



Briefing from For Our Children Foundation

Purpose: Visit of the Commissioner for Human Rights of the Council of Europe to Bulgaria, 9-10.02.2015

Topic: The rights of children living in institutions and alternative care settings in Bulgaria

I. Overview: the deinstitutionalisation process in Bulgaria

In 2010, after the last visit of the Commissioner, the Bulgarian Government adopted an Action Plan for the implementation of the National Strategy 'Vision for De-institutionalisation of Children in Bulgaria'. The Action Plan provided a comprehensive strategy for the closure of residential institutions for children and was widely hailed as an impressive show of political will to address one of the most pressing concerns with regard to children's rights in Bulgaria. While there have been significant achievements as a result of the process, including a large increase in the number of children living in alternative care settings, For Our Children foundation also has a number of concerns as to how the Action Plan has been implemented and the continuing violations of children's rights. The present briefing will focus on these concerns, both with regard to those children who remain in institutional care and those in alternative care settings. Of key importance is the lack of leadership of the deinstitutionalisation process and the lack of a comprehensive strategy to continue it through a rights-based approach.

II. Primary concerns

Children in institutional care

- There are still more than 100 large residential institutions in Bulgaria, which are a home to more than 3500 children. By their very nature, these institutions are deeply detrimental to children's development and deprive them of the right to live in a family environment. The living conditions in these institutions are inadequate but the more alarming gap is the lack of a child-oriented care process and efforts to encourage the establishment of attachment. The assessments of these children, on the basis of which their exit plans can be designed, are either missing or are very outdated and are often not appropriate in terms of assessment methodology.
- Children in institutions continue to be viewed as passive objects of care, as opposed to rights-holders, with children with disabilities being particularly disadvantaged. During the initial planning of the deinstitutionalisation process, institutions for children with disabilities were rightly prioritised for closure, given the greater vulnerability of these children, through the project "Childhood for All". However, in 2013 the target group of the project was changed to also include children living in Homes for Children Deprived of Parental Care¹, against the advice of civil society, including the members of the inter-ministerial and inter-sectoral 'Expert Group' that is responsible for coordinating the process. The project has also suffered long delays, during which the needs and situations of the children who had initially been assessed and for whom plans were made for the move to alternative care settings (primarily to newly built Family Type Placement Centres² with a capacity of 14 children), changed significantly. There is now a significant risk that children with disabilities will be left behind in the deinstitutionalisation process, with the focus of state institutions shifting towards the "low-hanging fruits" – those children who are most easily deinstitutionalised, as opposed to those in greatest need.
 - Attitudes towards institutionalised children, as well as young people leaving institutions, remain negative. They are frequently subjected to discrimination on the basis of their social status and remain highly vulnerable to social exclusion and isolation. Furthermore, studies have found that children in institutions are not aware of their rights.³ There have been very few efforts to sensitise communities to the need for deinstitutionalisation, and thus there remains within many of them resistance towards the process (or a complete lack of knowledge about it).

Children in alternative care

In his last report on Bulgaria, the Commissioner considered that "the deinstitutionalisation process cannot be successful without a sufficient and adequate network of alternative structures". While there has been a significant growth in the number and type of alternative care settings for children, there remain a number of key concerns. As an organisation with significant experience of developing and providing highly effective and innovative alternative care services, including in particular foster

¹ Дом за деца, лишени от родителска грижа (ДДЛРГ)

² Център за настаняване от семеен тип (ЦНСТ)

³ See for example *The Discrimination against Children in Institutional care: Covert, Pretended or Real and Perceivable*, UNICEF Bulgaria, 2013, available from http://www.unicef.bg/assets/DiscriminationAgainstChildrenInInstitutions_EN.pdf

care services, For Our Children foundation would like to outline the following with regard to the rights of children in alternative care:

- We are extremely concerned that some of the children who have been moved from institutions to the new Family Type Placement Centres have been relocated without a proper preparation process and due concern for their well-being, which has in some cases led to devastating results, particularly when it comes to children with special needs, disabilities or challenging behaviour. Staff in some of these new centres staff is neither properly trained, nor supervised, and nor are there sufficiently developed monitoring and quality control procedures. Moreover, there is increasing concern that the new centres are not seen as a temporary measure but as a permanent alternative to the large institutions, with no national plans for the reintegration of the children living in them into communities or family-type care. Overall, we believe this can lead to a significant risk of re-institutionalisation for the children living in this type of alternative care. We have piloted practices for residential short-term care for babies and young children and know that it is possible!
- One of the projects in the Action Plan (“Direction: Family”) focused on the closure of eight pilot infant homes for children aged 0-3⁴, which are supposed to provide a model for the closure of all the remaining infant homes in the country. The process is led by the Ministry of Health, which is responsible for the running of these institutions. As of February 2015, not a single of the eight homes has been closed, primarily due to the lack of an alternative care setting for children who are severely disabled and for whom alternatives like reintegration to the birth family, foster care and adoption has not been found. The Ministry of Health is reportedly working with the Ministry of Labour and Social Policy to create a legislative framework for a new type of residential care service for these children, but in the meanwhile they remain in the pilot infant homes, sometimes with several dozen staff looking after less than ten children. This represents both a failure to meet these children’s needs and a significant waste of resources. The doors to institutions remain open - there is still an open flow of young children into institutional care due to the lack of a systematic and consistent gatekeeping and family strengthening programmes funded by the Government.
- Local authorities and the recipient communities of the children set to be deinstitutionalised were not prepared at all for accepting them into the new community based residential units. This, combined with the prevailing medical approach towards disabilities in Bulgaria, turned out to be a major obstacle for the transition of children from the institutions to hypothetically better quality of care.
 - In his last report, the Commissioner noted that while social services for children and families have been devolved to local government, municipalities were “not fully prepared or equipped to exercise effective control over the new services under their control. The lack of experienced professionals and skills to efficiently manage the new social services and resources serve to illustrate this problem.” We believe this remains the case to this day, with the problem being particularly acute when it comes to the provision of foster care services. The Action Plan rightly identifies the development of foster care as a priority, recognising its importance in ensuring that children who are abandoned or separated from their families receive appropriate family-type care. The plan thus includes a project focusing specifically on foster care, which has however been beset by problems right from the initial design stage through to its implementation. The design of the project is directed only at the level “foster child - foster family - social worker”, while completely missing the level of management - analysis, planning, training, capacity building and provision of support services to foster families. Neither the centralised child protection bodies (which take decisions on placements), nor the local commissions and foster care teams that have been created in municipal administrations, have the knowledge and capacity to run foster care services. This has led to poor placement decisions, failed placements, the recruitment of high-risk families as foster carers and the placement of children with families who are not properly trained and supported, as well as the moving of children from family to family and from one failed placement to another. As with the Family Type Placement Centres described above, there is a lack of understanding of foster care as a temporary measure, including among some of the foster families, and we have observed attempts to obstruct adoptions or efforts to reintegrate children into their biological families.
- We are concerned that a financial standard for foster care services has still not been adopted and the sustainability of the services that have been created thus far is still in question. This is in fact the case for alternative care services as a whole – their financial sustainability is not supported with the saved funds from the reduced capacities or closures of residential institutions and there is no vision of how services are to be funded beyond the scope of EU investments.
- There are no quality standards for the development of foster care which is also depriving children in the care system of care which meets their best interest.

⁴ Дом за медико-социални грижи за деца (ДМСГД)

Prevention of institutionalisation

Bulgarian law provides for the right of children to be raised by their families and to not be separated from their parents unless the best interest of the child requires this. However, there remains an insufficient focus on prevention measures, understood widely as the prevention of abandonment, separation, violence and, ultimately, institutionalisation. The following are of particular concern:

- The rate of abandonment of children at birth, while decreasing, remains high. The majority of children who are placed in the infant homes for children aged 0-3 arrive there directly from maternity wards. There remains a significant risk in particular for children with disabilities, with parents in some places still being advised by medical personnel to abandon them in institutional care and a continuing prevalence of the medical model of disability. This is exacerbated by the lack of sufficient high quality services for disabled children within communities, including a lack of access to kindergartens. The development of inclusive education for children with special needs remains at a nascent stage and the majority of children with intellectual disabilities are still not able to access mainstream schools. There is no progress in changing public attitudes and this is often putting these children at risk of extremely high levels of discrimination.
- Good practices, such as early childhood intervention for children with disabilities and the provision of social services in hospitals and maternity wards to prevent abandonment, have been developed by several non-government organisations, including For Our Children foundation. Despite these practices showing tangible results, they remain fully within the purview of charities and the government has not taken any steps to implement them more widely in the country.
- The prevention of institutionalisation requires a comprehensive, wide ranging strategy, backed up by a proper legislative framework and most of all – family support and strengthening policies. In 2012 an attempt was made to adopt a Children’s Act that would ensure such a framework is in place – in addition to a wide range of other measures to guarantee children’s rights – but the law failed to make it to the National Assembly and was eventually withdrawn. This was due to an outcry from certain sections of society, including several parental organisations advocating a “family rights” approach, as well as a lack of sufficiently strong political will. Together with other leading child rights organisations in the country, For Our Children foundation took a strong stand in support of the law and we deeply regret the failure to adopt it.
- The child protection system is severely under-resourced. There is a shortage of staff, a poor material base, a large turnover rate of social workers and a lack of standards, training and supervision for them. Very often they have no recourse to address families’ problems in any way other than separating children from their parents and placing them in an institution. This is due to the low profile of this system in the central state administration and the appointments of people that are based on anything other than their professional capacity. This is having a detrimental impact on the deinstitutionalisation process and fails to guarantee the protection of children’s rights in this complex reform.

III. Conclusions and recommendations

- There is a lack of leadership of the deinstitutionalisation process, which results in poor management. We would like to see much stronger political will and the establishment of a proper management process.
- The absence of family support and strengthening policies and measures is failing to replace the old belief that “the state will care for the vulnerable children” - a shift which is fundamental for the deinstitutionalisation process to be effective.
- The Action Plan for the implementation of the National Strategy ‘Vision for De-institutionalisation of Children in Bulgaria’ and the projects therein are now in their final stages. Despite this, a new plan is not yet in development. It is of key importance that the planning begins straight away and results in a new Action Plan that would learn the lessons from the old plan, overcome the deficiencies in the process thus far and follow closely the principles adopted in the Vision. There is a pressing need for a strong demonstration of political will and leadership to complete the deinstitutionalisation process.
- Civil society and local authorities need to be included in all stages of the deinstitutionalisation process: management, planning, implementation and monitoring.
- The adoption of a Children’s Act, presenting the child as a rights holder rather than just an object of care, is urgently needed so that all systems around the child which are supposed to ensure his/her welfare can adapt their interventions and policies accordingly.
- There is poor financial management of the whole process and there is an urgent need for capacity building in this area. Financial sustainability of alternative care services, including foster care, needs to be ensured through the ring-fencing of funds that are currently going into maintaining institutions and the creation of detailed financial standards for the various types of alternative care services. Poor practices, such as the current principle of financing Family Type



Placement Centres on a “per head” basis, rather than on the basis of capacity, which results in attempts to fill up these already fairly large residential services, need to be addressed as priority.

- Foster care should be managed professionally; financial and quality standards are urgently needed in order to stop bad placements and the deaths of children because of the failure of the system to explore and manage foster care properly.
- The closure of institutions needs to be supported by a wide range of prevention, reintegration and support services for children and families. In addition, the provision of adequate education, health care and community support services is essential for the deinstitutionalisation process to be effective and the rights of children in institutions, or those at risk of institutionalisation, ensured.
- The institutionalisation of children is unlikely to end if we do not focus on the earliest years of the child’s development. We would like to see a national strategy for the early years and a significant increase in the resourcing of effective early childhood development services, including those that have proven particularly effective in the context of deinstitutionalisation, such as early childhood intervention.

For Our Children believes that a number of the concerns outlined above are a result of the lack of understanding in our country of rights based principles and approaches, as well as a lack of understanding of the link between early childhood care and education, professional realisation in adulthood and ultimately - the prosperity of society as a whole.

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Sofia, Bulgaria