



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

22 May 2024

Case Document No. 5

Eurochild v. Bulgaria
Complaint No. 221/2023

**REPLY FROM THE GOVERNMENT
TO EUROCHILD'S RESPONSE ON THEIR MERITS**

Registered at the Secretariat on 15 May 2024

RESPONSE OF THE REPUBLIC OF BULGARIA

in connection with Eurochild's response to the written comments of the Bulgarian government on the merits of the collective complaint No. 221/2023

Summary of Eurochild's claims

In Eurochild's response to the written comments of the Bulgarian government, it is stated **that the scope of Early Childhood Education and Care (ECEC) services for children up to 3 years of age in Bulgaria is 18%, and the provision of places in nurseries anywhere in the country does not exceed 30%, according to official data from the National Statistical Institute (NSI).** In 2023, nearly 10,000 children were left without access to nurseries and kindergartens in the capital, where 21% or every fifth child from 1 to 4 years of age in Bulgaria live. Over 16,000 children in Bulgaria live in villages without kindergartens, making their access to any ECEC services uncertain. There is no functioning mechanism for planning ECEC services at the local level. One (1) out of three (3) children in Bulgaria lives at risk of poverty and social exclusion (here, poverty implies not only material deprivation, but also various challenges for access to basic services). The Bulgarian government has not indicated efforts aimed at reforming the nursery school system, attracting and engaging qualified specialists in early childhood development in nursery schools. In many cases, ECEC services are partially functional, have limited scope or do not cover the most critical age for early intervention, namely 0 to 3 years. There is no mechanism for monitoring the quality of preschool education. There are no uniform standards, rules and procedures, as well as requirements for qualification and continuing education of the specialists working in these services. The lack of a systematic approach to ECEC and early intervention leads to a heterogeneity of services, where there is no possibility to track the quality and outcomes of these services. The government in no way legitimizes and/or supports any kind of private initiatives that parents organize to fill existing gaps in state-provided ECEC. The Bulgarian social assistance system suffers from understaffing, high workload and high staff turnover, while the structures for monitoring and quality assurance of services remain extremely weak. This plethora of problems related to the scope and access to Bulgarian ECEC and state support for parents is multiplied significantly in poor and stigmatized communities across Bulgaria (i.e. Roma parents, other minorities, migrant families, parents and children from Ukraine with granted temporary protection, etc.). In 2023, Bulgarian citizens without an identity card exceed 207,000, of whom 110,389 live deprived of a number of basic human rights.

Based on the legal and factual grounds systematized above, as well as within the complaint initiating the present proceedings, and the fact that in the Government's written submissions no system of specific solutions and mechanisms to respond to these problems is defended, Eurochild considers that Bulgaria does not guarantee the satisfactory implementation of Article 16 of the European Social Charter, revised (ESC (r.)), ("the Charter"), considered independently, as well as of Article E, considered in conjunction with the mentioned provision of the Charter.

Regarding Eurochild's response, we would like the following to be taken into consideration:

The Republic of Bulgaria supports the opinion expressed in the written comments of 14.12.2023 on the merits of collective complaint No. 221/2023 by Eurochild against Bulgaria, considering that the statements presented in the written response of the complainant are

unfounded and incorrect. In this regard, in addition to the written submissions cited above, we present the following arguments:

With the provisions of Ordinance No. 26 of 2008 on the organization and operation of nurseries and children's kitchens and on their health requirements, hereinafter referred to as "Ordinance No. 26 of 2008", the requirements for the organization and operation of nurseries and children's kitchens, as well as the health requirements for them, are defined. By their nature, nurseries are organizationally separate structures in which **a team of medical and other specialists** carries out upbringing via protection and strengthening of health, education and training of children from three months to three years of age. The provision of Art. 4 of the same regulation clearly defines the type of nurseries, defined in a way **to guarantee the care of children aged 3 months to 3 years, without interruption throughout the year.**

In this way, full-time education and care is guaranteed for children of this age.

It should be noted that pursuant to Art. 9 of the aforementioned Ordinance No. 26 of 2008, the following specialists must work in the nursery: 1. a nurse, an obstetrician, a medical assistant or paramedic; 2. a pedagogue; and 3. a babysitter. Through the normative definition of specialists who must work in nurseries, conditions are ensured for staffing nurseries and kindergartens with nursery groups of specialists who are able to provide adequate care for each child.

