

Project „JUST/2011/PROG/AG/1883
“Decent Work and Better Life without Discrimination”
within the 2007-2013 EU PROGRESS Programme



Ministry of Labour and Social Policy

Report

The Discrimination against Children in Institutional care: Covert, Pretended or Real and Perceivable



With the support of the EU PROGRESS Programme
for Employment and Social Solidarity 2007-2013

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The Discrimination against Children in Institutional Care: Covert, Pretended or Real and Perceivable



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This Report was drawn up in the period July-August, 2012. It reflects the results of a start-up study on the attitudes to discrimination towards children in institutional care on the grounds of: race, ethnical origin, disability, age, religion or beliefs and sexual orientation, where the intersecting point is gender.

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Summary

In the period July-August 2012, **UNICEF Bulgaria** with a team of consultants conducted a start-up study within the project „JUST/2011/PROG/AG/1883 „Decent Work and Better Life without Discrimination” with the financial support of the European Commission, through the Programme for Employment and Social Solidarity 2007-2013 PROGRESS of the European Community, implemented by the Ministry of Labour and Social Policy.

The objective of the study was to identify and study the attitudes and perceptions of children placed in Specialised Institutions to discrimination: how do children understand the notions of discrimination and fair and equal treatment; do children feel discriminated against and who and when did discriminate them; what are the grounds of discrimination they are facing according to their own perceptions: race, ethnic origin, disability, age, religion or beliefs and sexual orientation, where the intersecting point is gender (including multiple discrimination).

The main focus of the field survey were the children in institutional care aged 8-18 placed in Specialised Institutions: Institutions for Children Deprived of Parental Care (ICDPC) called also „Homes”, Institutions (Homes) for children with mental disabilities (ICMD), Socio-pedagogical boarding schools (SPBS) and Re-educational boarding schools (RBS); the children outside Specialised Institutions having direct contact with children from institutions; children having no contact with children from institutions but aware of the issue and with opinion thereof, as well as to identify discriminatory attitudes on the above mentioned grounds where the intersecting point is gender of adults employed in the sphere of institutional care and adults who, in their professional careers have contacts with children living in institutions, e.g., teachers, social workers, etc.

Discrimination is a process, which is often based on prejudice and stereotypes and, therefore, may be rational or irrational, and as a result unidentified. The specificity of the topic and of the target group has implied the use of a qualitative method of research targetting children living in institutions representative as typology of the residential care institutions existing in Bulgaria. The study identifies specific areas of manifestation of discrimination (unequal treatment) towards children in institutions, restricting or depriving children of access to and exercising of fundamental rights stipulated in the Convention on the Rights of the Child such as the right to life without violence, the right to education, the right to adequate medical care, the right to leisure time and play, etc.

All grounds of discrimination as laid down in the national Law on Protection against Discrimination, relevant to the target group were examined in details, namely: ethnic origin, religion or faith, disability, age, social origin, sexual orientation with gender being the intersecting point and focus. During the preliminary research and analysis of the relevant legislation, a hypothesis was formulated on the presence of a category and ground of discrimination, which is the „social status” defined as „a child growing up and raised in institution, outside of family environment. This category is unanimously recognised by all respondents: children in institutions, social workers and a variety of experts connected to the institutions, as a separate, stand-alone and main ground of discrimination by the society as a whole against children living in institutions, which category is called by all of them „a child from an institution”.

The study identifies as well the manifestation of multiple discrimination towards children, i.e. the most frequent hypothesis is that these children are discriminated against on multiple grounds.

An essential conclusion of the study is that children living in institutions in most cases are unaware of the discrimination they suffer as they do not have the relevant emotional, moral or social maturity and knowledge to recognise it.

However, it is quite alarming that significant part of the adults within the child protection system show explicit discriminatory attitudes and those adults themselves do not recognise them as such, which is why they deny the existence of discrimination.

On the basis of the results from the study a Report was drawn up containing specific recommendations on the development of policies and the statutory regulations on anti-discrimination in the Institutions for children in institutional care, recommendations on the institutional care system as a whole, the educational system, in order to raise the awareness and sensitivity of the society in order to prevent such phenomena.



Methodology of the study

Objectives and Rationale

1. To examine the discriminatory attitudes and practices towards children in institutions
 - to study the discriminatory attitudes and practices on the following grounds: gender, age, race, ethnic origin, disability, social background, religious affiliation, sexual orientation, living in an institution, and the ways they interweave putting the main focus on the intersection of gender;
 - to identify in which spheres and in what situations discrimination towards children from institutions is manifested;
 - to find out which social actors demonstrate discriminatory attitudes and practices to children from institutions: children of the same age (in the institution, at school, in the street), the personnel of the institutions, the school personnel, other professionals, the community (the parents of classmates of children from institutions; the doctors taking care of children from institutions; the police officers; the representatives of local authority, etc.);
 - to examine the forms of the discriminatory attitudes and practices.
2. To understand the perceptions of institutionalised children of discrimination and equal treatment
 - to find out to what extent institutionalised children are familiar with the term „discrimination” and how they construe it;
 - to examine the meanings of the terms ‘fair and equal treatment’ for institutionalised children.
3. To study the perceptions that the children in institutional care have about the discrimination against them.
 - to find out to what extent children living in institutions feel discriminated against;

- to study in what cases, how and on what grounds they feel discriminated;
 - to identify the social actors, by which children living in institutions feel discriminatory attitudes and practices;
 - to find out the implication of discriminatory attitudes and practices on children’s daily lives in institutions.
4. To identify to what extent discrimination happens because of social isolation, absence of family environment and family support, of friends, parents, close relatives, neighbours.
 5. To identify good practices to overcome discriminatory practices towards children in institutions.

Hypotheses of the study

The main hypotheses of the study are the following:

1. Children from institutions suffer various forms of discrimination as they feature a great many discrimination grounds, and the leading ground there turns to be **the social status** (child from an institution).
2. Children from institutions are more vulnerable to discrimination because of the social isolation, the absence of family environment or family support, of friends, relatives, neighbours and due to a number of gaps in the legislative, institutional and administrative framework and its adequate implementation, which does not allow to fully guaranteeing their rights.
3. Children from institutions feel they are unequally treated and even tend to over-expose their unequal treatment

The study is not based on quantitative assessments, but uses qualitative methods, namely: focus group discussions and in-depth interviews.

Field Work

The field study was conducted in the period July – August 2012 including visits to 4 Institutions for Children Deprived of Parental Care, 1 Institution for Mentally Disabled Children, 1 Socio-Pedagogical Boarding School, 1 Re-educational Boarding School.

Equal numbers of girls and boys were interviewed and those were divided in two age groups: 8-13 and 14-18 years old.

The following was carried out:

- 6 focus group discussions with children aged 8-13 (3 groups of girls and 3 groups of boys);
- 6 focus group discussions with children aged 14-18 (3 groups of girls and 3 groups of boys)
- 6 in-depth interviews with children placed in institutions;
- 3 in-depth interviews with children placed in foster families;
- 3 in-depth interviews with children who have left the institution because of age (over 18 years old),
- 5 focus group discussions with children aged 8-13, not placed in institutions (2 groups of girls and 3 groups of boys)
- 5 focus group discussions with children aged 14-18, not placed in institutions (3 groups of girls and 2 groups of boys)
- 31 in-depth interviews with professionals, out of them 18 educators (care workers), social workers and teachers working with children placed in institutions, and 13 experts working in the sphere of child protection.

When the results were presented reflecting the differences, if any, taking into consideration the viewpoints of the groups of children divided by sex and by age, the group 8-13 was called „younger children”, while the group 14-18, was called the group of „older children”.



„...We're here all under the same roof, we all sit at the same table, we aren't divided here into Roma, Turks or Bulgarians...”(a child from an Institution for Children Deprived of Parental Care)

„...Yes, we know what the rights of the child are: these are the rules of the Home hanging on the wall...”(a child from an Institution for Children Deprived of Parental Care)

„...Well you know, since we're a bit different we have nowhere to get from. You know how many people there are in this neighbourhood, older than we are, you know, all of them want to work. They never take them though, because they want a lot of cash...” (a child from a Re-educational Boarding School)

Introduction

The equal treatment, the equal access to rights and freedoms and the equality before the law are the fundamental principles guaranteeing that every person may exercise and enjoy its rights. The prohibition of discrimination is one of the four core principles of the UN Convention on the Rights of the Child (CRC). Although CRC does not provide a definition of discrimination, the UN Human Rights Committee issued a General Comment No. 18 of 10.11.1989, where discrimination was defined as: *„any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms”*.

Are children in institutions discriminated against, are there abuses and prevention measures to cope with unequal treatment? Is discrimination against children isolated and unconscious or a regular practice? Do diverse forms of discriminatory treating aggravate additionally the unequal status of the children in the social institutions, and is any prevention possible?

There are still no sufficient studies examining the relation between the different discriminatory attitudes leading to tolerating the violence against children. As far as children in the social institutions are publicly recognisable as subject of discrimination, this has to do with their social and family status (abandoned), ethnic origin (most commonly, Roma), presence of disability or behaviour in conflict with the law. Identifying discrimination on the ground of gender is seldom and is associated with an existing discriminatory practice on the other above mentioned four grounds, which leads to the sad conclusion that the children are victims of discrimination on more than one ground.

This qualitative research carried out by UNICEF Bulgaria with a team of consultants within the project JUST/2011/PROG/AG/1883, refers to what attitude children living in different specialised institutions have to discrimination and what they feel as discrimination, and to finding out any existing discriminatory practices on different grounds where the intersecting point is gender, exercised by children in the institutions themselves, or by the personnel in institutions as well as by State authorities relevant to institutionalised children, and discriminatory attitudes of their surround-

ing environment. **This study does not tend to give a quantitative answer concerning the extent or spreading of discriminatory practices, but to identify discriminatory practices as such by associating the very presence of discrimination with limitation or even depriving children living in**

institutions of access to certain rights. This Report reflects the opinions of interviewed children living in institutions and outside them, of adults working in institutions and experts engaged in the range of issues related to child protection and child care in institutions.

Are children in institutions subjected to discrimination: a key result

Before giving an answer to this question we tried to find out whether and how the children do understand the term „discrimination“. The majority of interviewed children had never heard about the word „discrimination“, and those who had could not explain it. They did not identify themselves with that word, neither did they understand it. At the same time they were quite aware that there was no equality between them and „the other children“, particularly in the sphere of education, housing environment, of access to information and the opportunities for professional life in the future.

It is hard to identify discrimination on the ground of gender as gender is not determinant for all the other deficits. The ethnic origin is hardly a reason for inequality amongst the children (according to their opinion, perception and understanding).

What differentiates these children most of all from „the others“ and is tangible for them is their social and family status and the fact that they live in an Institution. For some of them that Institution is a chance, yet there are others who think that the Institution is something that must be lived through, until they take their lives into their own hands.

Just a small part of the children had heard about „child's rights“. In practice, the children confuse the terms „rights“ and „rules“, and the rules mean mostly children's obligations and restrictions in the institution.

The adults tend to oppose children's rights to their obligations and they quite often reduce those two terms to purely daily issues: obligation to cleanse, tidy up, get home in time, go to school every day, personal hygiene, etc. and are seldom aware of their own discriminatory attitudes.

I. Study of relevant documents

A review of the existing legal and policy framework (legislative acts, programmes, strategies) in the spheres of protection against discrimination towards children where a special emphasis lies on the intersecting point with discrimination on grounds of sex.

This review is aimed at marking the leading directions and at making a brief summary of key statutory instruments, which are part of the applicable legislation in Bulgaria in respect to discrimination related issues¹, with a special focus on children. The review includes, inter alia, the most important strategic documents, which are topical and provide the background to policies and guidelines to the specific measures taken by the State to guarantee the equality of all children in Bulgaria.

1. Introduction into the Legal Framework

The prohibition of discrimination against children is stipulated as a fundamental principle in a number of Bulgarian and international laws and conventions. Discriminate means making a difference, having a different attitude towards people who are not different, or treating people equally when they are different.

The discrimination could be **direct, indirect or positive** (also known as reverse)². Positive discrimination is the explicit partiality to specific group/groups of people who have, in their history or for a long time, been subjected to discrimination; the sought re-

sult is the compensation for the hidden discrimination and the provision of a more balanced social representation. The objective of the positive discrimination is to “remedy” past injustice. The question whether such measures must be undertaken in a State is a good reason for a serious debate. The critics claim such measures are an attempt to promote equality through inequality, and this will additionally boost the segregation of less represented groups³.

a) International Legal Framework⁴

UN Convention on the Rights of the Child:

* The Member-States undertake to protect children’s rights, without any discrimination irrespective of their race, colour of skin, sex, language, religion, political or other opinion, national, ethnical or social origin, property, disability, birth or any other status of the child, of his or her parents or legal guardians. (Article 2). Our State was given the competences to take all appropriate measures needed to ensure protection to children against discrimination. The best interest of every child is of key importance.

* According to Article 4, Member States shall take all necessary legislative, administrative or other measures to implement the rights under the Convention and to protect a child against violence, injury, abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19).

¹ Anti-discrimination standards may be found in a number of statutory instruments referring to regulations connected with the different protective grounds, however here we have specified the key instruments only shaping the framework of the special provisions.

² A direct quotation from: <http://www.legaltheory.org/index.php?rid=22&id=181>

³ From: EDUCATION AND MIGRATION strategies for integrating migrant children in European schools and societies, A synthesis of research findings for policy-makers, Report submitted to the European Commission, by the NESSE network of experts, April 2008, para. 7.3 **Affirmative action:** http://ec.europa.eu/culture/documents/education_migration_nesse.pdf

⁴ The review lists the most important international instruments encompassed by the scope. Apart from those, Bulgaria has enforced part of domestic legislation: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Political Rights of Women, Convention (ILO No. 111) concerning Discrimination in Respect of Employment and Occupation, Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006, Directive 2010/41/EC of the European Parliament and of the Council of 7 July 2010, etc.

* The protection measures may include the establishment of social programmes to ensure full assistance to the child.

European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHRFF) is a fundamental document for protection against discrimination aimed at the protection of a great number of civil and political rights by prohibiting the discrimination; according to Article 14.

* The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground, such as sex, race, colour of skin, language, religion, political and other opinion, national or social origin, association with a national minority, property, birth or any other status.

* Article 14 by itself does not lead to independent protection against discrimination; rather, it is a protection when there is a case of discrimination already. It could be applied in combination with other European regulations. It is important to emphasise that one of the grounds thereto is 'the social background/origin'.

UNESCO Convention against Discrimination in Education (1960):

Article 2 allows for undertaking some measures of different treating, which will not be deemed to constitute discrimination. Moreover, Article 4 stipulates that the development and carrying out equal opportunities policy in the education is obligatory.

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse:

* This Convention is aimed at preventing sexual exploitation and providing protection to children victims of sexual abuse.

* This Convention promotes the principle of non-discrimination contained in Article 2: protection for children victims of sexual abuse shall be secured without discrimination on any grounds such as sex, race, colour of skin, language, religion, political or other opinion, national or social origin, association to national minority, property, birth, sexual orientation, health status, disabilities or other status.

1996 European Social Charter (revised):

This Charter is an important instrument for protection of children against discrimination supplementing ECHRFF. Part 1, paragraph 17 mentions that "children and young persons have the right to appropriate social, legal and economic protection".

* Article 17 refers to children and young persons' right to social, legal and economic protection. Paragraph 1 includes the right of education by providing sufficient and adequate institutions and services for children, and taking measures for protection of children and young persons against negligence, violence or exploitation (B), provision of protection and specialised aid from the state for children and young persons temporarily or definitely deprived of their family support (C). Article 15 of the Charter refers to taking measures by the State, (anti-discriminatory legislation) aimed at supporting the integration of children with disabilities to the State education programmes. The objective is to prevent the segregation of these, deprived of the right to education, which is easily accessible to the majority of schoolchildren. According to paragraph 3 of the same article for the purposes of a better integration of persons with disabilities, positive measures are necessary in the spheres of access to transport, housing, telecommunications, and opportunities for access to cultural activities and leisure.



Interesting Practice⁵**European Committee of Social Rights (June, 2008)**

Mental Disability Advocacy Centre (MDAC) against Bulgaria.

The Centre requests the committee to accept that the impossibility of the government to provide education to children with moderate, grave, or severe mental disabilities living in Residential Institutions violate Article 17, paragraph 2 in connection with Article E of the Revised European Social Charter.

The Committee considers the complaint to be grounded and that it is a case of discrimination against children with moderate, severe and grave mental disabilities living in residential institutions, as a result of the small number of such children who do receive some kind of education, in comparison with all the other children. The Committee considers that every type of education must meet the criteria such as it must be available, accessible, appropriate and adaptive. Furthermore, it states that where it is exceptionally complicated and expensive to ensure some of the rights protected by the revised Charter, the measures undertaken by the State shall meet the following three criteria: 1) reasonable period, 2) measurable progress, 3) financing with optimal use of available funds.

