



REPUBLIC OF BULGARIA

MINISTRY OF JUSTICE

Dear Ms. Werkman,

We have prepared a summary response from the Ministry of Labour and Social Policy and the Ministry of Justice. We believe that the conclusions you have drawn largely contain tendentiously negative, profoundly false and unverified assertions and we should be given the opportunity for a more thorough, fact-based response, which requires more time than the brief one you have provided.

Your submissions on the individual issues do not set out the specific facts and circumstances on the basis of which you have objectively reached your conclusions. Asking questions in the form of incorrect findings and unspecified sources contradicts international and European journalistic standards - conclusions should follow answers to the questions asked.

Unfortunately, the conclusions that we can draw are that your allegations are aimed at undermining the prestige of the Republic of Bulgaria, which is a full member of the European Union and implements European regulations and international instruments on the protection of children's rights, combating gender and ethnic discrimination.

The Ministry of Justice has a long-standing and good cooperation in the framework of the Hague Convention on the Protection of Children and cooperation in the field of international adoption with the central authority of the Netherlands, the Ministry of Justice. In 2023, there has been an extensive exchange of information between the two central authorities on Bulgaria's practices in the field of child protection and international adoption, and the assessment from the Dutch side is that Bulgaria's international adoption procedures comply with the standards and principles of the 1993 Hague Convention. In the spirit of good cooperation, the Ministry of Justice of Bulgaria informed the central authority of the Netherlands about the questions you raised and the latter indicated that it does not share your allegations.

The Ministry of Justice draws particular attention to the fact that it is clear from the conclusions you set out that the forthcoming material, called a “documentary”, is a remake of the 2017 Brandpunt Reporter De Bulgaarse adoptie industrie op Nederland 2. Back then, an expert from the Ministry of Justice gave a bona fide interview to your colleagues in which he answered all the questions posed. Outside the standards of good journalism - truthfulness of information, accuracy and objectivity, the main answers of the expert from the ministry were removed from the video, so there was no real right of reply exercised.

You can read our general answers below, and we trust that you and your team will remain true to high journalistic standards and use the information and facts provided to you.

1. At the end of 2023, the number of Bulgarian prospective adoptive parents was 1,697. The number of children on the adoption list at the end of 2023 was 919. So there were more parents on the domestic waiting list than there are children.

a. According to the The Hague Convention on Intercountry Adoption, adoption is only suitable as a last resort. Given that there are more than sufficient adoptive parents, why would Bulgaria still allow for intercountry adoptions to take place?

b. Why are the children on the adoption list not taken care for domestically?

Under Article 21b of the UN Convention, Member States recognize that adoption abroad may be considered as an alternative means of caring for the child. The Family Code of the Republic of Bulgaria lays down the conditions for entering a child in the register for intercountry adoption, the most important being that not less than three adoptive parents must have been identified for the child and that none of them has applied for the child's adoption or where, despite efforts, it has not been possible to identify a suitable adoptive parent. These conditions are absolutely strictly observed and monitored both by the social services and the Ministry of Justice and by the Sofia City Court in international adoption proceedings.

International adoption is a measure of last resort for the child, which is applied only in order to give the child the opportunity to be raised in a safe and permanent family environment, after this possibility has been exhausted in Bulgaria.

2. A legal expert (EL) notes that there are 35 adoption agencies from 26 countries active in Bulgaria. According to her, this indicates that the demand for adoptive children is high, which can lead to abuses. The greater the demand, the higher the risk that children will be obtained illegally.

a. How do you respond to this?

b. Are these signals you are aware of?

The number of adoption agencies that you mentioned is not true. The information on accredited organisations is public and can be found on the website of the Ministry of Justice <https://mo-public.mjs.bg/> and on the website of the Hague Conference on Private International Law. At present there are 27 of them in Bulgaria.

We believe that the existence of a larger number of accredited organisations and the control exercised by the state in the form of the Ministry of Justice is a guarantee against abuses in the international adoption process.

According to Bulgarian legislation and practice, accredited organizations have no authority, are not involved in any way and cannot influence the assessment of the interest of children in adoption in the country and abroad, as well as in the proceedings in front of the social services and the relevant civil and administrative courts for the registration of children in the adoption register. The accredited organisations' contacts with the social services are limited to children for whom an adoption procedure has been initiated under Article 17 of the 1993 Hague Convention or for children for whom special adoption measures have been taken. In addition, Bulgarian accredited organisations are not required to implement projects to provide financial

assistance and/or donations to children's centres and homes in connection with international adoption activities.

The Ministry of Justice has not received any reports or information of abuse in relation to international adoption, including against accredited adoption agencies.

3. Former Bulgarian minister Shalapatova states that intercountry adoption out of Bulgaria is not necessary. Instead, more funding should be made available for local shelters and child protection.

a. How do you respond to this?