In addition to the provision of Art. 15, according to which, in addition to those specified in Art. 9 specialists, other specialists may be included in the staff of the nursery if necessary, depending on the needs of the children, and an opportunity has been created to include speech therapists, psychologists, etc. in the team of specialists to further support the processes of the implementation of adequate care, development and training of children.

In order to guarantee the quality of the activity of nurseries for ensuring the growth and development of children in good health, the normative act regulates the teamwork of the staff in the implementation of all activities of upbringing, education, training and care to protect and strengthen the health of children. Given the specificity of the activities carried out by specialists in nurseries and nursery groups of kindergartens, normative conditions have been created to provide opportunities for increasing the postgraduate qualification of medical specialists and teachers in the field of early childhood development, prevention and complex promotion of health in nursing and early childhood and babysitter training.

In this regard, we believe that the allegations made in the complaint, that Bulgaria has not ensured satisfactory implementation of Art. 16 of the ESC (r.), according to which childcare services, especially for infants, must exist in quantity and quality sufficient to adequately meet the needs of families; as they must offer a high standard of service (staff to child ratio, staff training, suitable facilities, etc.), are unfounded and incorrect.

Bulgaria has ensured a high quality of activities in nurseries and nursery groups in kindergartens, having adopted national legislation that guarantees conditions for adequately meeting the needs of families, so that all young children, for whom parents have expressed willingness to attend, have full access to early childhood development facilities designed to meet children's needs. In absolute compliance with the Charter, Bulgaria implements legislation that provides opportunities for work by professionally trained personnel (a team of specialists) who can perform all the activities of raising, educating, training and caring for the protection and strengthening of children's health.

It should be borne in mind that the provision of Art. 16 and on Art. E in conjunction with Art. 16 of the ESC (r.) does not set an age requirement standard for specialists in the field of early childhood development for measuring the quality of childcare services, especially those for babies. In this sense, the Bulgarian legislation fully complies with the mentioned European requirements, as it does not introduce discriminatory provisions, including those defining age restrictions in relation to specialists working in childcare facilities.

The existing regulatory conditions contribute to meeting the needs of the Bulgarian population for the provision of a quality and safe service for raising children of nursery age in childcare facilities.

It should be emphasized that given the different levels of competence and specifics of the activities carried out by specialists in nurseries and kindergarten nursery groups, the regulatory framework has created sufficient conditions and traditions for continued qualification and training of workers in children's facilities, which once again proves that conditions have been created to guarantee a sufficiently prepared capacity of staff to provide adequate care for each child.

The claim of the applicant that "the text of the Ordinance is discriminatory, as it *de facto* **does not allow the payment of benefits to children born in the second half of the calendar year**" is incorrect and unfounded. Arguments are being made for a narrow scope of the regulation, which, according to Eurochild, creates further unequal treatment of parents of children up to the age of 3, depriving them of any kind of care.

As already noted in our previous opinion, pursuant to the provisions of Art. 2, paragraph 2 of Ordinance No. 26 of 2008, children are discharged from nurseries **from September 1 of the year in which they reach the age of three**, or at the request of the parents before this period, and kindergartens are regulated for year-round admission of children based on a written application submitted by the parents (Article 4, Paragraph 1 of Ordinance No. 3 of 2007 on health requirements for kindergartens). The legally specified term in the Ordinance is in accordance with the legal requirement of Art. 63 of the Preschool and School Education Act (PSEA), according to which the school year in preschool education begins on September 15 and lasts 12 months and the provision of Art. 57, para. 1 of the same law, according to which children enter kindergarten no earlier than the school year that begins in the year they turn three.

In the case of non-acceptance of a child in a nursery school, Resolution No. 231 of August 1, 2022 determining the terms and conditions for providing funds from the state budget to compensate in 2022 the costs of raising, upbringing and educating children, which were not accepted due to a lack of places in municipal nurseries and nursery groups in municipal and state kindergartens (promulgated, SG No. 62 of 2022), regulates the conditions and procedure for providing funds from the state budget to compensate for the costs directly related to the **raising, upbringing and education of children from the age of three months until September 1 of the year in which they reach the age of three**, who are not accepted due to lack of places in municipal nurseries and nursery groups in municipal and state kindergartens..

By Resolution No. 206 of the Council of Ministers of 2023 (promulgated, SG No. 90 of 2023), an Ordinance on the terms and conditions for the provision and payment of funds from the state budget to compensate for the expenses incurred by parents for raising, upbringing and education of children who are not accepted in municipal nurseries or nursery groups in municipal or state kindergartens due to lack of free places was adopted. The decree regulates the conditions and procedure for providing and paying funds from the state budget to compensate for the expenses incurred by the parents of children from the age of three months until September 1 of the year in which they reach the age of three, directly related to their raising, upbringing and education, when children are not admitted to municipal nurseries or nursery groups in municipal or state kindergartens due to a lack of free places.