UN Convention on the Rights of Persons with Disabilities

* This is a key document of the last decade adopted by the UN, which was ratified by Bulgaria in 2012. This Convention expressly regulates and reaffirms that people with disabilities and everybody else have equal rights. Human rights and fundamental freedoms belong to each and every one of us and people with disabilities are no exception thereto.

* Women and girls with disabilities suffer a great many forms of discrimination, and in this sense measures must be undertaken to support them to fully exercise all human rights and fundamental freedoms.

UN Convention on the Elimination of All Forms of Discrimination against Women

* Ratified in 1981 and enforced in Bulgaria as of 10.03.1982, this Convention defines the discrimination against women: Article 1 states that „discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment

or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”

b) National Legislation**Constitution of the Republic of Bulgaria:**

The prohibition of discrimination is set out in the Constitution of the Republic of Bulgaria, which attaches importance to equality of all citizens before the law.

* According to the Constitution, there shall be no privileges or restriction of rights on the grounds of race, national and social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status (Article 6, paragraph 2).

* Furthermore, the Constitution expressly mentions that children shall enjoy the special protection of the State and of the society.

2000 Child Protection Act (CPA):

* The law is intended to regulate child protection and children’s best interest. Ac-

⁵A serious practice on the theme is also contained in the lawsuits against Bulgaria in the Strasbourg Court.

According to the law, a child shall be any natural person under 18. The Child Protection Act contains a number of measures aimed at child protection.

* According to Article 10 "Every child has a right to protection with a view to his/her normal physical, intellectual, moral and social development and to protection of his/her rights and interests." There shall be no limitation of rights, nor any privilege, on the grounds of race, nationality, ethnic identity, sex, origin, property status, religion, education and beliefs or presence of disability (Article 10 paragraph 2).

2004 Protection against Discrimination Act (PaDA): This is the fundamental legislative instrument introducing the grounds for protection against discrimination and the mechanisms for protection.

* The objective of the law is to ensure to every person the right of equality before the law, equality in treatment and in the opportunities to participate in public life and effective protection against discrimination.

* Grounds: any direct or indirect discrimination on grounds of gender, race, nationality, ethnic origin, human genome, citizenship, origin, religion or faith, education, convictions, political appurtenance, personal or social status, disability, age, sexual orientation, family status, property status or based on any other grounds established by law or by an international treaty the Republic of Bulgaria is a party to, shall be prohibited (Article 4, paragraph 1 Protection against Discrimination Act).

* The list of the protective grounds according to Protection against Discrimination Act is opened, i.e. the law allows for the protection on other, additional grounds, which are not expressly mentioned there.

* This Bulgarian law, in comparison with other international and Bulgarian acts, has the broadest scope. It prohibits eight forms of discrimination whereof it provides legal definitions. These are direct and indirect discrimination (Article 4, paragraph 2), harassment, and sexual harassment, inducement to discrimination, persecution, racial segregation and architectural envi-

ronment hampering the access of people with disabilities (Article 5).

* The law prohibits discrimination both through action and through inaction (§ 1.6 of the Additional provision).

* The Protection against Discrimination Act provides for a number of exceptions from the prohibition of discrimination where it admits justifiable different treating (Article 7, paragraph 1). These exceptions are exhaustively listed and no other exceptions shall be admissible. They shall be narrowly interpreted and applied. Furthermore, special measures are provided in favour of persons or groups of persons in disadvantaged situation on the basis of the grounds under Article 4, paragraph 1 to equalise their opportunities, where such measures are necessary. Among them are: the special protection of children deprived of parental care, underage persons, single parents and persons with disabilities as established by law.

2005 Integration of People with Disabilities Act:

* This law regulates the integration of people with disabilities in the society and achieving equality for them. The law defends their rights, provides support for them and their families and supports their integration in a work environment (Article 2).

* This law expressly prohibits discrimination (direct or indirect) of people with disabilities (Article 3).

1999 National Education Act:

This law refers to the right to education of all citizens in Bulgaria.

According to Article 4 paragraph 2 "No restrictions or privileges based on race, nationality, sex, ethnic and social origin, religion and social status shall be tolerated".

* The children with special education needs and/or chronic diseases shall be educated in an integrated way in the schools according to Article 26, paragraph 1, points 1-10. According to Article 27 paragraph 2, schools shall also be bound to accept these children. There is also the possibility to establish special schools if necessary, and the

⁶Its status still is that of a bill before second reading at the National Assembly

principle will be the same as the principle applicable with the kindergartens. According to Article 43, the Ministry of Education, Youth and Science shall create conditions for the discovery and training of gifted children and to establish scholarship funds both for such gifted children and for children with chronic diseases or special needs.

The new Draft Act on Pre-School and School Education

* The Draft Act on Pre-School and School Education is aimed at ensuring statutory prerequisites for an integral and effective implementation of specific measures taken both from the strategy for economic growth "Europe 2020" and from national strategic documents.

* A new element is introduced in the educational process: „support for personality development or development as individuals". This concept is bound to training, upbringing and socialisation of children and schoolchildren. The philosophy in the fundament of the project refers to the relation between the emotional, the moral, the social, and the intellectual development of the

child or schoolchild, and the shaping role of training at school. The main focus there is on the care for the human factor.

* The second level of support includes situations of children with special education needs, children with chronic diseases, gifted children, and children at risk.

* A new step in the educational policy is the team casework concerning a child or a schoolchild. This team casework involves individualisation of training, support and integrated care of the child or schoolchild in the period of his/her training for as long as necessary. The teams are established and operate flexibly according to the needs of the child or schoolchild, rather than acting on a stiff and permanent basis. Support Teams for Personality Development are also established on a Regional Education Administration level, and their function is related to control, monitoring and co-ordination of those teams' work on kindergarten or school level.



2. Bulgarian and European Strategic Documents

Europe 2020 Strategy

This is the leading EU strategic document to develop its goals involving *smart, sustainable and inclusive growth* within the framework of a variety of initiatives to be supported by financial instruments of structural funds. At EU level, the Commission will work to develop policies to outline a youth employment framework aimed at the reduction of youth unemployment rates.

According to the leading initiative: “European platform against poverty and social exclusion”, the objective is to ensure economic, social and territorial cohesion ... by acknowledging fundamental rights of people living in conditions of poverty and social exclusion by providing opportunities to those people to live in dignity and to participate actively in society. On a national level, Member States must define and implement measures tackling the specific circumstances of groups at special risk.

National Reform Programme (2010-2015) - in pursuance of “Europe 2020” Strategy

The priorities in the sphere of education are aimed at: enhancing quality in education, provision of equal access to education and opening of the educational system, etc.

Enhancing the level of labour force’s knowledge and skills will be carried out by providing a set of awareness and advisory quality services. National Goal 5, which is „Reduction of the number of people living in poverty by 260 thousand” provides for a reduction in the number of children in the 0-18 age interval who live in poverty by 78 thousand (30% of the general national goal and 25% of the number of poor children in 2008).

In its combat against poverty, the Bulgarian Government will be assisted, inter alia, by World Bank’s efforts, too. A good focus of co-operation is the financing of the **Social Inclusion Project**, whose goal is providing social inclusion to children from groups at risk, i.e. to children from low income families, children with disabilities, children from vulnerable ethnical groups.

European Disability Strategy 2010-2020

EU encourages the equal treatment of people with disabilities through a twin-track approach encompassing legislation and strategies against discrimination and encouragement and promotion of equal opportunities in other policies. Special attention is dedicated to the impact of discrimination on people with disabilities on grounds of age, gender and sexual orientation. The Commission guarantees full application of the EU Directive prohibiting discrimination in employment on grounds of disabilities.

Strategy for Equality between Women and Men 2010-2015 and 2011-2020 European Pact for Gender Equality between Man and Women

The Strategy for Equality between Women and Men 2010 – 2015 is an instrument whereby the European Commission undertakes to follow a twin-track approach, by combining integration of gender equality aspects in all spheres of policy, and specific measures for encouragement and promotion of a better balance between professional and personal life of women and men, including better provision of adequate, high quality and affordable services: care for children of age under the school start obligatory age in order to achieve the goals set by the European Council in Barcelona in March, 2002, by taking into account the demand of such services and in accordance with the national childcare provision schemes;

National Strategy for Encouragement and Promotion of Gender Equality 2009 -2015 and the 2012 National Action Plan for Encouragement and Promotion of Equality of Women and Men

Among the main goals pursued by these are: gender equality in social protection systems and measures combating poverty, taking account of the ground „sex” in the area of education and health care, elimination of discrimination at workplace, combating multiple discrimination, including the ground „sex”, enhancing and broadening the scope of social services (State, municipal and private) to be provided to children and dependent family members.

The Action Plan stresses on the protection of women against violence (including domestic violence) by giving more power to women; co-operation between non-governmental organisations and law enforcement authorities to achieve a more efficient protection against violence. The Action Plan's objective is, among others, to eliminate the existing gender based stereotypes, and to promote counteraction to discrimination.

National Youth Strategy (2010-2020) for Establishment of a Better Educational System and Easier Access to the Labour Market

One of its goals is the provision of access to vocational education and training of disadvantaged youth, i.e. young people with special education needs, young people in social risk or dropped out of the education system.

Among the Strategy objectives are: support to specialised enterprises and co-operatives of young people at risk, i.e. young people with disabilities and young people at social risk (persons who are beneficiaries of social assistance, representatives of vulnerable ethnic minorities, persons leaving Specialised Institutions for provision of social services, substance addicted persons, former prisoners, etc.), representatives of communities employed in social enterprises, co-operatives and specialised enterprises; support for establishment of social enterprises responsible for the provision of jobs for young people at risk.

Another strategic goal is the prevention of social exclusion of young people in unequal position, i.e. young people in Specialised Institutions; young people with disabilities; young people leaving Specialised Institutions; young people suffering from a variety of dependencies; former prisoners and other groups of young people at risk.

The first operational target is to integrate youth policy with child protection measures and development of social services (including support, personal assistance, mentorship), appropriate for young people at risk aged 18 - 25, aimed, in particular, at their integration via child protection measures.

The second operational target is provision of social services to disadvantaged youth,

and the objectives there are as follows: encouragement and promotion of co-operation among social workers, youth workers and youth leaders for integration of young people in social risk, assistance in the social adaptation and enhancing the employment adaptation and capacity of disadvantaged youth, enhancing the quality of social services for young people in Specialised Institutions and support their inclusion into the society, as well as provision of support for their full integration in all areas of public life.

2008-2018 National Strategy for the Child

The National Strategy for the Child is a political instrument defining the priority directions and actions to improve child welfare in Bulgaria. The strategy was adopted in pursuance of Article 1, paragraph 3 of the Child Protection Act (CPA) and was based on the fundamental principles as of the UN Convention on the Rights of the Child.

The Strategy is aiming at the provision of conditions for effective exercising of the rights and improving the quality of life of children as a condition for their free and full development as individuals. It marks the following operational targets:

1. Reducing child poverty and creation of conditions for social inclusion of children.
2. Provision of equal access to quality pre-school preparation and school education to all children.
3. Improving children's health.
4. Encouragement and promotion of child participation in making and implementation of policies referring to their rights and responsibilities distributed by gender.

The children placed in Specialised Institutions have a key position as group of children at risk. Some of the main factors pointed out are: placement of children from disadvantaged and vulnerable groups in Specialised Institutions, due to the difficulties they face while raising them (economic, psychological, and social) combined with the lack of sufficient care services that may be regarded as alternative to institutional care.

National strategy „Vision for the Deinstitutionalisation of Children in the Republic of Bulgaria” and 2010 – 2020 Action Plan

This is the most recent comprehensive strategic document relevant to the children at risk related policies adopted in 2009 and thereafter developed as an Action Plan defining the programmes and the measures to be taken within a short term, and their financial backing using EU funds. The document is based on the principle of the best interest of the child, support to families and creation of best conditions for the development of children and fulfilment of their full potential. Furthermore, this policy paper is based on respecting the rights of the child, the norms, standards and principles of universality, indivisibility and non-discrimination, and, at the same time, is characterised by its high sensibility, flexibility and preparedness to meet all encountered challenges.

The Plan provides for the legal definition of the terms and the conditions concerning the support of young people, who have completed 18 years when leaving the care system.

2010 – 2013 National Programme for Guaranteeing the Rights of Children with Disabilities

In 2010, the Government adopted a special document in the area of protection of children with disabilities, which pretends to promote an integrated approach and to specify the measures in the key spheres: health care, education, social sphere, which need to be taken in order to ensure equal opportunities to exercise the rights of children with disabilities. These objectives and measures include, to mention some of them, the following: provision of accessible architectural environment to children with special educational needs in kindergartens, schools and service personnel; developing a National Strategy for Inclusive Education and Supporting Environment allowing all children to be included in the educational system. Another operational target is the achievement of a change in the attitudes of society towards children with disabilities to be coupled with measures such as consistent and continuous work intended to a change and consolidation of the role of the media as partners to the process of changing the attitudes of the society.



CONCLUSIONS:

- The applicable legislation in Bulgaria (i.e. internal legislation and legislation enforced in conformity with international instruments Bulgaria is a party to) sets as part of the legal framework a wide range of „protection grounds”, which, by themselves, are relevant to children living and placed in the system of the Specialised Institutions in Bulgaria.
- Such „protection grounds” do not specify expressly any grounds defined as „child in the care system”, „children deprived of parental care” or „child in an institution”; however, there is no doubt that the ground „social status” may include as an independent ground the definition „children raised in institutions” or any other related definitions.
- The majority of strategic documents regards children in institutions not only in the light of the other grounds (disability, family status, ethnic origin, etc.), but also as „a vulnerable group of children” and in respect of such children, some specific measures are provided for guaranteeing the equal access and the exercise of rights that must be equal to those of the other children. These measures are stipulated mostly in programmes intended to take these children out of the system for protection and/or redirect them to other forms of alternative care, which is to ensure better social inclusion.
- The adequate social inclusion of these children will require to guarantee them the possibility to exercise their rights using positive and supporting measures (the positive discrimination towards them is on the basis of the ground “children deprived of parental care”), however, unfortunately, the number of specific programmes provided for and leading to a tangible result is exceptionally small and their effect remains controversial (which, by itself, is also the conclusion of the study).

II. „Specialised Institutions” for Child Care Outside of the Family

1. Institutions for child care outside of the family

Placement of a child outside his/her own family, in a specialised institution, a boarding school, a residential social service, a foster family, etc., for a certain period of time and for different reasons, shall most generally be defined as child care outside the family or „public care”. The childhood and sometimes the adolescence of these children, for a shorter or longer period of time is being spent away from their own family home – mostly in an institution⁷ which is organised in a way allowing group raising of many children who cannot live with their close relatives and important adults. In these institutions live together children of different gender and age, children with different problematic life stories and personal background. Due to the large number of children living at the same place, or because of the absence of strong emotional relation between the care givers working in the institutions and providing different services to their „clients” or „service users” (namely the children), phenomena such as violation of rights, or neglecting children’s needs, violence, lack of conditions for child participation in decision making concerning their own personal and public matters presumably impact negatively the daily lives of children. There are specific risks for the life of children outside the family and therefore it needs to be closely monitored and directed.

Places where children needing care outside the family are usually placed

According to Article 36, paragraph 2, of the Regulation on the Application of the Social Assistance Act, the resident type of social services provided in the community, are as follows:

a) Placement Centre of Family Type (PCFT);

PCFT is a social service whereby the environment is close to family environment and there is a possibility through work with the child and his/her family, to achieve correct and balanced growing-up of the child, and increase his/her perspectives to live with his/her own, foster or adoptive family.

b) Provisional placement centre;

This social service is provided provisionally to users, whose cases need assessments of the prospects of possible solutions.

c) Crisis centre;

This social service provides institutional protection and protection to children, victims of violence in or outside their families, victims of human trafficking, etc. This service is of temporary nature, and apart from safe environment, it includes a special programme to overcome the psychological trauma.

d) Transitional home;

This is a house or space where a small group of young people (aged 16 to 18) are living together before leaving the care system and to start independent live in the community.

e) Protected home;

This is a house, or a space, or a group where people live independent lives assisted by professionals. (These “homes” are provided to young people with disabilities over 18 years old)

f) Monitored home;

This is a social service where, apart from placement and support, counselling is provided to persons over 18 years old, who have to leave the specialised institution.

g) Asylum;

⁷ The largest number of children in the child protection system is placed in specialised institutions. By December, 2011, the total number of children placed in Institutions for Children Deprived of Parental Care, Institutions for Children and Young People with Mental Disabilities / Institutions for Children with Mental Disabilities and for Medical and Social Care for Children was 4755 (according to data of State Agency for Child Protection). This number should be supplemented by the number of children placed in Re-educational Boarding Schools/Socio-Pedagogical Boarding Schools, whose number was 244 during the 2011/2012 academic year.

Asylums for unattended children are institutions for social services where children are sheltered provisionally and free of charge until their parents or relatives or tutors take them back, or until they are placed in an appropriate health institution, or in a social or educational institution.

According to the same Article 36 from the Regulation on the Application of the Social Assistance Act „Specialised Institutions for provision of social services for children“ are the following:

- a) Institution (home) for Children Deprived of Parental Care;
- b) Institution (home) for Children with Physical Disabilities;
- c) Institution (home) for Children with Mental Disabilities;

The social services in the Specialised Institutions shall be provided after the exhaustion of all opportunities for provision of services in the community.