As stated, adoption provides a secure and permanent family environment for the child with all the rights and obligations arising between the adoptive parents and the adopted as between relatives of origin. Adoption is therefore one of the most important child protection measures to be taken once the possibilities of raising the child in the biological family, including in a family of relatives or close ones, have been exhausted. International adoption of a child habitually resident in the Republic of Bulgaria may be allowed only as a last resort and only when the possibilities for adoption in the country have been exhausted.

We strongly disagree that living in “shelters”, i.e. residential services, is a better life for children than living with parents.

4. An expert on children's rights (WV) says that the principle of subsidiarity is not being properly adhered to in Bulgaria, partly because Bulgaria does not provide sufficient support to families. He refers, among other things, to a recent report from UNICEF.

a. How do you respond to this?

We cannot agree with this statement. Ensuring support for children and families is among the top national priorities, to which a number of policies contribute - health, education, social, housing, economic, tax and others. Our efforts are aimed at linking existing policies into a system of comprehensive actions to support children and families and improving inter-sectoral coordination at all levels.

Bulgaria has a well-developed legislative and strategic framework, policies and measures oriented to the needs of children and their families. Access to free health care for children, maternity protection policies and paid parental leave, various types of benefits, a well-developed system of pre-school and school education and child protection are among our most significant achievements. As of 2022, fees for the use of kindergartens and nurseries have also been abolished, as well as fees for feeding children in compulsory pre-school education, which parents no longer pay.

Social services have also always been free for both children and their parents or carers. Measures taken and policies developed are aimed at providing timely and comprehensive support to children and families, including those from vulnerable groups. Emphasis is placed on the prevention of risks and the provision of systematic support to parents in the exercise of their parental function, including in the early childhood period, and the role of social services is also relevant.

Measures to provide comprehensive support to children and families are important for reducing child poverty and promoting child well-being, which is also at the heart of the European Child Guarantee. It is a flagship initiative in which Bulgaria participates and has a long-term commitment, as our country has successfully implemented a pilot project on the implementation of the European Child Guarantee.

5. An expert on children's rights (WV) states that poverty and discrimination should not be grounds for removal from the home and adoption. But that seems to be happening in Bulgaria, for instance with Roma children.

a. What is your view on this?

The Child Protection Act (Art. 25) sets out the grounds for placing a child outside the family. The reasons are complex and are mainly related to parents not recognising or neglecting their children's needs, putting them at risk, exercising violence or not providing a safe and secure environment for their development, etc. When protection measures are taken towards children at risk, the sequence of protection measures is followed. Priority shall be given to protection measures in the family environment, the main ones being related to the provision of pedagogical, psychological and legal assistance to parents or persons entrusted with parental functions in matters concerning the upbringing, education and training of children; counselling and informing the child in accordance with his or her age and stage of development, etc. Referral to appropriate social services is also part of family-based protection measures. The Social Services Act explicitly stipulates that social services to support the formation of parenting skills, counselling and support for parents in matters of early childhood development and child rearing, and early intervention of disabilities for children, are unpaid.

The placement of a child outside the family is a measure of last resort, which shall be applied when all possibilities for support and protection within the family have been exhausted, except in cases where emergency removal is necessary or the life, health and safety of the child are at risk. Each case of placement of a child outside the family is based on an individual approach, strict compliance with the statutory procedures and, above all, an up-to-date assessment of the possibility of taking both an adequate and a more favourable protection measure for the child. The placement of a child outside the family can only be done by a court decision. The court is the authority which takes the final decision on the placement of a child outside the family, and it has the power both to confirm and to reject a protection measure taken by the Social Assistance Directorate under administrative procedures.

The measures taken and policies developed are aimed at supporting families in order to prevent risks, including separation of the child from the family and to improve reintegration measures. This is supported by the following data from the Social Assistance Agency from their reports, which are freely available since 2006: <https://asp.government.bg/bg/za-agentsiyata/misiya-i-tseli/otcheti-i-dokladi/?highlight=%d0%b4%d0%be%d0%ba%d0%bb%d0%b0%d0%b4-%d0%b7%d0%b0-%d0%b4%d0%b5%d0%b9%d0%bd%d0%be%d1%81%d1%82%d1%82%d0%b0> .

The year 2010 was taken as a basis, when the National Strategy “Vision for the Deinstitutionalization of Children in the Republic of Bulgaria” was adopted and during which the changes in the Family Code concerning the adoption process were in force for the first year.

Prevention of abandonment:

- In 2010, the Child Protection Departments worked on 3660 cases of abandonment prevention. The number of successful cases was 1193, which is 35% of all abandonment prevention cases.
- In 2023, the number of open cases being worked on to prevent abandonment was identical - 3570, but the number of cases successfully closed was already 2706. This shows an increase of more than double.

