private and public sector services. It will be necessary to introduce compulsory licensing, linked to quality standards, for all service providers; further work is necessary to create licensing procedures that allow for quality control of services and allow for consistent independent quality monitoring mechanisms. Monitoring is necessary to ensure quality and competence of all service providers. In the case of non-governmental organisations providing services, interviews with these organisations verify that no regular inspections occur to maintain licensing. At present, inspections are usually prompted by a signal or complaint.

[Accountability, Policy] Authorise capacity and funding to collect and analyse child protection data, the prevalence of different sub-issues, and the outcomes of different services and programmes; all countries across the region are finding it difficult to create accountability mechanisms that adequately monitor public sector actions, decisions and quality, and afford beneficiaries and their guardians the right to question the judgment of officials. Data management is also a component of accountability because, over time, data builds an understanding of the status of vulnerable children and the impact of services.

[Social Work, Capacity] Fully develop and support the profession of social work through a variety of actions: 1) define caseloads and clear divisions of staff functions in all Child Protection Departments to create lines of responsibility and labour; 2) create financial standards for social work responsibilities that extend to needed equipment, transportation and other costs; 3) create an organisation or professional body of social work with an officially recognised mandate to maintain standards of work quality and provide for regular and compulsory professional trainings.
Credits

Donors

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The first set of indicators draws from quantitative data about the current child protection status of girls and boys in each country. For example, one indicator considers the rate of children aged 0–2 in residential care (per 100,000 population aged 0–2), at the end of the year. For a review of all quantitative indicators used, please see the indicator addendum section of this brief. Data collected for this section originates directly from UNICEF’s TransMoEE database, a widely used source of data on the well-being of children globally and official statistical data reported by each of the nine countries.

The second set of indicators comes from Article 4 of the UNCRC. This Article requires that states apply all appropriate measures within the toolbox of government action to achieve child protection. The Index refers to this category as “the governance environment” for child protection. An example of the governance environment indicator is: Has a consolidated law on the rights of the child and child protection been adopted?

The third set of indicators uses specific child protection articles from the UNCRC and principles from the systems approach to child protection as the common foundation and matrix for its qualitative indicators. To unpack each Article’s requirements, the Index framework relies on the Implementation Handbook for the Convention on the Rights of the Child published by UNICEF. The Handbook offers analysis on each UNCRC Article from the Committee on the Rights of the Child’s Concluding Observations in over 300 different opinions. The Handbook provides a series of “yes”, “no” and “partially-implemented” checklists to create an understanding of each Article’s significance. The Index uses these checklists as core indicators for the framework. The qualitative indicators are “yes”, “no” and “partially-implemented” questions that measure a state’s (i) Policy/ legal and regulatory framework; (ii) Services, processes, mechanisms; (iii) Capacity; (iv) Accountability; and (v) Coordination and cooperation in relation to the UNCRC articles on child protection. These key elements are necessary to achieve a functional child protection system. UNCRC articles chosen are those associated with every child’s right not to be subjected to harm and a state’s duty to protect and care for children vulnerable to harm.

The fourth set of indicators focuses specifically on government support for social workers. Social work plays a key role within the public sector to administer child protection mechanisms, processes and services at both the local level and regional or national levels. Therefore, the Index includes specific indicators on social work, with the importance of this role in mind.
Data collection & validation

Each national data collection team included eight child protection experts (one served as national coordinator) and two legal experts selected in order to acquire a variety of expertise. A training workshop led by the Index Data Manager (and co-author of the Index framework) provided training to the team prior to collection. In the first stage of collection, groups of two experts collected data independently on one of four sections of indicators (using reports, studies, articles, statistics data, etc.) to validate a “yes,” “no” and “partially-implemented” responses to each Index indicator. In this way, two experts reviewed the same indicator separately. Where such evidence-based information was not available, interviews with relevant stakeholders and information based on the personal experience of professionals with relevant expertise in that particular field were taken into account.

After the completion of individual review and validation, responses provided for the same indicator by two different experts were considered and compared side-by-side by the Index Data Manager. Responses found to be inconsistent between the two experts or that lacked sufficient validation required further review and evidence gathering. The two experts assigned to the same indicator again in group work reviewed and discussed the evidence and sought additional information when needed. Joint answers provided by each sub-team were further reviewed by the Index Data Manager. Three to four reviews over a total period of 3 to 4 months were required for the entire review process, in order to reach final agreements on each indicator considered.

A final cross-check of information provided under the various sections of the Index framework was performed by the Index Data Manager before finally validating the National Index, with the support of the National Coordinator and the team of experts.

Scoring

Each qualitative indicator required a “yes,” “no,” or “partially-implemented” answer. To score the results, “yes” = 1, “no” = 0, and “partially-implemented” = 0.5. In situations where several sub-indicators contributed to one main indicator, the final main indicator score is calculated as an average of the scores of its sub-indicators (e.g. $1 + 0.5 + 0 + 1 + 0.5 = 3 : 5 = 0.6$).

For the quantitative indicators, a linear transformation formula was applied: $Y = \frac{X - X_{\text{min}}}{X_{\text{max}} - X_{\text{min}}}$

where $Y$ is the score, $X$ is the quantitative data for the respective country, $X_{\text{min}}$ is the quantitative data of the least performing country, and $X_{\text{max}}$ is the quantitative data for the strongest performing country.

An average score was calculated for three of the four sources of indicators 1) Current Child Protection Status of Girls and Boys, 2) Governance Environment and 3) Social Work. In the case of the main source (UNCRC Articles analysed with the Child Protection Systems Approach), each UNCRC article and its indicators is scored separately (to create one average score per article) and equally contributes to the final Index score. Therefore, the final CPI score for each pilot country is calculated as an average of the three sources and the average scores from each UNCRC article.
End Notes


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3 CPA, art.7, para.2


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7 CPA, Articles 10 and 11


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17 The Law on the Integration of People with Disabilities, art.4


19 Council of Ministers, Ordinance 4 for planning and implementing the architectural plans of the buildings in accordance with the accessibility requirements of the population, including people with disability; The Law on the Integration of People with Disabilities

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21 Karin Dom - Bulgaria: Alternatives to Institutional Care for Children Aged 0-3, 2013, p.38

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37 CPA, art.28
38 CPA, art.15
39 NGO Center in Razgrad – Progress report on Court in South Bulgaria, p.45
40 SACP – Annual report for 2013, 2014, p.21
41 CPA, articles 5-5 and 25-26
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43 ASA and SACP - Case Management Methodology for Protection of Children at Risk, p.9
45 Family Code, articles 83 - 86 and 95-97
46 Bulgarian Helsinki Committee - Human Rights in Bulgaria, 2013 – A Methodical Instruction on Coordination In Conducting National & International Adoption Procedures signed by the Ministry of Labour and Social Policies (MLSP), the State Agency for Child Protection (SACP), Ministry of Justice and Agency for Social Assistance (ASA) in 2013
47 UNICEF - Deinstitutionalisation of Children in Bulgaria: How Far and Where To?, 214, p.51
49 The Family Code, articles 56-57
50 European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Simecka Foundation and Osservazione – Life Sentence: Romani Children in Institutional Care, 2011, p.59: “While parents have the right to be notified and challenge the initiation of this procedure, research revealed that some Romani parents cannot be notified due to migration or the fact that they do not reside at the address where the notification is sent.”
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