The placement in a specialised institution is being decided upon as an ultimate measure after all other possibilities have been exhausted – support for the family, placement with close friends and relatives, foster care, resident services within the community and, finally, institutional care. The legislator’s logic is that the institutions are the least appropriate place for raising a child within the child protection system. This measure is expected to be provisional until the most important decision is made – the decision on the reintegration of the child into his/her own family or his/her inscription into the adoption register.

However, the expectations this to be achieved are based on the shortest possible period of stay of the child in the system of institutional care and on improving the contacts with his/her own family where this is possible. Where the child has permanently lost his/her possibility to be raised by his/her parents, the foster family will be the environment where continuous stay is to be expected.

Other types of organised life in institutional environment are the Socio-Pedagogical Boarding Schools and the Re-educational Boarding Schools (former detention

schools), which are connected to the current system of combating delinquency and antisocial acts committed by children and underage persons.

The Socio-Pedagogical Boarding Schools and the Re-educational Boarding Schools are State schools where placement is being made as per the Law on Combating Anti-Societal Acts of Children and Underage Persons (Chapter V, Article 28-30, point 1,2; promulgated in the State Gazette, no. 25 of 3 April, 2009). They are financed by the State budget through the budget of the Ministry of Education, Youth and Science.

Socio-Pedagogical Boarding Schools (SPBS) are State schools where children over 8 years old and underage persons shall be placed, who have committed antisocietal acts. In Re-educational Boarding Schools (RBS) children over 8 years old as well as underage persons are placed, who have committed antisocietal acts and for whom the re-educational measures under Article 13, al.1, points 1-10 and 12 of the Law on Combating Anti-Societal Acts of Children and Underage Persons, have proved to be insufficient, and for whom there is no appropriate social environment for normal upbringing.

The SPBS and the RBS are located in small settlements in order to drive those children away from criminogenic environment, with a maximum stay of up to 3 years, however, with opportunities to voluntarily stay more and complete whatever stage of the academic cycle needs to be completed.

Subject of this study are the residential institutional forms of care for children rather than the resident services in the community. **The institutions covered by the study are selected to be representative within their own type and the objectives they fulfil, and have some specific feature defined by the type of the settlement, the prevailing ethnic group in the region, the number of children, etc.** This is how the study is expected to give a general picture of the attitudes and perceptions of children in institutional care across the country.

2. Characteristics of the Selected Institutions for Residential Child Care

For the purposes of this study the following kinds of institutions were selected:

An Institution (Home) for Children Deprived of Parental Care in a small settlement where children aged 7 to 18 are placed. The Home is an institution providing care for children of a typically "collective" way. The small settlement always limits the opportunities to choose schools or different leisure time occupations for children; however it ensures lower level of stress and risks unlike the situation of children in town. Children there are raised in closed and isolated environment.

An Institution (Home) for Children Deprived of Parental Care in a small town with population of diverse ethnicity: Bulgarian, Turkish and Roma. The children from 7 to 18 years old placed in the institution are also from those three ethnic groups. The Municipality offers a variety of social services for children and families, both in the Home and in the community through a Complex for Social Services. The personnel of the Home belong also to the three prevailing ethnic groups enabling them to provide higher quality of case-work and work with parents.

An Institution (Home) for Children Deprived of Parental Care in an economically developed middle town. The children from the institution, aged 7 to 18 years attend different schools and communicate with their peers outside of the institution. Their contacts with external environment are not limited. They have diverse opportunities to do many things in their leisure time. Children with special educational needs form a significant percentage of the children in the Home.

An Institution (Home) for Children Deprived of Parental Care in a large city featuring very well developed tourism. The opportunities for the institution to select highly qualified personnel are high and so are the opportunities for education of the children, aged 7 to 18 years. The Home follows a special training programme for children to acquire social skills, which is necessary for those leaving the institution.

A Socio-Pedagogical Boarding School located in the surroundings of a large city having poor transport communication where there are around 50 children, both girls and boys, from the entire country. They are placed there according to a court decision for having committed light antisocial acts. The boarding school provides regular education; children have also some vocational classes. Children attend a Centre for Work with Street Children in the nearby city and thus they have access to another environment.

A Re-Educational (detention) Boarding School where only boys of different ethnic and religious backgrounds from all over Bulgaria are placed; they are placed following a Court Order for having committed medium to grave infringement. The children are isolated and deprived of contacts with the outer world. The RBS make attempts to develop vocational training; however, due to the isolation of the settlement, there is little choice of professionals who would wish to work there.

An Institution (Home) for Children and Young People with Disabilities, where children are placed for longer period of time as these are children whose parents have abandoned them and voluntarily terminated their parental rights, i.e. these children are permanently institutionalised. No contacts with the families are maintained. The Home implements a variety of projects to improve the care for the children; however, this may not compensate the absence of highly qualified personnel or the lack of opportunities to integrate these children in the society.

In order to have a more complex and complete picture of the points of view of children living in institutions, in the frame of the study some interviews are made with children who have left the institutions because of age (over 18) and with some children in foster care.

III. Results of the empirical research

How many children live in residential institutions?

By December, 2011, there were **127** specialised institutions for residential care in Bulgaria where children were placed according to the Child Protection Act. Out of those, **31** were **Institutions (Homes) for Medical and Social Care (IMSC)** subordinated to the Ministry of Health Care. The number of children in there by 31.12.2011 was **1820**.

There were **72 Institutions (Homes) for Children Deprived of Parental Care (ICD-PC)**. The children in them were placed in two age groups: 3 - 7 and 7 -18 years. By December 2011 there were 22 ICDPC for children aged 3-7, caring for 509 children placed under the Child Protection Act and 50 ICDPC for children aged 7-18, caring for 1685 children. The total number of children institutionalised in the **Institutions (Homes) for Children Deprived of Parental Care** by 31.12.2011 was **2167**.

There were **23 Institutions (Homes) for Children and Young People with Mental Disabilities (ICYPMD)** and **Institutions (Homes) for Mentally Disabled Children (IMDC)**, and **one Institution (Home) for Children with Physical Disabilities (ICPD)**. These were decentralised to the municipalities and were methodologically subordinated to the Ministry of Labour and Social Policy. These institutions cared for **768** children aged 4 – 18 years, by 31.12.2011. Additionally, by the end of 2011, 436 young people aged over 18 years were placed in them.

Here it must also be accounted for the children placed in **Socio-Pedagogical Boarding Schools (SPBS)** and **Re-Educational Boarding Schools (RBSs)**, which are subordinated to the Ministry of Education, Youth and Science. The number of those children by the end of the 2011/2012 academic year was 244. The children in those two types of institutions were placed there as a result of lawsuits for antisocial acts committed.

The children who fall within the scope of this study are the children from the Institutions (Homes) for Children Deprived of Parental Care aged 7 to 18 and the children from Institutions (Homes) for Mentally Disabled Children, Socio-Pedagogical Boarding Schools and Re-educational Boarding Schools, whose number by 2012 was approximately 3000.

**Information from the State Agency for Child Protection and the Ministry of Education, Youth and Science*

1. Status quo of Children in Institutions Seen through the Eyes of Those Interviewed

This part of the report is mostly dedicated to the attitudes and opinions of interviewed educators, care givers and social workers from institutions, teachers from schools attended by children from different institutions and experts employed in many different positions within the child protection system.

a) Who are the children placed in the institutions⁸

According to the personnel of the ICDPC these are children, whose families do not have the possibility to provide adequate care for them and children, in the family or outside the family of whom, violence was detected. Often, these are children at risk, some of which live in the institution only during the working days of the week, while weekends are spent back in their families. Most often, they come from families with very low income, but there are also some others whose parents are not able to take care of them because of health reasons. These are children from families with problems: where *de jure* there is a family, while *de facto* there is none. Some Homes shelter children whose parents have gone abroad and the children were left to the care of elderly grandparents or relatives who do not cope. There are also children who have been abandoned as babies and have spent their entire lives in institutions.

The reason (for placement of a child) „social indication“ is so general that there is no match to juxtapose it against. The children in the Homes have parents who quite commonly are poor, ill, unemployed and illiterate, in a precarious condition; and if they have any jobs these are mostly temporary employment and unstable income. This is one of the reasons why children may not be brought back to their families. (Educator at ICDPC)

⁸ These are all data and definitions extracted from interviews with experts from the child protection system and educators from institutions covered by the study.

The children and young people placed in the Institutions for Mentally Disabled Children have different forms of mental disabilities - there are children having minor or more serious forms of disability and mental retardation. Quite often those are children, some of which are abandoned as babies, children of single mothers, but also children with families. According to the educators, once they have been placed in those institutions, usually nobody ever shows any interest in them. Exceptions are rare. Any concern with the fate of a child placed in such an institution is a result of mere chance or simply the pure luck when this child is placed under the care of an educator with whom the child forms an emotional bond that provides a proper environment for his/her development.

The children placed in Socio-Pedagogical Boarding Schools are usually children with a certain kind of „deviant behaviour“ (i.e. behaviour against him/herself or against the society, which behaviour is defined as „an anti-societal act“, in the sense of the Law on Combating Anti-Societal Acts of Children and Underage Persons), which has become a relapse. According to the personnel, the boys are sent into Socio-Pedagogical Boarding Schools usually because of theft, while that reason for girls is prostitution and in most cases the parents are the ones inducing them to prostitute. (*The officially recorded reason for sending them in the above institutions is usually either running away from their homes or thefts, while prostitution is never disclosed as a reason, however, this does not mean it does not exist.*) The assessment of the children in Socio-Pedagogical Boarding Schools and Re-educational Boarding Schools made by the State Agency for Child Protection and the Ministry of Education, Youth and Science in 2009 showed that the majority of children in these institutions have families but only few of them maintain relations with their families because parents failed to keep the contact.

In these two types of institutions there are also children, placed from ICDPC, i.e. from another child protection institution. This is paradox, which by itself is an assessment of the quality of institutional care.

The ethnic origin of the children in institutions may vary from institution to institu-

tion; however, the prevailing number of children are Roma. There are also children of Turkish or Bulgarian ethnic origin, and children of mixed origin.

b) Living Conditions and Daily Schedule

All interviewed educators claim that over the last few years, as a result of the different reforms, living conditions in the ICDPC have improved. The main merit thereto belongs both to the funds allocated by the State and by the municipalities and a lot of endowments from private persons and from abroad, but also due to many different programmes of non-governmental organisations that have been implemented in the institutions and have managed to change personnel's attitude and methods of work, as well as the whole concept of care for children in the institutions.

The children are given 4 meals daily and, according to the educators, food is diverse, nutritious and quite sufficient, but at the same

time, the children are „always hungry”. The monthly „grants”, received by those children (BGN 30 monthly) are mainly spent on extra food and cigarettes. The amount of the grant does not depend on the age. It is 30 BGN for everyone.

30 BGN is not enough to do many and different things. The educators say that often when brothers and sisters are placed in the same institution, then the older child „manages” the money of the younger, i.e. if there is no other arrangement the oldest child decides how to spend the money of two or three siblings.

During the school year the children have a strict daily schedule with fixed waking times (6.00 – 6.30 a.m., irrespective of the shift they go to school), bedtime (9 p.m.), meals, for different school lessons: both at school (in the morning) and at the Home (in the afternoon until around 4 or 5 p.m.), and fixed hours for leisure time and games (before and after dinner).

The older children (14-18) enjoy a relatively looser routine, although they also have to follow certain rules related to their schedule, which they sometimes break. Their school curriculum, particularly the one in the different types of secondary schools, varies and could not be unified in terms of schedules.

No matter **how old the children are, they do not seem to be able to stay in school until the end of the last class, regardless of the shift they go to school, morning or evening.** The last

classes, i.e. the 6th and the 7th, are usually skipped. As this has become their routine, it is quite obvious that this happens with the teachers' silent consent.

The status of SPBS and RBS differs from the status of the other institutions for children. Children in the above schools not only suffer a much harder regime, having the right to go out only accompanied by an adult, but they also do not receive the so called „grants” (which are in fact the child allowances) of 30 BGN received on a monthly basis by the children in ICDPC and those in the other social institutions. As a rule, their pocket money shall be provided by their parents, but only when the parents decide to send it or bring it to the Boarding school, which is something that happens quite rarely. Unlike the children living in ICDPC, the children placed in SPBS and RBS do not attend the local schools but rather the special schools located in the institutions. Hence, their contact with the world outside the institution (both socially and physically) is very limited.

In the majority of Homes, the children have their meals in a canteen but there are also some exceptions: where the institution is successfully implementing a special programme for living in small groups, the children have their meals in the group's living-room, which has a kitchenette attached. This creates a sort of „family atmosphere”. Usually, they all have their meals together in one canteen – (girls/boys, younger/older), however, this rule also has its exceptions.

Discrimination on grounds of age is identified in terms of access to education.

There is discrimination on grounds of age in terms of the daily schedule, food rations and pocket money.

The educators and caregivers do not have their meals with the children, yet they are present in the premises to monitor. They either sit at a separate table or they sit with the children, and each time it is different children they sit with. **There are usually children on duty, according to a schedule, nevertheless sometimes older children make the younger to tidy up instead of them.** Cleaning and tidying as a whole is a sort of currency. Good tidying up can be exchanged for a certain privilege granted by the educator, yet in case of offence, the most common sanction would be some kind of tidying up/cleaning: the grass, the yard, the common premises, etc.

c) Games and Entertainment

Discrimination on grounds of social status is identified in terms of access to games and entertainment and access to information.

Since children under the age of 12 years may not go out unaccompanied, they can play mainly in the Home and in its yard, and sometimes the educators or less often some of the older children would take them out for a walk "to the shop" or to a children's playground. When inside the Home, they spend most of their time watching television, and more rarely drawing or playing computer games but since everywhere the number of computers is limited, computer use is subject to schedules. Children's access times vary from Home to Home. The Home located in the small village, for instance, currently has no computers available, and the younger children are not allowed to go to the community centre where there is a computer hall. On the other hand, this Home has a music hall where the children play different instruments and sing songs.

The children almost everywhere prefer to play out in the yard where, according to the conditions of the Home, they play football, play tag, narodna topka (Bulgarian ball game), hide-and-seek, volleyball, basketball, battledore and shuttlecock, hoola-hoop, table tennis, and the winter game is snowballs. If in some cases the children prefer to stay inside, it will usually be due to

the bad state of the yard attached. Younger girls and boys play together, and football is the only game that girls usually do not play.

As to older children, there are some differences in the occupations of girls and boys: girls more rarely engage in sports and are more likely to go for a walk with friends, except for those rare cases when the sport is their hobby. They sometimes watch how the boys play football or any other sport, however, they hardly ever join in.

It is worth noting that the games and free time activities, particularly the ones practiced inside, depend not only on the facilities available in the institutions but also on the skills and/or ingenuity of the staff, which accounts for the differences between the individual Homes. Almost everywhere the educators claim that „children don't know how to play together as a group”.

d) Education, Educational Level and Education Needs

According to the educators, it happens quite often that children coming to the Homes from families have far more gaps in their education than the children, who have grown up in an institution and have started their education as children from a Home. For some, the stay in the Home is the only chance to regularly attend school classes. Going back to their families would most commonly mean termination of their education and going back to the street.

Discrimination on grounds of social status is identified in terms of access to education and social contacts.

This issue has also another side. Where the Home is located in a small settlement, the existence of the local school is literally fuelled thanks to the Home as the prevailing part of the schoolchildren there are children from the institution. The teachers, the educators, the whole personnel functions depending on the number of the children in the Home. On the one hand, this reduces the grounds of discrimination against the children from the institution as they grow up in a „friendly” environment of their own, however, on the other hand this increases their isolation and decreases their opportu-

nities to seek further development as there is no one interested to separate them or at least take them away from the community functioning thanks to them.

Although the majority of children say they do not like studying their lessons, almost all of them say they like to go to school because, „it's more fun there”, because of their friends, their games, and because of the fun they have there. School is the most important place for social contacts with the world outside the institution. All children have friends at school and often they spend with them more time than with their friends in the Home. Older children almost always indicate as their closest friends some of their classmates who are not from the Home, even in the cases where there are several children from an institution in the same class. At school they participate in all academic and the majority of extracurricular activities, with the exception of outings and trips (as outings and trips must be paid for).

Younger children always receive support when they have difficulties. However, not all of them like studying. Those who learn more are „the more erudite children (...), because they know more and well”. As confusing as it may sound, the causality verbalised in this way, it would prove to be quite true, in most cases. The children who find it easier to master school material are the children who are more motivated to study. The others attend school classes „just to fool around” and to go out of their closed environment.

Older children are in fact satisfied with the lack of control when they study, and do not complain that the educators in most cases are unable to help them with the school material, even if they wanted. This, however, does not change the fact that they are unequally treated versus younger children.