Reintegration:

- In 2010, the Child Protection Departments worked on the reintegration of 2432 children. 1534 cases were successfully closed, which is 63% of the total.
- In 2023, there were 1368 new cases with reintegration work open. There were 492 successfully completed cases. Against the backdrop of a near doubling of the total number of cases in which reintegration work is being undertaken, the lower proportion of successful reintegrations is in practice a positive outcome. It shows that, thanks to the work of social workers, the removal of children from their families or their abandonment is indeed achieved in the most severe and complicated cases and that the likelihood that reintegration will not be in the best interest of the child is high.

Placement in a family of relatives or close ones:

- In 2010 there were 1461 new cases of children placed with relatives or close ones.
- In 2023, there were 627 new cases of children placed with relatives or close ones.

6. An expert on children's rights (WV) says that he sees 'all kinds of red flags' for the adoption system in Bulgaria, because Roma are discriminated against in Bulgaria and their children are removed from their homes faster than non-Roma children. Additionally, he is concerned about the system in which children are automatically registered for adoption.

a. How do you respond to this?

The claims of the unnamed expert are not true. For the purposes of the documentary, reliable information provided by the competent authorities should be used.

We categorically state that children are not automatically entered in the adoption register. The grounds for listing children are regulated in the Family Code. The latest amendments to the Family Code from the end of 2023 (in Article 83, paragraph 3) explicitly regulate court proceedings if, within 6 months of the child's placement, the parent has requested the termination of the placement and the return of the child or a change of the measure and placement in a family of relatives or close ones, but the conditions for this have not been met due to the non-cooperation of the parents. Changes in legislation have regulated that work on reintegration into families begins immediately after the child is placed outside the family, i.e. state authorities are active in efforts to return the child to the family, but this cannot happen without the willingness and active participation of the parents themselves.

7. Human rights NGO's state that in Bulgarian social services, there is discrimination against Roma. Roma children are more likely to be removed from their homes and subsequently adopted.

a. How do you respond to this?

We strongly disagree with this statement. Again, we note that the question thus posed and the reference to unnamed sources do not meet the standards of good journalism. The allegations are not based on specific facts and no conclusions or comments can be drawn from them. Bulgaria complies with international standards and provides adequate protection for children and adoptive parents in adoption procedures.

8. Human rights NGO's state that the relinquishment procedure (or the deprivation of parental rights) is not always done correctly in Bulgaria. For instance, parents are not properly informed or do not understand the documents they read or sign; or the letters are not delivered.

a. How do you respond to this?

b. Are there any signals you are aware of?

c. Are you trying to solve these issues? And if so: how are you doing this?

In the work on cases of children at risk and taking a protection measure, including in the cases of prevention of abandonment, reintegration, adoption, etc., the parents receive from the social workers full information about their rights and obligations, in accordance with the provisions of the Child Protection Act (Article 8, paragraph 2). Parents may request a change in the protection measure in the event of a change in circumstances without time limit, and may apply either to the Social Assistance Directorate or directly to the District Court. In addition, in 2020 changes were made to the Child Protection Act (new Article 27a), which regulates the administrative challenge of the Social Assistance Directorate's order for temporary placement of the child. Under the law, this order is subject to provisional execution, but may be appealed by the parents within 14 days of its notification.

In accordance with the provisions of child protection legislation, in order not to break the link between parents and children, social workers shall organise and conduct meetings between them if this does not conflict with the interests of the child. Ignorance of the law and illiteracy should not be an excuse for the passivity of parents in terms of willingness and action to increase parental capacity and ensure the conditions for the return of children to their care.

9. In Bulgaria, we spoke with Siika Takova, whose two children were taken from her against her will. One of them is adopted abroad, the other one is currently in the adoption register. She says she was not properly informed at various points, such as regarding the relinquishment procedure and the 6 month-period. She was also not provided with an official lawyer to defend her rights, but her taken child had an official lawyer from the beginning. Siika did not get an official lawyer until the case before the Supreme Court, when it was already too late to defend her rights. Siika is currently taking a parental course from the Ministry of Social Affairs. But she lost her court cases and appeals.

a. How do you respond to this?

b. How could this happen?

c. Is it still possible for this mother to get her child back?

In the register of children for international adoption there is no data about a child with a mother Siika Takova.

The disclosure of data on specific cases being worked on is unacceptable as it creates a risk of psychological and emotional trauma for the children involved and the adults involved in their care.

10. NGO For Our Children states that funds for childcare and child protection is not being spent properly in Bulgaria. Too much use is made of European funds instead of setting up sustainable initiatives themselves.

a. How do you respond to this?

The allegation is not based on specific facts and therefore no conclusions or comments can be drawn on the question so posed.

We strongly disagree that in Bulgaria the funds for child care and child protection are not properly spent. Publicly available data on the performance of the child protection system refute this claim.