In this case, the statutory deadline for reimbursement of expenses (until September 1 of the year in which they turn 3) is fully in line with the current legislation regulating the length of the school year in preschool education and the conditions for entering and moving to kindergarten (Art. 57 and Art. 63 of the PSEA).

In order to ensure the continuity of the compensation process, the Ordinance on the terms and conditions for the provision and payment of funds from the state budget to compensate for the costs incurred by parents for the upbringing and education of children **who are not accepted**

in state or municipal schools, kindergartens or schools due to a lack of free places was also adopted (adopted by PMS No. 76/2021, promulgated, SG No. 20 of 2021).

With the two ordinances adopted, regulating the terms and conditions for compensating the costs of parents whose children are not admitted to a nursery, respectively a kindergarten, not only no discrimination based on age is allowed in relation to the affected group of children, but also continuity is achieved between the two normative acts with a view to an adequate level of compensation for parents of children of different age groups, incl. those in a disadvantaged position, in order to financially support parents to enrol their child in a private nursery and/or kindergarten. This measure contributes both to increasing the opportunity for parents to succeed in the labour market and to develop professionally, and to a favourable impact on the social status and well-being of the family as a whole.

In this sense, under the applicable national legislation, we believe that Bulgaria has developed and adopted specific measures to ensure that all young children for whom parents have expressed such desire, have full access to early childhood development facilities, designed to meet their needs. Opportunities are provided for more medical specialists to work in nurseries and nursery groups in kindergartens, under guaranteed conditions for a continuous process of improvement and enrichment of the competences of specialists working in the nursery through ongoing qualification and training, which in turn leads to the provision of quality and safe service for raising children of nursery age in childcare facilities.

It should also be noted that with Resolution No. 260 of April 4, 2024 of the Council of Ministers, the Government of the Republic of Bulgaria adopted the Annual Plan for the Promotion of Early Childhood Development for 2024, which provides an opportunity to implement a complex and integrated approach in childcare and development of cross-sectoral services to support parents and children in the early childhood period.

The document was developed by an Interdepartmental Working Group for Planning and Coordination of Policies for Early Childhood Development, in which representatives of the Ministry of Education and Science, the Ministry of Labor and Social Policy, the Ministry of Health, the State Agency for Child Protection and other institutions, various organizations and professionals with subject matter expertise, participated. A "small" working group has also been created, within the interdepartmental working group for planning and coordinating policies for early childhood development. The purpose of the small working group was to prepare a content structure and framework for a draft 2024-2030 Vision for Early Childhood Development. Within the group, an Analysis of Data and Policies in the Field of Early Childhood Development and a draft structure of the Vision were prepared and discussed.

This plan is the first national document focused entirely on promoting early childhood development. Its measures are divided into 5 areas of impact:

- health and nutrition;
- early learning, education and early childhood care;
- child protection, safety and security;
- social protection and parenting support;
- early childhood intervention.

Specific measures and activities for their implementation are listed for each of the impact areas. These include measures to improve prenatal care and ensure access to health care and services for pregnant and birthing women; introduction of patronage care programs at the national level; providing support to improve early learning and early childhood care; ensuring a sufficient number of qualified professionals to work in early childhood education and care services.

Activities to support biological families with the aim of preventing the abandonment of children are also planned; ensuring effective social protection for families with young children to reduce child poverty and social exclusion; introduction of a national screening program to

track the health and development of each child; introduction of an early childhood intervention system and others.

In the Strategic Framework for the Development, Education, Training and Learning (2021-2030), early childhood development has been identified as one of the priority areas by 2030. One of the objectives of the framework is to extend the reach of children from 0 to 7 years in the field of early childhood education and care and effective socialization through the introduction and development of integrated early childhood education and care services that offer a more effective and balanced approach between care and education, as well as accessible services for all families who need them.

At a meeting of the Council for Development under the Council of Ministers held on September 7, 2023, a decision was taken approving the proposal of the Minister of Labor and Social Policy to develop a 2024-2030 National Strategy for Children.

By order of the Chairman of the State Agency for Child Protection (SACP) dated 21.07.2023, an interdepartmental working group was established at the National Council for Child Protection, including leading representatives of the involved institutions, organizations and civil society. The interdepartmental working group has completed its work and developed a draft 2024-2030 National Strategy for the Child.