The criteria to assess children's knowledge are lower, and the choice of opportunities to continue their studies to further levels of education and qualification is too limited and is reduced to several non-prestigious professions which are deemed to be easily achievable by „such children”. Those who manage to get as high as university studies (and there are very few of them), usually do

not manage to graduate. The main reason for that are the absence of resources and the absence of any support after leaving the Home.

The children placed in foster families attend schools locally, i.e. where their foster parents live. They make a clear difference between the school where they have studied while in the Home, and the one they have been studying since they moved to their foster parents: the attitude towards them in the latter was better.

Only few of the children in the **Institutions for Mentally Disabled Children** attend school or are included in an individual form of training. The system for evaluation of such children's education needs is never sufficiently flexible to encompass them adequately. Because the majority of this type of institutions is located in distant settlements, the children there are never examined by experts having the relevant qualifications. There is no data whether such children attending school meet the school psychologists.

Generally speaking, if children having minor forms (of disability) are concerned, I believe they are integrated in schools, in special schools, with resource teachers. However, things are harder when it comes to children having major disabilities, those bedridden patients ... According to what I have seen from the personnel, I think they do not understand the need, and neither do they assume that this child may be taught. And it is not only about the personnel: it concerns the schools, too. (Expert from the SACP)

The children placed in **SPBS and RBS** attend school in the institutions and are isolated from the other schoolchildren in the settlement. According to the personnel, a significant part of them are illiterate when they are accepted in the institution, and only in rare occasions their educational levels match their age. Moreover, over the last few years there has been a rise in the number of children with special educational needs in these institutions. **By the time of this study,**

children with special educational needs make a quarter of all children placed in SPBS and RBS.

These schools may not be considered as schools providing true education. It is more about upbringing, sports, in order to funnel the energy children have and prevent their aggression to come out. (Educator at RBS)

e) Information: Television, Internet/ Books

There are TV sets in all institutions; however, what will be watched is decided by „the one who has the remote control“. Younger and older children have varying interests and where there is only one TV, there are always discords: „How should I spend my free time here since the only channel watched is the Disney Channel??! I am 17 years old and I cannot watch the Disney Channel!“.

Discrimination on grounds of age is identified in terms of access to information.

Children are fond of watching cartoons, movies, football and music programmes. No one ever mentions anything about watching news channels or educational programmes. Children perhaps are not particularly informed

about what is going on in the country, in the world, etc., and can hardly develop any interest to science or anything of the sort. Curiosity and the tuning of the minds to learning or opening up to the world is something natural, however, only through the emotional relation with adults, interests may be formed, according to the subjective consciousness. The children in the institution would rarely show interest to the mental world, or to explanations; they do not experience the mystery of the world or what surrounds them. They'd rather seek anything that gives direct pleasure. Having in mind that they mainly use Internet for Facebook and Skype, and they feel bored at school, it is quite natural that they lack horizons. In fact, the alarming thing about them is that they identify Internet with Facebook

and Skype and they admit that they make a lot of acquaintances online but without having any basic protection skills or strategies.

Formally, all Homes have libraries, nevertheless, children of both age groups say that they hardly ever read anything: „No, let's not cheat, we don't read actually. Today, you know, nobody reads. Internet spoiled the whole thing with the books, you get it?“. When they read anything at all, they often borrow books not from the library but books brought by the educators and stored in their offices. It is not quite clear about what kinds of literature there is in the libraries, but children say they borrow books from there only when they need something to do with school, while the books the educators have are „entertaining“, they are „children's“. Children very rarely have books of their own and they hardly ever read books regularly.

There is access to Internet almost everywhere, however, the number of computers varies from Home to Home and so do the conditions of access. There are timetables regulating the computer use because the number of computers is limited, and there are institutions where not every computer is connected to Internet. There is no one to control in particular what children do while in the Internet. Only the educators in the SPBS claim they control the use of Internet by children as „it is possible that they organise escapes“.

f) Provision of Health Care

Health care is regulated everywhere. At the institutions visited within this study, all children are being registered with a GP. That personal GP is usually the same for all, i.e. no choice of a GP is involved here, but anyway there is a doctor. Generally, children also have a personal dentist; however, there are more problems with dental services. There is no prevention care. Children who need more specialised medical assistance are usually taken to hospitals in the nearest city, or Emergency Aid is called.

Discrimination on grounds of disability is identified in terms of access to adequate health care.

Things are a bit different at the institutions for children with disabilities. Although they also have personal doctors, according to the experts, their needs are never met adequately.

These children have serious problems with their health, with communication, and with socialisation. However, what is particularly important about the health problems such children face is that their health problems are never met adequately. Diagnoses for a given period are made, and then none of the necessary interventions are followed-up so that children's health status might improve. (Expert from the State Agency for Child Protection)

g) Punishments / sanctions / restrictive measures

All institutions have their rules. The educators claim that a significant part of the rules are made up with the participation of the children. They also say that often the rules suggested by the children are more rigorous than the rules existing in the General Rules. However, children almost everywhere say that the rules, the obligations and the sanctions are set by the educators and/or by the director of the institution,

and their opinion are sought only formally in the form of voting, and the point is that they all always agree. They take all this more as a form of notification. In many of the visited institutions, the children had never heard about anything like child participation.

Discrimination is identified in terms of participation in decision making.

Those rules, however, are violated everywhere. And then measures are taken, which in the different places have a variety of names – restrictive measures, sanctions and very rarely – punishments.

There is a developed system of restrictive measures. I say, restrictive measures - that's a kind of sanctioning measures. For instance, a child who has broken the rule of getting back on time to its group, I mean, he/she has said he/she has been going somewhere or, let's say, has been going for a walk or something, and must get back by a fixed time, however, he/she gets back half an hour or one hour later – usually the group is to decide, you know these daily meetings, on what sanction that child must suffer. However, when, let's say, the child was late, the children already know it – they sanction that child and the sanction is, for instance, that he/she is not to go out for walks for two or three days, i.e. he/she is not to leave the Home perimeter. He/she may stay here, play or do something in the Home yard, however, he/she is not to leave the perimeter, that is to say, he/she may not go to town and take a walk there. If the same child is late for a second or a third time, that sanction will be longer. So, you know, the children decide these things themselves, because they know that this is what most hurts, i.e. when you don't let them out. (Social worker, ICDPC)

This, however, is valid only for one of the institutions where group discussions were made and where the children say that they participate in determining the sanctions. In all other places, children say that their opinion is never wanted for anything important. In fact in this case, according to the children, the educator always interferes, particularly if they „get too far“ with the punishment or in case of a dispute on what punishment is to be imposed. The institution in question is the only one of those visited where the children have any kind of a positive attitude to the sanctions and consider them to be relatively fair, and the only place where children have whatever feeling that something depends on them at all.

The punishments are usually related to limiting the access to computers, television, restrictions on going out. More rarely, however, there are cases of „go to the wall with your hands up“, cleaning the corridor,

or cleaning/sweeping the yard, or „writing“ they will never do anything like that any more, or cleaning the toilets. The punishments are the same for everybody with small exceptions („hands up“ and „write“, wherever there are things like that, are for the younger kids). **The punishments are some of the few things that interviewed children placed in foster families do remember.** Once they have left the institution, they prefer not to remember anything at all, however, standing against the wall at night as a punishment, because the child has gone to the toilet at night is something that is hard to forget.

There are sanctions, but there is no consideration of what to do to support and encourage and promote good behaviour, good relationships or good acts. The children do understand what they are not supposed to do; however, they never form new skills, there is no growing up or development. „Those dutiful/obedient“ enjoy more „trust“ associated with some privileges. This alienates the children instead of integrating them to the world of the adults; a world that can be deceived, or cheated, or disdained.

h) Relation with Parents and Extended Family

The relation with the parents and the extended family is identified as a problem by the majority of experts and educators in the institutions. One of the problems is that the majority of educators are not prepared to work with parents. Another problem is that the parents will be required to apply efforts, which they are not always able to apply, to fulfil the conditions of Child Protection Departments.

There are hardly ever any cases where the children maintain relationships (with their parents), and what they long for is such relationships with their parents. And it just so happens that a parent lives somewhere and doesn't change. The child lives in some institution, in some environment, but he/she changes, somehow evolves. And when at some point those people meet, they are absolute strangers to each other, unprepared for one another. (Expert from the State Agency for Child Protection)

When staff works with parents and there is active provision of both material and psychological assistance there are some positive results and successfully reintegrated children. Without the assistance provided to the family, however, this is quite unlikely to happen.

...the social worker, the director and I, we tried to make some sort of contact with the parents as we wanted to engage them because too many of them have disassociated from their responsibilities to those children.(...) But let me first clarify that we aren't always successful in what we are doing. Although the law stipulates that we must notify the parents of every team meeting the parents don't come. To tell you the truth, I don't blame them as many of them are poor, sick, unemployed and illiterate people who are on the breadline and do not have the elementary resources for living. This is why I can't say that they are doing this because of mere lack of interest; those people are in striking, utter need and in order to make something of that reintegration, I think, the first thing that must be done is work with the parents. As soon as they have felt that some soil for a more normal life has been created, it is only then that we may expect something from them. (Educator at ICDPC)

Not all educators, however, have that positive disposition to working with the parents. According to some of them, parental capacity is hard to build after the child or the children have already gone to an institution.

i) What Happens to Children Once They Are 18 Years Old

Life after 18 is a problem bothering all children living in the ICDPC, who do not have families or close friends where to go back to. The monitored Home is an option, which, however, may not be applied universally. It is true that the children more or less get used to be taken care of in the institutions, however, they are far from being that uninterested about their future as some adults say.

Discrimination on grounds of social status is identified in terms of prospects for decent life.

All children say that they want to work as soon as they graduate and after some time, when they feel financially stable, they want to have a family. This is why as soon as they finish their primary education they start thinking of the work opportunities

and of the time when there will be no Home behind their backs.

According to young men and women who have lived in ICDPC, the hardest thing to do after they leave the institution is to adapt themselves to a lifestyle where there is no one to „take care of them” and where they need to cope with all problems on their own.

2. Discriminatory Attitudes and Practices towards Children in Institutions

a) Presence /Absence of Discrimination

The main ground on which children from institutions are discriminated against outside of the institution is their social status.

The mere fact that the State Institutions (Homes) for children house mostly children of Roma origin means that there is a discriminatory attitude in the very society on grounds of ethnic origin, which destines these places to raise precisely these children.

All institutions covered by the study **feature a majority of Roma children**. In some of the places they form almost 100% of all the children in the institution. Besides Roma, the institutions for children also

provide shelter to children of Bulgarian and Turkish origin. It happens quite often that one Home places more than one child from the same family. Generally, efforts are made siblings not to be separated, where this is possible. Neither the educators, nor the children claim any discriminatory practices on grounds of ethnic origin. Nonetheless, the almost homogenous ethnic composition of children in institutions is an indicator for the presence of discriminatory attitude in the very society on the grounds of ethnicity.

At the same time, **the basic distinction being imposed inside the institution is the**

distinction by age: younger/older, and as to the attention dedicated by the adults, we may say that younger children are those who definitely get more attention and more help, while the older children have more freedom. This, however, does not always constitute unequal treatment because in practice, the children get different care according to their needs. Still, this is an indicator that age needs of the children are not always taken into account because teenagers also need the adult persons, even though, in different ways.

In respect of the differences on grounds of gender, **the educators define the girls as „the more problem-prone group”** and this is a fact that may be studied as long as this is not about a manifestation of any particular discriminatory attitudes. Maybe this happens because the girls fall short of the expectations intrinsic of the common stereotype, i.e. they are expected to be shy, obedient and dutiful and in practice they are not.

It seems the boys are more disciplined, there is more understanding in the relationships between them and the other people, they are more reasonable, the girls are more daring when it comes to breaking the rules. (Educator at ICDPC)

The difference is that the girls are worse and more self-confident. Particularly during the summer period... the girls take prostitution as something quite normal, put in crude terms, the same as breathing. The value system is chaotic. It just so happens when the mother, while the kid was living with her, was offering herself for money, the kid was watching her mother make sex with the first, the second, the third father, and then, you tell her that sex is something holy and private. Anyway, both the boys and the girls want the same thing: a normal family and a normal life. When they don't get it, their defensive reaction escalates to deviant behaviour and aggression: the boys satisfy their basic needs with thefts, while the girls do the same, yet through prostitution. Else, in respect of tidiness: the boys are cleaner, definitely. In respect of the age: the older always try to steal food from the younger. (Educator at SPBS)

Discriminative attitudes towards girls are identified on grounds of gender by educators in institutions.

In contrast to the commonly accepted opinions, the girls are said to be harder to manage, more independent, more disobedient and have much lower levels of hygiene habits than the boys. In terms of their needs, the educators do not identify any difference between the needs of the boys and the girls; however, there are multiple mentions that girls read more books, while boys pay more attention to sports and outdoor games. It seems that the gender does not play any significant role in children's relationships. They claim they are always together, they share secrets with one another, they quarrel exactly like brothers and sisters in a family, they insult each other, they rejoice, have parties together... „just like in a family". That is the way the adults around see them.

Unequal treatment on grounds of gender was detected only at one place. Girls from one of the visited institution tell that the male educators tend to treat the older girls more rigorously and the girls do not

get along with them: „Well, they pay more attention to the boys, and not to us (...) I can't understand this. And they separate us from the boys too much. The boys can play outside (in the yard) until 10:30 p.m., while at 10 o'clock we must be upstairs." As to the other places where there are male educators, the girls do not claim to have problems with them.

The general impression is that there is no favouritism or any specific treatment towards individual children within the institution. Girls and boys, younger and older participate equally in maintaining the living environment in the Home. Nevertheless, when „groups of friends" are formed in the institution they are either on the basis of gender or age.

According to the experts, even if it is hard to identify clearly manifested discriminatory practices within the institution, the children from the Homes do not have equal chances versus the children, who live in families.

In order to develop well, children must be confident, must be encouraged in a good way, they should know they can cope, they must have faith in themselves, someone to share things with and have support. This is why I say that this is the key role of the family. (Expert from the SACP)

However, the chances for all children living in an institution are unequal in general. Of course, here we face the question, in comparison with who are they „unequal". When we talk about these problems, we usually make a comparison with an ideal and typical family where children are raised. (This type is either a middle family constructed on the basis of average data on families, or it is a family described accordingly in the regulation referring to the minimum conditions necessary for raising children in family environment.) The majority of children in institutions, however, come from very poor families or families of reduced parental capacity (i.e., usually they are far from the ideal type) and even being in family environment they are unequal and discriminated against. This is one of main reasons

for the criticism in the society, including by the educators, on the effectiveness of the process of deinstitutionalisation of children in respect of discrimination and the equality in access.

Discrimination is identified on grounds of disability by all actors.

When there are children with disabilities in the group, they are treated differently from the others everywhere. In some places children make fun of them, while in other places they provoke impatience and annoyance in the rest of the children.

Sometimes the other children get irritated from the fact that the educators pay more attention to children with disabilities. Outside the institution, however, the children with disabilities are under the protection of their inmates, they are defended against the „outer“ world.

Definitely, I wouldn't say that there are no such cases of discrimination. There is unequal treatment mostly against the children with disabilities. It turned out that most of the schools, which are obliged by the law to accept these children, are not ready; they do not have the proper conditions. And what evoked the most of the bitterness we feel in the entire process of change, is this slow process of change in attitudes, in the readiness to accept the other, the different one. And the second issue is the shortage of resources. These are our two problems requiring most of our time and it looks like these are the slowest ones to solve. (Expert from the Ministry of Education, Youth and Science)

b) Spheres and Situations where Discrimination Is Manifested

– Living conditions and daily schedule

Although the number of children in the rooms in the ICDPC only occasionally exceeds 4, it could hardly be stated that a bed and an own bedside-table would create a sense of “own room” or cosiness of any kind. Children lack privacy. In practice, they may never have privacy or arrange any space of their own, or develop a certain sense of beauty and order of their own either.

The facilities available in the **SPBS** and in the **RBS** follow the barracks type, notwithstanding the fact that over the years the directors have put many efforts to change that. And in some institutions, each group has really made a sort of cosy space despite the barracks appearance of the building. There are other places where this has been done, but the result is just halfway as the buildings and facilities available do not allow reconstruction in such a way that enables living in small groups and applying a different program with independent solution in each group.

The experts of the MEYS in their professional community call the children from the RBS “soldiers”, but many of those soldiers are 12 to 13-year old.

In the course of the academic year, those boys' day starts at 6 o'clock in the morning with a foot drill, breakfast, and then they, arranged in a formation, go to school. **Children in RBS eat everything with spoons only.** They are never given forks or knives. Possessing a true fork (i.e. not a plastic fork) is a kind of luxury enjoyed by a few individuals. (Moreover, personnel in these institutions claim that the children are given varied and balanced food; however, if that food may be eaten only with a spoon, it is hard to avoid a conclusion about its quality). Being deprived of the right to own a fork for years is humiliating. The names of such institutions include the definition “educational”, however, perhaps upbringing is reduced to subordination only. **The rooms in RBS are watched by cameras and the children know that.** This is considered to be a kind of precaution „against thefts“, but in practice this deprives children even of the slightest hint of privacy.

Discrimination may commonly be identified on grounds of age, gender, and social status in terms of living conditions of the boys placed in RBS, and humiliating treatment leading to negative consequences.

The physical environment in the **Institutions for children with disabilities** needs a lot more improvements.

Repairs and renovations in the Institutions for children with disabilities are occasional. They house a lot more children, and I don't know if they have any personal things at all. I think everything is made with the consideration mostly of children with minor disabilities, who may go out, who may have some personal things, who may organise somehow their personal space unlike children, who are bedridden patients. (Expert from the State Agency for Child Protection)

– The punishments...

The punishments are the only way to outline the borders and to regulate the relationships in the institutions for children. However, it happens quite often that the staff feels helpless and without alternative forms of communication with the children.

We don't have a way to punish them. If our children at home are different in terms of their characters and needs, we may punish them in different ways ... while here the things are different. (Educator at SPBS)

An educator states that they have introduced a score system of evaluation of children's behaviour in the Home, and when they show „unacceptable behaviour“ children lose 10 points and then a **sanction „conversation“** is imposed. The conversation with a psychologist as punishment and sanction for bad behaviour creates a confused idea of the role of assisting professionals. This is a way of reproducing the family model where one of them (the educator) takes the role of the mother and the other (the psychologist) takes the role of the father or *vice versa*. There is no systemic approach based on the specifics of children, who are placed to the institution, and neither their profile is known nor the reasons for their difficult behaviour.

We have to point out, however, that although occasionally, there are places where

physical punishments are still applied such as standing still against a wall, hands in the air, and there are places where „slight“ smacks in the face are practiced. In other places, the educators seem to „delegate“ anything that has to be physical punishments and frightening, to the older children in the institution, which is a problem to be considered later in the report.

It turned out that one of the most common punishments in RBS is „tidying/cleansing of grass“, even when it is extremely hot outside. The children claim that even the least offence is punished by „tidying/cleansing the grass“, however, this is also applicable to more serious violations of the rules, too. In fact the children from RBS do not admit to have suffered any physical punishments, however they are covered with scars from beatings; even before someone asks them anything they hurry to say, „no one beats us here“, but this sounds like a well learned defensive reaction as there is beating: „whoever messed things up will be beaten by the educator on duty“.

– Access to education

The obligation to regularly attend school is one of the main obligations in the ICDPC. A significant part of the children who enter an institution from a family and have not been brought up in a Home from their births have never attended school classes. This is to explain the fact that the level of their education often does not match their age. Among the children who have been brought up in an institution, however, and who have been subject to institutional care right from their births, there are hardly ever any cases of lagging behind at school, except for the cases where these are children with special educational needs or other illness. Of course, this greatly depends on the motivation and commitment of the staff.

According to the educators, younger children are more diligent in learning. After they complete the age of 13-14 they already rarely seek educators' help. Whether the educators are sufficiently qualified to

Physical punishments have not disappeared in the institutions.

help children make their homework is yet another question. **Only few of the staff members in the Homes are duly qualified pedagogues.** These are mostly the older staff members that have switched from teachers to educators and social workers. Yet, the younger, i.e. those with a degree and qualification as social workers are not prepared to help children do their homework, and when gaps pile up children's motivation to study drops.

Children in institutions quite often skip classes with teachers' silent or otherwise consent. This is a sort of hidden discrimination in education that is hardly ever pointed out.

With regard to school requirements to children from institutions, in terms of school order observance are the same, but when it comes to academic activities, requirements

are definitely lower. Although the teachers help them, in fact they do not bother very much whether these children will learn something. Teacher pity such children, and this is sometimes irritating for them and incites them negatively.

When I was going to school there (while living in the ICDPC) I walked for an hour to get there, and spend another hour there. The teachers used to say, „Come on, go (to work), we will say you've been here the whole day”, but then I didn't have the brains, I didn't study, I didn't read or write. Everybody was doing their lessons there, and I...I was just standing there like a monument. (16-year old boy from RBS)

Having an appropriate school nearby is a more serious problem for the older children, who must choose between the schools the village or town offers.

I want to study to be a vet, and they don't want to transfer me .. and this is why I must study to be a singer. You know, I don't want to be a singer. I asked the director of the Home to go to study there,

but I am not on the adoption register, because I've got my relations with my parents and go back to them at holidays and weekends, and that's why I was told I wasn't allowed to. They tell me if my mother moves ..., but she can't afford it, and if I'm on the register, but I'm not.” (15-year old girl from ICDPC)

It is quite clear that the conditions provided by local schools are just the same for all children in the settlement. **Rather, the problem is that in the institutions the formalities that children face vary according to their family situation.** The fact that other children from the same institution may move and go on with their studies in another city makes those who cannot, feel unequally treated. All children are aware that the vocational orientation of the secondary school is very important for their development after they leave the Home and such a decision when imposed by the circumstances or by virtue of someone else's will or choice strips any motivation.

The failure to take into consideration children's wills and capacities to continue their studies is also a form of discrimination.

Let's say I do what I'm forced to.... Because they tell you that you can choose but then they tell you what to choose. (15-year old girl from ICDPC)

According to the educators, the new Regulations of the RBS include amendments that additionally impede and hurdle the academic process, which is anyway complicated enough. In order to prevent violence between older and younger children, the school process

In RBS and SPBS alike where children live and study in the same place, the discrimination in the access to education is obvious.

shall be organised by age groups instead of classes and grades (completed school years). Therefore, one group in RBS may include schoolchildren from 1st to 8th grade.

Education is a problem, and one of the things that we want to be changed in the future is the provision of an adequate educational service to children, who will, as a matter of a final measure, be placed in these institutions by a Court decision. Theoretically speaking, it is possible that RBS house a child from a foreign language secondary school, a child of the same age from a vocational secondary school and a child, who 5 years ago graduated 1st grade and has in the meantime dropped out from school. At the same time, a child aged 15 or 16 may be placed there who has never been registered with any school. If you have a motley picture like that, there's no way to make training according to the special curriculum adopted by the Minister on RBS and SPBS. Evaluation should be made of the needs, and every single child must be evaluated: what training that child will need, for how long and how. (Expert from the MEYS)

– Child labour

Children from institutions do work, especially in the summer. Almost everywhere, the local people use the cheap labour of the children from the institutions to collect the harvest, to clean, in construction works, etc., paying those children with food, cigarettes, petty cash, usually converted by the children back to food. Moreover, the children want to work and feel privileged when they are „selected“ by some „employer“ as this is the only way to get some money for (more) personal expenses. That is particularly valid for children from RBS and SPBS.

Systematic violation of the ban on child labour is identified.

They work really hard and diligently and although child labour is forbidden, when they work they endeavour very much as this is the only way to make some money of their own – their relatives give them nothing. There's no difference between the orphans and these from families at risk. There is not a single proper child out of those who have families, they are all at risk. We feed them OK, but each boy wants to buy at least a wafer, he needs some pocket money to buy himself something on his own. We had a case: one of our boys broke into a shop he knew had an alarm system and just sat on the counter to have some sweets. Policemen came and asked him why he did that, and he answered that he had just wanted to have something to eat but he had no money for that. (Educator at RBS)

If upon a certain age the children are taught and encouraged to work, they are motivated, but in the meantime they need to be protected against economic exploitation and doing jobs that may be harmful to them. Educators are always aware of „hiring“ children from institutions for work and, even though those educators exercise certain initial control over the „employers“, carrying out unregulated work activity provokes a lot of conflict situations and raises questions, which, for the time being, remain unanswered: did the employer get the appropriate license, how is remuneration arranged, in what conditions do children work, is it harmful to their health, what would happen in case of an accident, etc.

Children in RBS find themselves in living conditions, which intrinsically suppose that rules and laws will be violated both by children and by personnel, so children might survive.

...We work somewhere in the town for 5–10 Leva. Here people call us to work. The educators let us go, but first they talk (with the employer). They can't just take us like that with a car - come on, let's go to work - drive us there, and nobody knows anything, no, Sir. The educator meets with the bloke who hires you for work. He says, „you are going to be in charge of them, it'll be up to you, the payment", you know. There are some kids here, they go there, work for 2 Leva; the whole day and then - 2 Leva. It's just mockery. It is bloody abuse. What you gonna do with two Leva? Then, if that bloke comes again, the educator fights with him and tells him to get lost. Why do they hire exactly us? Because we're, you know, not like the others, and we don't have where to take (money) from, and things like that. How many people are there here, in this neighbourhood, older than we are? Yeah, but they don't hire them, because they want a lot of money. (Boy, 16-year old from RBS)

For example, in RBS the children do not have the right to give themselves a trim, and this is perhaps for safety reasons, i.e. they are

The boys in the RBS are discriminated on grounds of age, social status and gender by many actors at a time. They are victims of the official authorities' inaction.

not supposed to have scissors or blades in their hands. Nevertheless, they must maintain their personal hygiene and outer appearance and must go to the barber's and pay for the haircut

with their own money, which they do not have. I.e., they must make that money, to earn it by doing paid jobs, which is forbidden by the law. This is the regulation to be evaded on a mass scale, even so, when it comes to „an obligation", which is to be performed by the children, the non-provision of elementary resources by the State entails serious difficulties.

– Access to food and clothes

All educators claim that food in the Homes is abundant and varied. Even if this is true, the rations for all children are just the same: both for younger and older, for girls and boys. It is hard to accept that 17-year old teenager will sate with as much as a 7-year old child.

The equal rations are discrimination on grounds of age towards the older children and is not pointed out, although it is more than obvious.

It is not just the barbers that the RBS have no money for. Food is far from meeting any diversity criteria: „Whatever we eat at lunch, we eat for supper, too. Rice: usually and most of all. We are just like the Chinese."

Some educators claim that the children do not value what they get: „today they are each given new clothes, and tomorrow they will have already sold them". That may well be the truth, however, the children do not sell their new clothes just at their whim; this is because they need money of their own. **Pocket money is one of the most important things for teenagers' identity, and if they do not get it from their parents or from the institution, they find ways to provide it.** The money they make from selling their clothes the children use to buy food and cigarettes mostly.

There is another problem that may be identified with regard to clothes: the clothes in the Homes are often received as charity and are sometimes just the same for everybody. This is something definitely bothering for children, particularly when they are out as a group. Such equal clothes worn by the entire group at a time stigmatise them additionally.

– Access to leisure time, games and entertainment

The rigorous regime and particularly the evening hour in non school days (that evening hour even for the older children in the summer is not later than 22.00 h), although justifiable to some extent, are the main things making the children feel discriminated against. In the majority of families,

difference is made at least between school and weekend days in children regimes, while in the institutions no such difference is made and that makes older children, particularly those who are 17 or 18 years old, permanent offenders. The educators, on the other hand, do not always sanction such behaviour shown by the older, which makes the younger children feel unequally treated.

The freedom to choose when and where to study, to play games or entertain themselves, is pointed out by all children as the main difference in the access to free time compared to the rest of the children. From their perspective, this is one of the most significant discriminatory practices in the institution.

There is not much leisure time during the academic year and, bearing in mind that daytime is relatively short in winter, television and computers make the main entertainment. However, even where the institutions have large yards there is hardly ever anything there that might serve as „entertaining facility” for children. Almost all interviewed children dreamed of a nice playground with swings, seesaws and a trampoline.

We want swings and seesaws in the Home. They say every year they are going to install them, and they never do. (A child from ICDPC)

We often hear that children from Homes are privileged as they go on summer camps, both to the mountains and to the seaside („... and that is something that very few children with families may afford”, the adults tend to always note that). Not all children from an institution, however, go to such camps, and not all institutions have this as a rule. Even if such camps are indeed organised for children living in the ICDPC, this is problematic for children in RBS and SPBS. Moreover, children, who are referred to SPBS and RBS and coming from an ICDPC, more times than not spend their holidays at school as often the Homes do not accept them back, and they do not have anywhere else to go. Some

of them are „grounded” not to see their families during the holiday if they have committed offences such as „running away”, for instance. Furthermore, children also talk about a sort of selective inclusion of individual children, „those who are the most obedient”, in activities organised in the nearby town or region such as „Christmas Nights”, etc.

– Access to health care

Concerning the children in RBS and SPBS, as of the moment they are placed, there is an obligatory procedure of appointment of a personal doctor. According to the experts, the system works the best in these institutions because as of the moment when the child already has the Court decision and is referred to an institution, the director thereof shall be notified by a placement letter and all documents, including the medical certificate, are attached thereto. All children are registered with the same GP who should be either from the respective settlement where the school is located, or as close as possible. A personal doctor, however, may not solve all problems, for instance, night time bed-wetting, which is a problem existing in the majority of institutions. The personal dentist is also much of a controversial character as some children need a child’s dentist, others need surgeon’s intervention, and any orthodontic services are out of question, particularly in smaller settlements. All ICDPC face problems with specialised medical care, yet these seem to be the hardest with children with disabilities.

The children with disabilities have individual care plans to be updated every semester. Naturally, health care comes first. However, dental treatment for children with disabilities, whether they live in an institution or not, is not accessible everywhere. In fact there is such dental treatment in Sofia only.

There is nothing like co-ordinated efforts between the ministries. I will give you an example: last year a female colleague called from Sofia ... she was there to accompany a group of children just taken there for a medical examination. That was in a hospital, I don't remember where, however, I noticed that they were missing for quite some time already, and then they called (to tell me) to say that they were not accepted. And, at the same time, one could clearly see those were children with disabilities. 4 hours waiting already... There is a different attitude. The actions of the different ministries must be coordinated in respect of the children with disabilities. (Educator from an IMDC)

– Access to information

Despite the schedules, it often happens that Internet is used by older children mostly, because those younger do not know how to use it, or because, as a whole, the access to Internet connected computers is harder. One of the visited institutions had a computer in headmistress's office only and the children said that they are not allowed to use it. As they are not allowed as well to go out of the Home, they do not have a way to use the computer room in the village's community centre. In another institution, just one of those four PCs they have there is connected to Internet and it is the computer that is usually used by older children⁹. In the third institution, the youngest children are not allowed to access the computers and the reason for that is that those children would supposedly damage the computers, and some of those who are a little older do not know how to use them.

Discrimination is identified on grounds of age within the institutions, and on grounds of social status and in a broader aspect, in terms of access to information.

Apart from difficulties and restricted access to computers noticed in the institutions visited by the research team, it is worth noting that not all of them have sufficient TV sets, and the libraries

have obsolete contents. An additional problem connected with understanding and internalising the information is the fact that there is no such adult that would interpret what they broadcast on TV.

This is not covered by the duties of the educators, but the children will face a lot of difficulties to learn to form an opinion on current issues because they do not have the knowledge or the social experience to interpret complex situations that are out of their ordinary everyday life, and moreover that there is no one by their side to explain, clarify and give answers in case they have questions. We quite rarely find comments about, **children's access to interpretation of the information they get**, however, often this is the reason for big differences between the children as a whole. As far as current events of social, economic, cultural and political life are not part of the school curricula, they have very little to do with children's lives in institutions.

The access to information in itself is not reduced to just using computers or Internet, as even when they do use computers or Internet, the children mostly use them to communicate with each other or play a variety of games. The access to information is much more than that. Talking about the future, many children mention that they want to go „abroad“. This group of children is more vulnerable than their peers and prone to risks such as violence and exploitation because of the scarce information and absence of elementary life skills or social experience.

None of the children shares to have taken part in any informational event, which would provide information on different opportunities of further training, different schools, vocational trainings, etc.

– Access to a Future

What is the kind of future children dream about?

The majority of children dream to work „so they might wear nice clothes and buy good food“, however, they are quite realistic: „I don't expect anything to happen if I don't do it myself“.

⁹ In fact, youth aged over 16 often do not stay at the institution over the day and it is then when the smaller have more time to use the computers. Anyway, the older amongst those young children enjoy priority access.

When I grow up, I imagine that I am a worker and I know I have been successful in my life, I have got married... I want to live with my brother and my sister in a big house and I'd like to have guests, too. (A boy, 13- year old living in ICDPC)

When I graduate from school I am going to Svishtov¹⁰ to study by correspondence there and I am going to try to work and study at the same time. (A boy, 17-year old, living in ICDPC)

I am not going to be here in 10 years, I'm going to be in Sofia, and maybe I'll be a kinesis therapist. I would also like to study psychology. And I will tell you I've already started to write my first book and you'll say, „Hey, I wanna see that”, and I, „No, you can't, it isn't ready yet”. (A girl, 17- year old, living in ICDPC)

Sometimes young people face controversial regulations, which hurdle, impede or make impossible the implementation of their rights and deprive them of equal chances to acquire education and to develop themselves. This often happens to children, who are active and have a clear idea about their future and who do not wish to depend on the money the State or society would allocate for them.

Well, you know, now that I'm going to be 18, I don't know what will happen, my life's too complicated. They told me that I can only stay until I become 19, then I must leave. I must go to the court, because I want to finish school. Yes (...) I will go to court and there it will be decided if I am allowed to stay here; if not – I will go in town, but I can't go in town because there are no free places in the dorms. When you graduate from school they send you to a monitored home managed by the municipality. And you stay there for one year and the next one you have to pay. The Community Support Centre is responsible for this, and one has to work and they take 50% of your salary and there is no way you go to school. (A boy 17-year old, living in ICDPC)

¹⁰ A town on the Danube known in Bulgaria for its University of Economics (translator's note)

Whether this is a problem of being informed or discordance in the Operational Regulations of the different services we cannot know. Anyway, from the talk with the boys it becomes clear that this is not the first case with children, who would like to stay in the institution to finish their secondary education.