Prior to the working out of the document, in the period October 2023 - January 2024, with the aim of collecting the maximum number of proposals and taking into account the opinion of all those who are related to the well-being of children and families in Bulgaria a broad consultation process was conducted - a nationally representative sociological survey conducted in November 2023 among the adult population, with a supplementary sample among parents; a survey organized by the State Agency for Child Protection on the most important problems of children and families in the Republic of Bulgaria, their solutions and the expectations of the public regarding specific initiatives that the state should undertake; Consultations with children and parents held as part of the initiative of the Ministry of Labor and Social Policy and the State Agency for Child Protection "Voice of children and their families" in the period October - December 2023; Consultations with interested parties conducted by state institutions; Consultation with the Children's Council to the Chair of the SACP.

The draft of the 2024-2030 National Strategy for the Child is in sync with the 2022-2027 Strategy of the Council of Europe on the Rights of the Child and the 2021-2024 Strategy of the European Union on the Rights of the Child, as well as with the goals and priorities of the National development program Bulgaria 2030. The national strategy for children is also in line with the Sustainable Development Goals of the United Nations.

The draft 2024-2030 National Strategy for the Child was unanimously approved at a meeting of the National Council for Child Protection (NCCP) held on 01.03.2024.

The draft Strategy is based on eight (8) key multi-component areas that cover cross-cutting themes and integrated approaches. The first is Investments in early childhood development, as this is a key period for forming foundations for the child's development. At the national level, it is envisaged that investments in early childhood development will be a priority, thereby ensuring appropriate conditions for the growth and development of each child. Both nationally and among parents, the lack of flexible forms of employment for those raising young children emerged as the most serious problem, followed by the lack of support for parents on low incomes and at risk of poverty.

The draft of the Strategy provides for the following:

Universal Support Objectives:

- Improving access to quality health care for pregnant women and young children;
- Guaranteeing access to quality early childhood education and care services;
- Providing support to parents on early childhood development issues.

- Objectives for targeted support:
- Developing a national early childhood intervention system for all young children with developmental difficulties or disabilities.

Regarding the problems with the scope of the kindergartens in the capital, it should also be noted that during the **2014-2020** program period, the **Parents in Employment** procedure was implemented with a budget of BGN 75 million. The project was aimed, on the one hand, at parents with children aged 0 to 5 who are employed and are currently on leave to raise their child who is not placed in a childcare facility, and on the other hand, at unemployed parents who are raising their children and because of these reason they cannot start work. It is important to note that parents of large families, single parents and others from vulnerable groups were prioritized in the eligible activities. In order to provide targeted support to large families and single parents, care was provided for their children in a wider age group, namely their children could be aged from 0 to 12. Through the activities carried out, parents were given the opportunity to continue their career development, while ensuring safe and quality care for their children.

As part of the implementation of the project, 11,435 applications were received from parents, 421 of which were of parents with many children.

After the launch of the 2021-2027 program period and in response to the challenges related to providing support to ensure better opportunities for reconciling professional life with private life, under the **2021-2027 Human Resources Development Operational Program HRDOP**, an operation was developed **Parents in Employment** with a budget of BGN 24 million. Through its implementation, support is once again provided for care in raising children with the aim of returning their parents to employment, with the main goal being to ensure a better balance between personal and the professional life of single and large parents, as well as parents with young children. With the activities under the measure, care is provided for children who do not attend nurseries, kindergartens and preschool groups.

The main activities of the project implemented by the Employment Agency are:

- **Provision of care for children from 0 to 5 years inclusive**, not attending nurseries, institutions and preschool groups, of employed and unemployed parents (**care is admissible up to 8 hours per day**).

- **Provision of care for children from 0 to 12 years, inclusive**, attending nurseries, institutions, as well as school, for parents with many children and single parents (**care is admissible up to 4 hours per day**).

After approval by the parents, an employment contract with the employer, the Employment Agency, is concluded with the babysitter for a period of up to 18 months or until the child reaches the age of 5/12. The employment agency, through the labour offices, together with the parents, carry out the selection of unemployed/inactive persons who take care of children under the project.

The implementation of the project started on 19.12.2022 and up to now 1,364 tripartite child custody agreements have been concluded.