The problem is that if they do not have any relatives or friends to help them find a sustainable job and settle down, it is almost impossible for them to cope with this on their own. All interviewed former residents

of ICDPC, who have managed to find jobs have done so with the assistance of relatives or friends of theirs. They also tell the stories of their friends from the Home, who by now are „successful” persons thanks to the same. Not everybody, however, has close friends, who could and would like to help them.

Children from IMDC have even more uncertain future and their opportunities are even more rigorously limited. Once they become 18 – 22 years old a significant number of them are transferred to Institutions for adults where they spend the rest of their lives. Few of them, only the ones with minor disabilities, are placed in „Protected homes”. Placement in a protected home does not necessarily mean that the problem has been solved, because it is very hard to find a job for these young people. The best thing they may expect is when the service team finds them „home based” jobs or engages them in performing some activities in the very institution: tidying/cleansing, cooking, gardening.

According to the experts there is no individual approach to children in institutions and this happens far earlier than the moment they leave the system of institutional care. This is what system's discriminatory attitude consists of, and that the system is in all cases directing the children to profes-

Discrimination on grounds of social status is explicit in terms of access to adequate services and opportunities for professional development of children from institutions.

sions requiring less intellectual efforts or less knowledge, and this is how it predetermines their future.

A vicious practice exists according to which all children living in institutions are to be sent to hairdressers' and barmen's classes (...) or chefs, because these professions are deemed to somehow match the social status of those children. This is obvious discrimination. Their development is harnessed by such limits. If one or two children break off and express their will to go on with their studies, the system is unprepared to support them. When such children leave the institution they face serious problems, and this is worth considering. Even changing an identity card is a problem, because the child does not have a permanent residence address. The same is the reason why such a child cannot find a job. Such seemingly petty issues reveal the fact that there is no programme or strategy or legal support on how to work with these children (Expert from the Office of the Ombudsman of the Republic of Bulgaria)

c) Attitudes of Different Social Actors

– Relations between children within the institutions

According to the educators and the children themselves, the relations between the children in the ICDPC are good and there is no hint of discrimination at all. **All of them firmly deny any discrimination on grounds of ethnicity.** Children perceive each other such as they are and the ethnic origin is irrelevant to them. **We may not talk of any significant distinction being made on the grounds of ethnicity whatsoever, and this is not only because the majority of children are of Roma origin, but because they do not identify themselves with particular ethnicity or religion: „we are all Bulgarian” or „we are all children”.** When questions are asked about discrimination to Roma, the children simply do not relate themselves with them and usually understand the question as referring to the

Roma „in the neighbourhood”. But even then they do not show any different attitude.

As to the age, there is a natural division.

Often older children avoid the younger, while the younger do seek socialisation with the older. At the same time the older protect the younger; one can notice the couple „older (patron) – younger (favourite)” almost everywhere. It is not uncommon however that the older take younger children's money (particularly in the cases of brothers and sisters) or make them serve. There is also the phenomenon called „kombina” in the RBS (which is something children are particularly proud of and which comforts them) where several children create a closed group and the children there share all their gains and belongings, and its members unconditionally defend themselves against other „kombinas”. This phenomenon, however, is not considered by children or by the adults as discrimination.

In respect of relations between boys and girls, according to the educators, they are very close to the relations between brothers and sisters in a family. The children from the institutions prefer their romantic friends to be from outside the institution (particularly the girls). Both sexes have equal obligations in terms of maintaining the living environment, tidying/cleaning, serving meals, using common premises, games, television, or computers. If there are any differences between the genders, this happens outside the institution. **In the visited and studied institutions, no discrimination or unequal treatment by children on grounds of gender was identified.**

Children say they make friends with everybody in the Home and they do not divide themselves into younger/older, Bulgarians/Roma, girls/boys, etc. This, however, is just words. The children make close friendships mainly on the basis of age and equal gender. In fact, the older girls less frequently socialise with older boys, and this is because they are less often in the institution, and outside the Home they hardly ever socialise with boys from the institution, while the younger ones do not have such a choice: they are together all the time.

There is nothing like division on grounds of **social origin** as well, because everybody comes from poor families, and for them the most important is that they are all in an institution. **No differentiation or discriminatory attitudes between the children is found on grounds of religious affiliation or sexual orientation.** Only in the RBS the word „fruitcake” was used by a child, to refer to some children in the institution yet that was not accompanied by any negative comments, which, anyway, is an indication that in these „male only” institutions homosexual contacts exist as likely as not.

As far as we can talk about discriminatory attitudes and practices between the children in the institutions, such attitudes exist mostly towards children with disabilities. There are children with disabilities almost in all Homes. The attitude of the rest of the children to them is different: starting from ridicules and insults and reaching to conscious attempts to include them in their games, often related to staff’s efforts to integrate them. However, almost everywhere such children are avoided and insulted by the others in different ways.

...the children tease her, beat her, hit her with their slippers and she cannot defend herself, whatever they do to her, and she is defenceless, and she starts being ashamed and trying to hide right away ... talks behind their backs and she cannot defend herself (ICDPC, comment of a 15- year old girl about a child with disability)

The children with disabilities are the first and often the only ones to be identified by the other children as discriminated against (once they have been explained what discrimination means) explaining that they have not seen anyone behave badly to them outside the Home but only inside the Home by the rest of the children. This, of course, does not mean that those children were not discriminated against outside the institution, but since children with disabilities only occasionally go out, except for school, and when they do go out they must be accompanied by an educator or a sibling, this remains invisible to the children. The

children say that the educators behave very well with the children with disabilities. A girl with disability, however, shares that at school the children do not treat her well and that she is not fond of going to school.

– *Relations between educators and children*

The educators at the institutions have different types of education and professional background. Some are former teachers and they have degrees in pedagogy and those, once a local school has been closed, have been appointed as educators, or even as social workers without going to any special training. At the same time social workers take the roles of educators and they are expected to help the children with their school lessons during the study hours at the institution, but they do not have the necessary knowledge or qualifications to do this job, particularly when it is about older children’s needs.

Often **older children feel discriminated against because the educators treat them „just like small kids”** and reckon that the attitude towards them should be different. The oldest ones (17-19) deem unfair that the rules (particularly these concerning the evening hour and going out of the institution) are equal for all. (Those involved are all children aged above 12. We must agree that there is a difference in the maturity of 12-year old children and children who are 17-18 years old). They solve this problem by either violating or disregarding the rules.

When the educators are too yielding to children, it is evaluated by many of them, particularly by the older ones, as a problem because „everything must have some limits somewhere, ‘because things just may get out of hand’” (A 17-year girl from ICDPC). As for the educators children like, they say: „she’s both strict and good”, and at the same time, “she neither strikes at people nor does she shout (...) and respects the children” and „we’ve got used to stricter ways, and now everything is left loose” (Girls aged 13-15 talking about the change in the management of the ICDPC).

They (the small kids) fool around and drive those educators crazy, and I'm just sitting there and watching them, then I go on watching them and then ...bang! a slap in the face, come on, you should learn how to behave, the educators are human beings, too! They send them to the highway. Yeah, they call'em whores, ya know (...). they are sick, ya know (the relations between the educators and the children), I mean the kids start calling the educator names, that's when the educator hasn't fulfilled a child's wish, something the child wants, for instance, „I want to play the computer“, „You won't use the computer“, „Now, you bitch, you can't tell me what to do“. That's it. And the educators are doing nothing, just watching them (...). They just tell them they are grounded... yeah, but this is only words. (Girls 16-18 from ICDPC)

And so, when discipline gets out of the educators' control, they in fact sometimes rely on older children, who interfere and take the side of the educators.

...when Missis can't tame them, we go upstairs to just get them to bed. Honest, when I see some children how they wise off and answer the educators back, I sometimes imagine that I'm an educator myself, because sometimes they get on my nerves those little ones, then I, you know - bang, bang, go to wash your legs and then go to sleep, right? (A boy 16-year old, ICDPC)

The absence of the authority of an adult is a precondition for violence between the children. Physical punishments seem to have not been eliminated as practice, and only their implementation has been transferred to the older children, although everywhere violence between children is expressly forbidden. There are no clear effective sanctions or measures the educators can use to manage a situation that has gotten out of control, and this feebleness makes them transfer, often unconsciously, the implementation of those measures, which, according to their opinion, do work (i.e. physical punishments and threats) to

the older children, who would not be sanctioned for having applied them. In all these cases, the children act as a sort of „defenders“ of the educators and of the order, and in their eyes this gives them a moral justification for their actions, yet they do not realise that violence is wrong, and this is not just because it is forbidden by the rules in the institution. **This phenomenon, besides discriminating children (both younger and older turning the former into victims and the latter in aggressors), creates a vicious circle where the children go on losing the sense of respect to the educators, for whom in turn will be harder and harder to manage the most critical situations.** Here we may say there is a relationship between the stories of absence of control by the educators in the institution and the stories about cases where older children apply violence against younger ones, however, the empiric information collected is not sufficient to make more detailed and specific conclusions. Some interviews make it clear that the practice where children should recourse threats and violence is an old practice. Some children tell that at a younger age they have been treated just the same. The children solve their conflicts by applying violence at school too (and it is not only those from the institution), and in fact they do not have social experience that would teach them to cope with such situations in other way. **One may say at least that there is tolerance to older children's violent behaviour applied to younger, in the cases where the latter do not observe the rules.**

The situation when children are left to their own impetus and the adults have abdicated from their responsibility to be the figure from whom the children would learn how to respect the other person and to understand their own selves also hides a number of other dangers: **the stronger manages to dominate over the weaker, i.e. what we have is the jungle law in action. This may be considered a form of discrimination,** because it damages the group as a whole, and that group is living in environment which is supposed to shape moral standards and relationships. The interviews of the children from Educational Boarding Schools confirm the above giving another variation of the same story.

And how do you solve the conflicts? „... well, no way“. And what happens when someone says rude words to you or hits you? „Well, you know, after the teacher goes out we manage somehow.“ And how do you manage? „Well, we fight“. Doesn't it feel scary to always manage things fighting? Can't the older hurt you heavily? „We are used to this“. (A 13-year old boy from RBS)

The barracks type living schedule in RBS and SPBS, on the one hand, provides a structure and harnesses children and young people, who have emotional and behavioural problems and have difficulties controlling them. On the other hand, however, this practice is fairly limiting and repressive, which is a prerequisite for indirect and direct discriminatory actions, because the regulation of the relationships between adults and children based on possessing the power by the former and subordination of the latter, remains hidden. Such environment shapes dependent behaviour and treating, which may be non-loyal and unfair to some and favouring to other at the same time.

Relations with the world outside the institution: teachers, classmates, local community

– Teachers

Out of all the interviewed adults, the teachers in the schools seem to express the clearest discriminatory attitudes, although they claim the opposite. The most evident and the clearly expressed is the attitude of the teachers from larger cities.

In our work we are assisted by a resource teacher. All children who are attending resource training have some kind of disability: there are some with mental disabilities, others stammer, or have problems with their hearing or sight; they are helped by the resource teacher. However, to tell you the truth, in my opinion, they suffer here. In a normal class they are not confident, in the assistance schools, in my opinion, they used to be in their own environment, we are now trying to socialise them, however, they are slower, they're not quite suc-

cessful in everything, this is something that brings them no socialisation at all, I think it was a mistake that they closed down those assistance schools. (...) The children with disabilities, if they do not have any visible marks, are almost invisible, they are present in class, but they know that they are not going to be as successful as the other children, their day passes as if they don't exist in the society, they are isolated. (Elementary school teacher)

Such attitudes may be identified in respect to the children from the institutions as a whole, irrespective of whether they have disability or not.

Well, I don't know the reason, but the children from institutions just don't feel like studying too much, although their conditions there are perfect, they have everything provided and supplied and this is something that makes me angry, they come, and they don't study, they don't write. (Junior high school teacher)

Still, there we can notice quite a change and difference in the stories of the children, who are in the institutions now and of those who left the institutions 5 or more years ago. That change is particularly evident in their accounts of the relationships with their classmates and teachers. Today most of the children say that they get along very well with their classmates and teachers, while some of the former residents of ICDPC tell that once there has been strong negative attitude to them at school and that they have been discriminated both by the teachers and by their classmates.

I used to have a very heavy psychological complex because I was living in a state Home, and that complex was strongly boosted by the children at school because we studied together with the local children, and at school there was a very bad attitude towards the children from institutions shown by teachers and classmates alike, and that made my complexes grow stronger, and when I graduated that was still part of myself.

There was discrimination by the teachers and then by the children because I was from the care institution (...) People expected less from you, that is if you are not doing well at school and you are from a Home that was simply something normal. That was a sort of identity: the children from an institution do not have good marks, which even made me feel comfortable in this zone and made me require less of myself. (Former resident of ICDPC)

It must be noted that this changes when the respondents pass to the secondary schools where such attitudes have been found much more rarely. In these schools children have had better relationships with their classmates and have had friends amongst them.

In this school (the secondary) they already behaved better to the children, they were older, but I had my fears that they would come to know that I am from a Home. (Former resident of ICDPC)

As a rule, the teachers endeavour to integrate the children from the institutions. Some years ago children from institutions were often called „domadzhi” (an invented word meaning „children from an institution”). Already this happens just occasionally. In the majority of places, teachers visit the institution and familiarise themselves with the conditions in which the children live and study.

Compassion leading to condescendence is also a form of discrimination, to which some children from the institutions are particularly sensitive.

*The children from the Homes, we are all sympathetic to them and try to be very good to them and do not require from them enough and so they fall behind a bit. In my opinion, the policy of the State is a bit weak in this respect.
(...)The children from an institution are in turn very silent, they tend to avoid the other children, they self-isolate, seek the support of other children from the institution, and not from the class.*

(...)They speculate with human goodness, and the other children easily take up that it is easier to be a mean person, than a good person. (Primary school teacher)

The discriminatory attitudes of the teachers on grounds of social status are sometimes surprisingly honest and genuine, but they demonstrate the complete unawareness and lack of consciousness of the problem. It is obvious that some teachers still think that the „excellent students” are born this way, and only in good families, and it does not depend on them (the teachers) to cultivate in children the interest to learning, irrespectively whether those children come from an institution or from a family and whether they are Bulgarian, Roma or Turkish.

I have been here for 20 years, and this is too much. This school used to be big and full of pupils, the best school in town and, as I don't come from this town, I was very proud to work here. Those years passed, with their progress and regress, they walk hand in hand, and then the number of schoolchildren dropped a lot; it's just not the same, we have glorious history, good facilities, however, the things within the teachers team changed, and so did between the children; then the shortage of schoolchildren lead to placement of some children from institutions, and some Roma children and that gave another image of the school and lead to an outflow of those excellent pupils. (Primary school teacher)

– Classmates

The attitude of the classmates is sometimes rigorously traumatising, even more than that of the adults, because it is more sincere and explicit. Although the interviewed classmates of the children from the institutions declare good feelings and absence of division lines between them and their friends from the Home, the perceptions of the boys and girls from the ICDPC are different, particularly of those older and particularly when the Home is located in a town.

There are all sorts of children in the Homes: there are kids who deliberately tease the others, and there are kids who are quiet and don't care about anybody, and there are kids who tend to make more friends (Classmate of a child from ICDPC)

The children themselves build internal barriers and develop psychological complexes, and this is because they cannot participate in the out-of-school life actively, without violating the daily schedule of the group or the rules at school. **Older boys share that they feel uneasy to admit to the girls that they live in a Home, because they are afraid girls will lose interest in them when they come to know about their origin. The same happens with the girls.**

I don't want them to know I'm from the Home. What's more, when they ask me I don't tell them I'm from the Home... although they make some discounts for us, for example, when we go to hair-dresser's... it's a bit embarrassing and that's why when they ask me where I come from I tell them "I'm from here". (A boy, 17-year old from ICDPC)

...Because I have friends that I don't want to know where I come from and that sort of stuff... They know I'm from (...) that I'm cool and that I'm great, but that's all they know. They don't know I'm living in a Home, and that's all. (A girl, 17-year old from ICDPC)

Older children feel uneasy about the label „child from an institution“. They realise that the attitude to them might well change and prefer to keep silent in order to preserve the sensation of friendship outside the institution. In fact, the majority of older children say that their best friends are amongst their classmates. This is a sign of a very positive change in society's attitudes to the differences and, more accurately, the attitudes of those young people. The opinions of the educators on this issue are not necessarily more objective. **Just the opposite, the educators themselves transfer their own discriminatory attitudes and perceptions to the classmates of the ICDPC children** (as

they see them differently and for them that difference is significant).

They say they have friends at school, however, no one has invited them to their homes, this happens very rarely. You shouldn't disappoint them, of course, you will never tell them, but you just ask them gently, „Well, have you been to his place?“, and they say, „No. Our role ends here, at the entrance of the school“. (Educator at ICDPC)

The interviews with children from foster families lead to similar conclusions. The girls have unpleasant memories of the school they attended during their stay in the institution and say their new school (since they have been in the foster families) is much better and they never insult you there.

– Local community

The attitude of the local community to children from institutions is quite varied, depending on whether the institution is located in a small settlement or in a bigger town. In the small settlement, the institution is perceived as part of the community, while in town, these children are mostly regarded as „different“. **There is also the question of how the community looks on the children, when they leave the institution... there is usually mistrust to them.**

Sometimes parents of their classmates are incited negatively, however, this is usually in relation to a child with special educational needs, who hampers class's work, and the teacher is not entitled to get them out. And then the parents protest. (Teacher from elementary school)

The attitude of the community towards children from RBS and SPBS is definitely discriminating precisely because the children live in the respective institution. They presume those children are criminals or potential criminals.

If there is a theft in the neighbourhood, as a rule they accuse our children. Although most of the times they are wrong. They (the children) go around, help the people, and yet there is this

negative attitude to them. Once, when I wanted to collect (old) shoes for them there was only one woman to come forward... Although our children behave better than the other children in town, again and again they are the accused and insulted unjustly. They take a dim view of them. When they use them to work against petty cash they (the children) are good, but as a whole, they are not well accepted. It is well true that they sometimes get into the yards and pick fruit, however, these are children, they are not some prisoners, and we can't keep them chained. The people from town canvass and make list of signatures against them after every incident. However the discipline imposed at the school is more rigorous; (...) in general these children are more respectful than the students in regular schools. (Senior educator at RBS)

Even more striking is the attitude of the official authorities.

We even had some formal letters from municipal administrations, personal letters from mayors saying that the settlement where the relevant SPBS is located, is very prestigious, that there are plans to develop it into a resort centre; they will build here all sorts of sports facilities, all sorts of opportunities will be opened for international tourism and sport, and this school is a hurdle. There were even some insulting texts saying that in front of the eyes of those people who will come, no juvenile delinquents should be shown. (Expert from the MEYS)

– Attitude of the experts

The experts are inclined to differentiate the children in institutions on grounds of gender and to predetermine their behaviour. **The attitude to the girls is definitely more critical.**

The girls are more easily tempted by the outer world. Such things as arraying themselves, dressing up, paying some attention to them – they are more sensitive to them; if they are given even small things, they may be involved in a variety

of (risky) activities. The boys are more reliable, they are also able to defend; however, they run a greater risk to be involved in these so-called more „macho“ activities, because the truth is that these children grow up very mature at too early age. (Expert, SACP)

Although the presence of discrimination by sexual orientation is denied, the experts use words like „bent“ in their explanations that children are very tolerant towards different sexual orientations. In the statements of other adults as well, the children with different sexual orientation are treated as ill or people who need help. In respect to **the age**, the experts are inclined to accept as „natural“ the discrimination by the older ones towards the younger, irrespective of the numerous signals for serious abuses.

The experts manifest discriminatory attitudes on grounds of gender and sexual orientation and they accept as „natural“ the discrimination on the grounds of age.

Children aged 7 to 18 are taken in, and it is quite natural that such things happen as, for example, the older child imposes on or has requirements toward the younger in the same way as it is in a family, of course. The older children have authority and the younger ones simply must follow them. (Expert from the SACP)

Regarding **the ethnic origin**, some experts manifest unfeigned discriminatory attitudes irrespective of their claiming that they care about the children.

The institutions in our territory give shelter to a rabble of all sorts of people of Roma origin, coming from all over the country, who don't work, are illiterate and even don't seek for work. There, in one of the Homes, the feeling emerged amongst the children that someone must take care of them and they can only idle about. Even going to

school is a problem for them. They think that social care system will take them in and they will only have a rest. Nobody built in them a desire to study, to learn a profession and take their life in their own hands. This is the main reason they become clients of the police, because they inevitably break the law. (Employee, Sofia RDMI)

For the majority of the Roma children, the life in the institution is a step forward concerning the quality of life in the ghettos where they were born, without electricity, running water or elementary hygiene. In the Homes, they learn to live under some order and personal hygiene which is an advantage for them. Moreover, the institutions guarantee going to school which is questionable in the ghetto. (Expert, ASA)

In the same time, the experts identify discriminatory attitude of the society in general based on ethnicity but they stand out against it.

As a kind of discrimination I define the attitude of Bulgarians to all Roma. Suspiciousness, ill-will which are demonstrated to them (...) the television and Internet, the mass media as a whole are the main „teacher“ for the children and without being aware of the form of discrimination, they sometimes use this word absolutely irrelevantly in order to speculate. When they are accused in breaking the rules, they deny and refer to a discriminatory attitude on the grounds of ethnicity, e.g. they use this word (discrimination) to protect themselves. However, there are some who are right. I have an old client who has been of age for a long time and who keeps in touch with me and shared with me that he has a problem finding a job, for example in a car washer, and he doesn't get the job only because he is Roma. This is pure discrimination. (Employee, Sofia RDMI)

Children with disabilities are most heavily affected by the discriminatory attitudes.

In practice, the children who are qualified as „bedridden patients“ are treated unequally in comparison with the others and no attempt is made to include them: they do not have personal things or organised space. They are abandoned twice: once by their parents and for a second time by the society.

The families abandon children because they cannot or don't want to cope with them, or the family doesn't know how to manage this situation and there is no one to inform them, to tell them what to do. And in these cases, the most frequent advice of the medical workers is that, since this is a medical condition, the child must be treated in these institutions where the child will receive adequate health care. However, in these institutions, the children with disabilities are in closed environment and they have no contact with the outer world. On the other hand, they have serious problems with their health, or communication, or with socialisation. However, particularly important for the health problems of the children is that they are not met in an adequate way. Diagnoses are made for a period of time but after that nothing of the necessary interventions is done in order to improve the situation. I think the children who have minor forms (of disability) are integrated in schools, in special ones, with resource teachers. However, the situation is more difficult when the children have heavier disabilities, bedridden patients... My experiences with the personnel make me think they don't understand the need, they don't imagine that such a child may be taught. And that's not only the personnel but the schools as well. (Expert from the SACP)

The study found out that the Child Protection Departments do not always work in coordination with the institutions providing care for children. The work with the parents is identified as a shortcoming as well. According to the experts from the State Agency for Child Protection the parents must be involved and included in the life of the children; however, the implementation of this objective is left mostly to the institutions which do not have the necessary capacity. According to the educators in the ICDPC the requirements which are set out by the Child Protection Departments to the parents of children in institutions are unachievable and they cannot fulfil them, which limits further their relations with the children. It turns out that instead of encouraging and facilitating the relations with the parents and the families, they are impeding them.

At the time when the children were placed in an institution on the basis of prescribed principles - children with one parent, or without parents, or with parents serving a term of imprisonment, or with mentally disabled parents - the children came and, to some extent, they were aware of the necessity of the Home even when they had families, and they kept in contact with their families. Now, over the last few years, one could contemplate a stunning fact that their parents very often don't call them, which is in contrast to the expectations. Secondly, the requirements to the parents that are set by the social services are such that even I cannot meet them. So, we turn in a vicious circle. (...) Well, I am very curious how all children will be returned to the families. This is fool's paradise; you may not keep him until they are 20 years old in the Home and... if these children had families they wouldn't have stayed in the Home even for one day. (Educator at ICDPC)

Another identified problem is the career orientation of the children living in institutions to non-prestigious professions. Their abilities are systematically underestimated in the starting point and further the discriminatory practices are overlaid.

Almost all interviewed children have chosen a profession and these professions in most cases are hairdresser, cook, driver; a singer or a model is also met with the girls; with the boys – football player. It is not quite clear how they have come to this option; however, the fact is that the cases where they want to become a veterinarian, for example, or a psychologist writing books are rare.

We should not forget that the majority of the children has a good picture about their chances to graduate from a university and practice „more prestigious“ professions. (The interview with a girl who is a former resident of one ICDPC is particularly indicative, in which she says: „I enjoy at the moment the status acquired due to my husband. I never even dreamt to be financially well and not to be worried about this (...) This gives me the possibility to think differently and to concentrate on myself, on the things which excite me“ – (at the moment of the interview the girl was applying for Iranian studies at the University of Sofia).

d) Identified Forms of Discrimination

In the course of the research, a variety of forms of discrimination existing in diverse configurations were identified. For example, the quotation below is an illustration of the combination between intentional and systematic discrimination.

It was extremely drastic when the educators explained to me how they took the children to school and talked to the teachers there and they told me with grief that it was not proper for a child from an institution to be left somewhere in the back of the room, one or two lines of desks behind the others. This was offending! This was a mere discrimination; however, (to solve this problem) here we must already have the co-operation of the teachers, the understanding by the other side. (Expert from the SASP)

The most obvious forms of discrimination are identified against the children in SPBS and RBS which are older, usually over 12. These children receive pocket money only from their parents if the latter deign to give it or send them which happen seldom. In order to obtain pocket money the children either work or sell their belongings, or commit small thefts. Sometimes they perform hard physical labour only against food and cigarettes. The majority of them work with the educators' permission who face the choice either to let them work for people who at least show their identity cards and are well-known in the community or to take the risk that the children will do other antisocietal acts with the purpose to get the necessary money. The problem, however, is that this happens not only during the holidays but in the school year when instead of being at school, the children and underage boys (usually only the boys) spend the day working for discredibly low remuneration, i.e. they become a victim of obvious labour exploitation. This is an example for a direct, intentional and systematic discrimination on the grounds of age, gender, ethnicity and social status in which it is obvious the inaction of the State authorities concerning the solution of the problem with the pocket money of the children on the one hand and, on the other hand, the solution of the problem with labour exploitation of these children. This multiple and various discrimination is the most damaging for the children.

3. Children's perceptions of discrimination and equal treatment

a) How do children understand the notions of discrimination and fair and equal treatment

What is discrimination?

...I come to think of disabled people or of the children in the care facility. Some people tend to believe that they are inferior, primitive or less smart than the rest; just children who are different or worse.

...To show disregard for someone, to shun him or her from your conversations.

...Discrimination is when people estrange from someone who performs better than them or does not match their company.

...It means to be pushed away, to be treated meanly by all. Because you come from a care facility.

...To differentiate between cultures. For instance, if I tell a negro: 'Get out of here, you're black', and chase him/her away. Or if I see a Roma and I deride him, you know, they're kind of strange... And if I were to tell him: 'Get out of here, gipsy boy!'

... Discrimination is when you're treated patronisingly by others, once they come to know that you're coming from a care service, they pity you...

In most cases children do not know what discrimination means and only the older ones can explain the meaning of equal treatment. The quotes above feature some interview responses by children former residents of an institution for children deprived of parental care (ICDPC).

Their perception of inequality, in terms of available opportunities, is triggered mainly by the lack of support once they exit the institution. Children with families receive support until they find a job or while they advance in their education. However, no support or setoff mechanism is in place for children without kin or close relatives. In addition to the discriminative attitude on the grounds of disadvantageous social status, a more complex issue is at play here, affecting equally all children from poorer and socially disadvantaged families, which had never been in touch with a care institution. More-

over, all of these children (whether brought up in care facilities or not) may not afford to continue their education, which is an adverse factor for their future employability adding to the broader-scope social problem of disparity, especially in terms of the access to education and the labour market. **The critical distinction in this case, as the interviews suggest, is that children growing in care institutions shape a mindset of passive recipients; they become inactive and dependent and find it difficult to overcome their situation.** They are unaware of the actual value of the items they receive for free (food, clothing, entertainment), they cannot assess the value of the things they wish for, nor can they imagine how much work is required to afford all of that, once outside of the institution. Within the family, children usually partake in the shopping of foodstuffs, and the older ones have some idea about the family budget, whereas chil-

dren in institutions tend to buy only wafers, potato chips and coke, and these have become their ultimate conversion unit for the value of money. (Several teenage children were quite curious about the entertainment opportunities available in Sofia, but were genuinely shocked to hear that the ticket price for a concert they wished to attend exceeded the amount of 30 BGN or could even reach a three-digit number, which sounded fairly abstract to them).

b) The link between feeling discriminated against and the awareness of children's rights

Irrespective of the type of institution, educators, caregivers and teachers alike stress that children are well aware of and can claim their rights, but tend to disregard their duties. Rights and duties are invariably juxtaposed. Meanwhile, it is only children's duties, which are broadly emphasised within the institution.

They know their rights much better than their duties. They never mention it, but they demonstrate it clearly. (Educator at ICDPC)

Regardless of all statements that children had awareness of their rights, educators and caregivers were unable to specify when exactly children had been introduced to these rights. On the other hand, duties had been put down on paper as „Rules” in all the institutions.

Children also found it difficult to grasp the issue of „children's rights”. They could not remember instances of rights-related input by their staff, except when they had been talked to by NGO visitors on the subject. Quite often they were confused between „rights” and „rules”, but they showed no hesitation about their duties. **They do not have the slightest concern that their rights are being violated in whatever manner, as they have no idea what is the underlying notion of „rights”.** Adults, however, seem to be of a different opinion, although they themselves demonstrated a critical ignorance of the meaning of the rights of the child.

To the question of do they know their rights or not, I would say that they know them quite well. It's been several years now, since information had been passed: there was a hotline initially, now there is a national call number for children. (Expert with the SACP)

They know how to write a complaint, they know how to proceed, they can even take organised action if they wish. They could also tell someone if he/she is mistaken and demonstrate what is correct. It is quite a different issue how they construe their rights. They have been extensively informed about their rights, while duties seem to have been left aside. These ideas are not treated on an equal footing. All of a sudden, we seem to be having much more rights than duties. (Educator at ICDPC)



4. Do children feel discriminated against

Children residing in institutions do not feel discriminated against, as the term „discrimination“ is not charged with meaning in their setting.

Children seldom identify themselves with any ethnic group, gender is hardly a factor in existing relations of inequality, only age seems to be of distinctive importance.

At the same time, they have the feeling that their interaction with the outer world has been restricted and unfair, as they can observe considerable differences between the

living routines of people outside and their own.

a) Instances which make children feel unequal

- They cannot go outside freely: they are subjected to restrictions of both their daily schedule and accommodation area;
- They cannot be on their own: all human beings need to be on their own for some time (however short), before engaging in communication with others; children in institutions do not have their personal space, which explains why they cannot accept and respect anyone else's personal space;
- They do not receive sufficient finance: typically, they can never compete with their peers; they cannot engage on equal terms in social life outside the school, they cannot go on trips and join other events associated with additional expenses; as a result, they either lapse into isolation or they find friends, who could afford to pay for them;
- Children from social-pedagogical boarding schools (SPBS) and re-educational (penitentiary) boarding schools (RBS) do not receive any regular provision of personal money to spend as they wish, whereby they are easily abetted into unwanted acts;

- They have no clothes like those of other children: children feel unacceptably uniform, as most donations provide equal supplies to all. However, being dressed alike and looking distinctly different from the rest, as a group, is certainly the last thing they would opt for;
- They often feel betrayed by their parents: the intention to maintain ties with the child's family is often the reason for cherishing unrealistic expectations towards parents and their capacity to remain in contact and pursue family reunion, which is an additional traumatic factor;
- Educators are unable to provide each child with adequate personal attention: this is of particular relevance to younger children, who need more, and special attention;
- Children cannot choose between options for further education.

b) Key social actors, which give children the feeling of unequal treatment

– other children in the same institution

Younger children have the feeling that their elders are not treating them fairly.

– classmates

Their classmates mock them sometimes because of their old-fashioned wear, „...wow, what sandals...“. They call them „domadzhi“.

– the educators

Most children say that educators treat everyone equally, but „they are nicer with those who behave themselves“. As a rule, educators do not favour anyone, but only „children who behave well“, this is why „the way they treat you today just changes two days later“. To be their educators' favourite is a standing children associate mainly with the notion of trust: „they trust me more now“ is the most frequent reply to the question of what it feels like to be favoured by educators.

– the teachers

Children are sensitive to the discriminatory attitudes of teachers. An ICDPC boy remembered how a teacher in their 9th grade had

said in front of the class that the children from the institution were „consuming the state’s money”. Another boy shared that teachers habitually ordered them to clean what others made dirty. Most intolerable was that teachers showed pity for them.

– the local community

The townsfolk call them „hooligans”, regardless of the fact that they had done nothing to deserve it. They treat them with hostility and prejudice, „they call us thieves and I have stolen nothing from them”.

– the experts

Those, who „come, ask questions stay the night and go home, and nothing ever happens”. These are the experts and the inspectors who visit the institutions and children have to get prepared in advance, they entertain certain expectations that things will change...

Some people came here by cars. So many cars. They stayed for two days. There was a council meeting and after that they asked us how we liked it here. – So what did you say? How’s life here?- Well, you know. We just say it’s... OK. That’s what we say...(16-year old boy, RBS)

c) The implication of discriminatory practices on children’s daily lives

– aggressive behaviour

Children in institutions tend to have a high tolerance threshold for physical violence. In fact, they take corporal punishment easily and do not perceive it as something improper. Older children have the adults’ tacit consent to punish younger children physically (mainly by slaps in the face), while younger ones keep silent about it because they take it as something they deserve. Typically, in any institution there would be two „bullies”, whom educators are unable to manage. They just let them do as they please, while other children mention nothing about it because they fear to face their aggression (a typical example of physical bullying).