Regarding the *severe lack of access to services among Roma and other marginalized communities and insufficient data on ECEC services and disparities broken down by ethnicity, noted by Eurochild, we note the following:*

During the 2014-2020 program period, within the framework of the **2014-2020 HRDOP**, the operation **Services for Early Childhood Development** was implemented, with a budget of over BGN 78 million. The beneficiaries were municipalities on the territory of the Republic of Bulgaria, which received funding within the Project for Social inclusion, financed with loan funds from the International Bank for Reconstruction and Development /World Bank/. The aim was to ensure prevention of social exclusion, reduction of poverty among

children through investments in early childhood development and through support for the activities of the integrated social services for children from vulnerable groups. Within the framework of the implementation of the project, 60,700 children aged 0-7 received support through a complex of activities, the centre of which are the needs of children and their families, aimed at better parenting, social activities, counselling, education, social inclusion etc. Activities included individual and group work with children and parents, including non-vulnerable children and parents, to attend kindergarten; individual pedagogical support for children with disabilities; additional pedagogical training to increase children's school readiness for an equal start at school; early intervention of disabilities, direct work with disabled children and their families, incl. rehabilitation and counselling activities, training, mobile work with the child in his home; improving access to health care and health promotion through support for providing children's health consultation and disease prevention activities; provision of psychological support and counselling to future and current parents for the formation and development of parenting skills; family counselling and support, incl. work with parents and children, family planning activities, individual work; providing transport for the purpose of visiting the integrated services, kindergarten, mobile work, etc.

In implementation of the European Guarantee for the 2021-2027 Child in the Human Resources Development Program, BGN 81,281,936 have been planned, which have already been programmed within the framework of the **Future for Children** procedure, which is also the first measure with which the implementation of the National Plan for the European Child Guarantee in Bulgaria begins. A novelty in the implementation of Future for Children procedure is the implementation of patronage care for the youngest children from 0 to 3 years old. Under the Future for Children procedure, activities that include health prevention, as well as health and social services for children and adolescents, including those with disabilities. With the clear awareness that it is not possible to support children without starting with those who care for them, the operation also provided support services aimed at their families, for example parenting skills training, family counselling, etc.

The process was announced and opened for applications in November 2022, with eligible applicants being providers of children's social services, incl. municipalities, and eligible partners: providers of social services for children, incl. municipalities; non-governmental organizations and medical institutions. The selection of eligible applicants ensures that approved projects will be implemented by the organizations working in the field who best know the needs of children and families.

Through the implementation of the projects, support is provided to prevent the risks of child abandonment, reduce child poverty and improve the quality of life. Nearly 25 thousand children and their families, according to their identified individual needs, will be included in activities for health prevention, family planning, incl. prevention of early marriages and births, preparation for the education system, etc., patronage care for children from 0 to 3 years old, services for early childhood development and health and social services for children and adolescents, including those with disabilities, counselling and mediation for the market of labour. Since the beginning of the implementation of the projects, 1,371 children have been included, to whom various types of services have been provided.

In 2023, the "General and additional support for personal development in preschool education" procedure was announced under the 2021-2027 Education Program, which will contribute to the implementation of the European Child Guarantee. Activities under the procedure include additional support for personal development of children with special educational needs, at risk, with chronic diseases and gifted children; general support for personal development for access and permanent inclusion of children in preschool education through prevention of learning difficulties and programs for psychomotor, cognitive and language development of children in kindergartens; psychological support and additional

training in the Bulgarian language for children in kindergartens who do not speak Bulgarian; individual and group work with established language and/or emotional-behavioural difficulties; implementation of effective programs for health education and physical culture, etc.; intensive work with parents and increasing the qualification of pedagogical specialists and non-pedagogical staff. It is planned that 37,000 children will receive support under the Strong Start project, the contract for which was concluded on 15.02.2024, with over BGN 29 million planned for the European Child Guarantee.

It should be noted that despite the demonstrated presentation of a variety of data in the response sent by Eurochild, some of it is from an unknown source and cannot be used as reliable data (e.g. the data on page 7, for which no source is indicated) or else they can be disputed, insofar as it is not indicated to which time or to which year data refer.

In addition, we provide up-to-date data on the Group Net Preschool Enrolment Rate, which is as follows:

2017 – 2018 – 78.4%
2018 – 2019 – 78.4%
2019 – 2020 – 78.7%
2020 – 2021 – 78.1%
2021 – 2022 – 79.1%
2022 – 2023 – 87.3%

Data source: National Statistical Institute.

Note: In 2021/2022 - Break in dynamic order due to data source change. 2022/2023 – Break in dynamic order due to availability of new population estimate based on 2021 Census data.