– apathy to learning and eroded motivation to remain in education

Children who face learning challenges from the very beginning, quickly give up. Learning is a painful duty for all and children are even further discouraged when adults (teachers especially) demonstrate indifference to their performance. Additionally, teachers demand less from the children from the institutions, which is also a factor of discouragement. Children can see no benefits in learning.

What they find most discouraging is the lack of preparedness to be in a group, in class, to keep up with the rest and not be mocked... This is why they drop out from school, they are unable to catch up, they lag behind and they find it difficult to cope... Nobody wants to attend places where they feel unwanted, they perform below standard, nobody notices them or they are sometimes treated in a degrading manner because they come from a care institution. (Educator at ICDPC)

– disrespect for adults

This attitude is shown by younger children. On the one hand, as they miss parental affection, they want to get the most of their educator’s attention. On the other, finding out that educators have limited powers to maintain discipline and order, they become abusive, especially towards more tolerant staff. Rigorous educators have earned more respect, and are even feared occasionally.

– learned helplessness

Life in an institution does not develop children’s working habits. They expect to gain and to be the object of care. It is true that they are involved in the maintenance of their living environment, but this is not enough to get them prepared for an independent life. Children very often go „to the store”, but they only know the prices of wafers and some other trifle commodities. They have no idea about the value of money and the costs of living and they can hardly imagine the responsibilities awaiting them after leaving the institution.

– a desire to escape and find salvation

It is not only institutionalised children who perceive escape as the typical route to salvation. Both children and adults would not strive to escape if they felt happy, pleased and content. The desire to escape is particularly strong among the children in the SPBS and the RBS, whose freedom of movement is restricted. Escape is a goal in itself, which would release them from military in-house discipline, violence, the child-unfriendly regime, the attitude of the outer world, the poverty and humiliation; they want to run away from this facility „at the end of the world” and go back home. Children from the SPBS and the RBS are not the only runaways. All who think that they have somewhere to go, would escape (to their parents, relations of kin, to someone they feel as a close friend). Even „the nicest” of institution cannot quench their thirst for freedom, children run to get back home.

Why are you not on holiday now? „I escaped.” Where did you go? „I went home (...), stayed there for two nights and the next morning I woke up too late, almost at noon, and the police came and caught me as I was trying to break through the window.” So they brought you back here and now you’re not allowed to go home. „Yes, but they will let me go at New Year’s Eve”. (A boy at RBS, 13-year old)

– the desire to grow and find a job

Almost all children dream of a future, when they would have a normal family and a job. They want to grow up, to find a good job (typically they want to work abroad), to have children of their own and care about them. However, most of them fail to relate employability to education.

I wish I could leave this place forever and never come back to such boarding facilities, you know, to graduate from school, to get married and to have a happy family. There is nothing more I need. And I want to have a future. (A 16-year old girl living in SPBS)

I wanna go out of here. It’s been three years now, and the next year will be my fourth. I have come here voluntarily. If I was out and free, I would attend school to the 12th grade if needed. I will continue my education. But all I need is freedom. I intend to live well. I will start anew, as someone who had paid his dues. A brand new start. Nothing outstanding. (A 16-year old boy living in SPBS)

I imagine a family. I’d work in a restaurant. I’d go there every morning, just to earn the money and give it [to my children], so that they could go to school, I’ll bring them up well. I will teach them not to steal, not to offend each other, not to fight, I will keep them clean. I will have a beautiful house, not some old ramshackle house of unplastered brick. This is how I imagine my life... (A 16-year old boy, living in RBS)



5. Good practices to overcome discrimination

a) What works well according to the children

In the course of the survey, interviews were conducted with former ICDPC inmates, whose independent lives have developed in a positive direction. Varying periods of time had elapsed since the young male and female respondents had departed from the institution. They had all been institutionalised since a very early age and each of them witnessed dramatic changes, both in their respective institutions and in their personal lives. At a certain point, their institutions began working on NGO projects and experimented with new systems of institutional child care (a Dutch model was implemented in their case).

When (...) investments from the Netherlands flowed in, a part of the facility was transformed. We were in the so-called pilot group of children, who had to be trained under the Dutch model, so we were given more individual assistance (...) It was quite well structured (...), children's needs were addressed with adequacy, more educators were involved to attend to less children. Most of the assignments in the group were designed to give us preparation for our lives after leaving the institution. (Former ICDPC resident)

A similar story by another young man who had been transferred to a different institution using the same model:

They transferred me here in 2001 (...) Thereafter, I experienced a thorough change of mentality and character. I became less anxious and my temper balanced. (...) I had no affection for the previous institution, I mean... I didn't heed educators and staff at all, so I just did what I wanted. (Former ICDPC resident)

This model had numerous implications for youngsters' lives in the institution, but the key difference was that it created a family-like environment, both in terms of physical space and child-educator relations:

(...) We were less in number and we had meals in a dining-room, there was also a kitchen box, a living room, a table for having meals and a coach in the other end of the room... It was designed as a family home, not like the institution where I resided before; you don't feel at home there. I got that feeling in the course of the project, we all dined at the same table and this helped us communicate. It was like a family; I used to have a family once, but many children had never had one, and the whole experience was new to them. (Former ICDPC resident)

Respondents point out that this had brought forth a considerable change in their attitude for educators, they felt more closely related and established parents-children-like ties.

(...) This was a more intimate, family-like pattern and mentors could address all children or one child at a time in a bond resembling that between real parents and their children, as far as possible... This was more successful, children felt at ease to speak about their problems, we shared psychological problems mainly, as we had many of these but we were unable to express ourselves. (Former ICDPC resident)

The respondents shared that prior to the introduction of the new system, children were often truant from school, but the changes had a thorough impact on their learning motivation and transformed their overall attitude to the rules and to their duties within the institution.

Beforehand (in the previous institution), the rules were not actually enforced: they (the educators) wouldn't bother at all about your conduct. For instance, you had been absent from school till lunch, your class teacher would call them and that's all. While here you have feelings. You feel bonded and you can share things with someone from the staff, be it the housekeeper or an educator. You feel they are somewhat closer to you. (Former ICDPC resident)

Most probably, the change has affected educators' motivation alike, as a former ICDPC inmate from Sofia points out, observing that educators used to have a formal attitude to their job beforehand, they did things in order to be able to report, they favoured certain children and communicated with them more regularly, while afterwards, all children were given attention and educators allocated more time to speak to them.

Another critical difference they experienced was that their new model of life improved their independence, and they found this very beneficial after leaving the institution. They learned to cook their food, wash their clothes, and clean the house.

In addition, **the involvement in NGO projects** has broadened children's perspectives by allowing them to communicate with children raised in a similar setting in other countries, which provides a backdrop for normalising their living situation. After having visited a counterpart facility in a West-European country, children from one of the local institutions shared how surprised they were to find out that their peers in developed countries could be faced with similar circumstances (as residents of an institution for children deprived of parental care). Now most of them say that they feel inspired to learn foreign languages, and English in particular, in order to be able to communicate freely with those children and the people whom they met there.

This is confirmed by the story of one of the girls, a former ICDPC inmate, who found an opportunity to practice and improve the English she had learned at school, while being involved in NGO projects implemented by her institution at that time.

b) Recommendations by educators

The question of formulating specific recommendations to the State for preventive action against gender-based discrimination on various grounds has attracted controversial responses, stemming from staff's personal experiences and primarily based on the length of their career within the child care system. Recommendations also reflect educators' concern that they may lose their jobs due to the deinstitutionalisation reforms.

A family is the best option, but there are children without families and they need to receive care and education. Social services are one aspect of the provision and we complement each other all the time. Children need us and you can't help them by producing statistical output. Indeed, it is fairly easy to decide and close down care facilities, but there is no effective alternative, at present. Reintegration is also a challenge – what would a child do at home if they lack the basic living conditions, while the current location of their biological parents cannot be tracked? (ICDPC educator)

Integration of children from care institutions to the children in the mainstream school is suggested as a way to overcome discrimination at school. Another recurring proposal is to allow children to do some job within the institutions (other than maintaining their premises clean and orderly), so as to be better prepared for their life afterwards.

Also, an overall conceptual change is recommended for children's living environment, so as to allow them more individual space and room for personal expression, parallel to an abridgement in the number of children per facility and increase in the number of educators.

An emphasis is laid on the significance of approaching each child individually and applying care standards in a more flexible, case-by-case manner.

Both RBS teachers and educators insist that the status of their institutions must be altered in order to allow their former residents to live without being traumatised by stigmatic attitude and discrimination.



6. Findings and recommendations to governmental institutions

a) Findings of the survey¹¹

- Institutionalised children are often subjected to various forms of discrimination, most often covert and indirect, but with multiple projections. The assumption that children's disadvantaged social status is the overarching grounds for discrimination has been confirmed.
 - Ethnic belonging and gender were hardly a factor for discrimination at all, but unequal treatment on the grounds of age was almost a typical pattern. (An example in support of this statement is the equal ration of food disbursed to children in all age-groups from 7 to 18.)
 - Direct and indirect discrimination on the grounds of disabilities is also shown both amongst children and on behalf of educators and the broader public.
 - Children in institutions are not aware of their rights and can hardly distinguish between rights and rules. Adults in the institutions are also ignorant of the rights of the child within the context of human rights and may not refer them to specific instances of unequal treatment. This results in the juxtaposition of children's rights to the rights of adults and triggers the latter's discriminatory attitudes.
 - Institutionalised children are more vulnerable to discrimination due to social isolation and the impossibility to refer to a family environment and rely on relevant support, which is even further aggravated by the group care model and the lack of individual approach.
 - Numerous and comprehensive strategic documents and programmes have been devised to lay down a multitude of support and prevention measures against the discrimination of children in institutions, including positive discrimination measures. However, the application of these strategies and programmes has remained unsatisfactory, while their effect on children is vague and uncertain. (For instance, there is no clarity about the degree of compliance with the statutory procedure and requirements for supporting young individuals above 18 on their exit from the care system).
 - The regulatory provision of the right to pocket money for inmates of the SPBS and RBS facilities seems to be suffering considerable flaws, which surfaces in absurd situations, such as children having to pay for external services (a haircut, for instance) with their own money, provided they have no money at all, which is also a precondition for inadmissible labour exploitation.
 - Children in most of the institutions did not have the feeling of being treated unfairly, which is owing mainly to the fact that they have no adequate criteria for comparison (they draw assessments of each other).
 - They recognise their social status as the key grounds for unequal treatment outside their institution.
 - Most children in the institutions do not recognise education as the leverage to an equal start, especially in the absence of „the family“ as a factor of relief. They tend to rely on some „invisible authority“ (probably the state), which will support them throughout their life.
- Institutions for residential child care do not perceive child care as a social service (social work), whereby practitioners do not have the requisite professional identity, since their vocational preparation and training were not based on social work values. Predominant attitudes have a focus on care rather than on the rights of the child. The views which the adults (social workers, educator, etc.) shared in their interviews have yielded abundant arguments to support this statement: they believe it is sufficient to treat all children in the same manner; knowing the culture of the other and recognising the difference

¹¹ The findings and recommendations below were derived solely from the attitudes and the viewpoints expressed by the respondents in the survey. They are not resultant from any background analysis of the legal or institutional framework, nor do they reflect the impact assessment of the state's regulatory policies.

without reflecting on one's own attitudes is something they find quite acceptable; as well as abstaining from action for the fear of being accused of discrimination, apologising for the violence, etc. Such beliefs and attitudes, which breed sustainable discriminatory and repressive practices, suggest that staff in the care institutions is in need of relevant training. Additionally, a platform has to be opened for bringing individual cases to discussion and oversight.

b) Recommendations¹²

It is necessary to adopt an individual approach to each child so as to ensure an adequate assessment of their needs, a relevant care plan and an opportunity for them to choose their own development route in the future. Giving children a „child-by-child“ treatment according to their personal needs and abilities would require commitment to each individual case, and in-depth knowledge of the child's strengths, interests and development potential, as well as fostering the child's own commitment to his/her future fulfilment. Thus, a child would be allowed to establish his/her own emotional niche of ties and relations, which would give meaning to their entire life and improve their capacity of self-management. The individual approach is expressed through the „case work“ technique.

An important tool for overcoming discrimination is to encourage a child's participation and increase his/her awareness of their own fate. Empowerment through self-assertion opens a venue to an attitudinal change both for care-facility staff and the children, with far-reaching implications for the society as a whole. A clear and long-term commitment is needed in terms of accompanying children to ensure their participation in decision- and policy-making, and in the elaboration of the practices, which affect them.

Soliciting the support of the educational system for the children in care institutions and streamlining it with underlying social policies is another important element of the change. It is essential to ensure institutionalised children with access to vocational counselling and training, so as to facilitate their fluent integration in the labour market. The creation of opportunities for learn-

ing, mastering and participation would allow children and youngsters to pursue their own chances of professional development and successful employment.

Maintaining close ties with their school and especially with their classmates' parents is highly recommended. Children's mentors from the care facility must attend parents' meetings regularly and maintain contacts with their classmates' parents.

For as long as children are placed in the child protection system (although in an institution), it is essential that work is done to maintain/re-establish contact with their family. Active abandonment prevention work is required among future parents, especially in the risk groups.

It is also necessary to assess the effect of the various programmes and positive measures, so as to arrive at justified conclusions about their ultimate working outputs; based on children's specific needs assessment, positive measures need to be ensured (support for access to education, additional learning support, various internship programmes in which interns get paid, trainings for independent living and working skills, conflict resolution trainings, etc.).

The framework of secondary legislation must be subjected to a comprehensive scrutiny, as it often „distorts“ the application of the law into discriminative practices *par excellence* (such as the absence of a pocket money provision for the children living in SPBS and RBS facilities).

The success stories of children after they had left the care institutions must be identified and studied as a source of useful experience, exploring the turning points to success, the positive solutions, the key factors contributing to the child's support, etc. Relevant services may be developed in this respect.

¹² More comprehensive recommendations can be delivered only on the grounds of a supplementary analysis of the legal framework, assessment of its implications and effect and an evaluation of the effectiveness of relevant measures, so as to reflect factors complementing the qualitative survey of children's attitudes.

Conclusion

The placement of children in residential institutions is a violation of children's rights as safeguarded by international conventions to which the Republic of Bulgaria is a signatory party (the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, etc.), which results in the establishment of discriminative patterns in education and in the provision of access to quality care and services.

By its „Vision on the Deinstitutionalisation of Children in Bulgaria”, the government committed to abridge significantly the number of children placed in institutions. Although the reformative effort has earned the support of international and domestic organisations, care institutions would not be likely to close down within a short period of time. A successful deinstitutionalisation requires the preliminary development, launching and pilot testing of alternative services and a child care provision, so as to allow for currently operational facilities to close down. Otherwise, our society would come to witness again the mechanical transfer and implementation of policies, which fail to produce the desired results.

Deinstitutionalisation will be a process over time, whereas children residing in institutions today are in need of immediate support action. Due to the established stereotypical attitudes and prejudice, these children pertain to a group excluded from active public life. Their special needs prevent them from being naturally and smoothly integrated into society, and no programmes, plans or legal provisions are in place to facilitate the process. The law gives them certain protection against discrimination and sexual abuse, but fails to ensure their active inclusion into social life.

The Bulgarian legislation, alongside the international instruments ratified by Bulgaria, constitute an adequate basis for the state to adopt all necessary measures for complying with anti-discrimination law, including the introduction of quotas for disadvantaged groups. A quota system would be a suitable tool for the integration of children in education, for the employment of juveniles above 16, as well as for including them in extracurricular activities, such as clubs, sports and entertainment. Therefore, an opportunity like this needs to be given a serious consideration.

The existing anti-discrimination framework (especially with regard to education and children with disabilities) grants the state with adequate powers for adopting special measures to ensure the equal start of institutionalised children, and, therefore, its provisions have to be applied to the maximum effect.





КОНВЕНЦИЯ НА ООН ЗА ПРАВАТА НА ДЕТЕТО, чл. 2, Забрана за дискриминация

» 1. Държавите – страни по конвенцията, зачитат и осигуряват правата, предвидени в тази конвенция, на всяко дете в пределите на своята юрисдикция, без каквато и да е дискриминация, независимо от расата, цвета на кожата, пола, езика, религията, политическите или други възгледи, националния, етническият или социалният произход, имущественото състояние, инвалидността, рождението или друг статут на детето на детето или на неговите родители или законни настойници.

2. Държавите – страни по конвенцията, вземат всички подходящи мерки за осигуряване закрилата на детето против всички форми на дискриминация или наказание на основание на статута, действията, изразените мнения или убеждения на неговите родители, законни настойници или членовете на неговото семейство.

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UN CONVENTION ON THE RIGHTS OF THE CHILD, article 2, Non-discrimination

» 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

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