



Republic of Bulgaria
ECONOMIC
AND SOCIAL COUNCIL

RESOLUTION

ON

THE "DRAFT CHILDREN ACT"

Sofia, 2012

The President Board of the Economic and Social Council /ESC/ took the decision to develop a resolution on **the "Draft Children Act"** which was prepared by the Ministry of Labour and Social Policy and was recently put to public debate.

ESC President, Professor Lalko Dulevski, Ph.D. submitted the draft resolution, previously adopted by the President Board, to the ESC Plenary Session for discussion and the Plenary Session adopted the resolution on its meeting of 24 February 2012.

I. INTRODUCTION

- 1.1. The problems of children's rights and child protection form one of the major directions in the activity of the Economic and Social Council. ESC has paid particular attention to these issues in several of his acts and has developed and adopted a separate opinion dedicated to the family and good parenting.
- 1.2. To ESC responsible parenting and integrated protection of children's rights are of crucial importance for overcoming the demographic challenges facing Bulgaria and the formation of the necessary human capital.
- 1.3. ESC believes that achieving a necessary degree of protection of all children's rights requires guarantees and actions in many areas and policies, as well as sufficient coordination among them.
- 1.4. In several of its acts ESC has emphasised the role and importance of the family and school environment for the quality raising and upbringing of children.
- 1.5. With particular concern and a sense of social responsibility ESC has ascertained several problems associated with early school leaving, educational achievement and child protection, and has stressed the need for an integrated approach to policies and measures pursued in this area.
- 1.6. In this regard, ESC agrees that the newly developed Draft Children Act is an essential step in ensuring comprehensively children's rights and the necessary legislative regulation of the social and family environment needed for their upbringing.

II. MAIN FINDINGS ON THE DRAFT CHILDREN ACT

- 2.1. ESC welcomes the mature and innovative approach of the Bulgarian government demonstrated in developing a Draft Children Act which covers fundamental aspects of children's rights and consolidates most of the related legislation.
- 2.2. The philosophy of the Draft Children Act is based on its approach to the relationship between the rights and the rights holder, i.e. the child is vested in rights – not subject to protection and safekeeping. ESC appreciates the fact that this philosophy is applied in all provisions of the Draft Children Act to a much greater extent than in current legislation, not merely stipulated in a separate item.
- 2.3. ESC considers that the presented Draft Children Act is in accordance with the UN Convention on the Rights of the Child¹ ratified by all EU Member States. Moreover, the Draft is a timely and adequate response to the EU Agenda for Children's Rights.
- 2.4. Guaranteeing the rights of the child is one of the main objectives of the European Union that has found expression in the Treaty of Lisbon² which contains explicit regulations for promoting the protection of children's rights. These rights are part of the Charter of Fundamental Rights of the EU³ which defines children as independent and autonomous rights holders. In this regard, the developed Draft Children Act is in accordance with European law and the fundamental targets and values of the European Union.

¹ Convention on the Rights of the Child adopted by the UNGA on 20 November 1989 and ratified by decision of the Bulgarian Grand National Assembly on 04 November 1991. - State Gazette, № 32 of 23 April 1991 and entered into force on 3 July 1991.

² Treaty of Lisbon Amending the Treaty of the European Union and the Treaty Establishing the European Community signed in Lisbon on 13 December 2007.
<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:BG:HTML>

³ Charter of Fundamental Rights of the European Union (2007/C 303/01)
<http://eur-lex.europa.eu/bg/treaties/dat/32007X1214/htm/C2007303BG.01000101.htm>

- 2.5. Integrated legislative regulation of fundamental children's rights may be viewed within the Europe 2020 Strategy which sets as one of the main targets for attaining the progress in the EU the better education of children and ensuring their access to the necessary services and resources required for the formation of the needed human capital in the medium and long term development of Europe.
- 2.6. The developed Draft Children Act can be seen as a strong commitment of Bulgaria to promote and respect children's rights in all relevant national policies and a provision of legislative guarantees for the achievement of concrete results in this area.
- 2.7. ESC appreciates the creative approach in the development of the Draft Children Act as a result of which the Draft is not only a declaration of fundamental rights but develops them in terms of the Bulgarian national practice and tradition.
- 2.8. The Draft not only codifies all fundamental rights of the child, but also regulates the guarantees necessary for their implementation. The Draft Children Act stipulates the persons and the authorities that are bound by its provisions to ensure the respective rights, as well as substantive safeguards, and sanctions for actions which infringe such rights.
- 2.9. ESC supports the orientation of the Draft Act to all children and their parents and not only to children at risk, as the philosophy of previous legislation used to do. At the same time, with respect to children with disabilities, the Draft Act applies the new definition of the UN Convention on the Rights of Persons with Disabilities⁴ and provides for special measures for preventing the abandonment of such children.
- 2.10. ESC appreciates the fact that for the first time a draft legislative act on children's rights includes the right of life, postnatal care, the right of civil

⁴ The Convention on the Rights of Persons with Disabilities, adopted by the UN General Assembly on 13 December 2006. Ratified by the Bulgarian National Assembly on 26 2012 g.
[http://www.bcnl.org/uploadfiles/documents/pravna% 20ramka/conventionprotocols.pdf](http://www.bcnl.org/uploadfiles/documents/pravna%20ramka/conventionprotocols.pdf)

registration of the child, as well as provisions for the rights of association, participation, information, access to courts of law, etc. Severe penalties are also provided for the infringement of those rights.

- 2.11. The Draft Act provides for new rights critical to a child's development: right to a clean environment, leisure time, play and entertainment.
- 2.12. The provision of the right of children to petition to courts of law and seek protection of their rights reflects the tendency to provide more widespread access to justice for children and greater protection of their rights.
- 2.13. To ESC the role of the family in the care and upbringing of children is crucial. In this regard, ESC welcomes the special attention paid in the Draft Act to the support for raising children in a family environment. The stipulated integrated support for children and families through state aid and social services may be perceived as an expression of government support to families raising children in a family environment.
- 2.14. The introduced legislative framework of guardianship and custody generally regulates the inevitable and necessary state intervention in cases where the parents of the child are unknown, deceased, placed under full interdiction, or deprived of parental rights.
- 2.15. ESC welcomes the serious legislative step taken with the development of the Draft Children Act in terms of the establishment of a coordination mechanism and safeguards to ensure children's right to education as well as conditions for providing inclusive education to children.
- 2.16. The Draft Act regulates the placement of a child outside of its family according to the principle of attributing topmost priority to placement in a family environment. It also provides new features concerning the measures for police protection of children and proposes an entirely new search framework for missing children. The regulation of child protection against abuse and exploitation is fundamentally updated and focused on the coordination mechanism for action in case of violence or exploitation.

- 2.17. ESC evaluates as a successful step in the development of children's rights legislation the fact that the Draft Act defines the concept of positive parenting as based on the best interest of the child to be raised, the provision of opportunities, lack of violence, acknowledgements and guidance.
- 2.18. The Draft Act also proposes a new institutional structure for the system for the protection of children's rights which is in line with the philosophy and spirit of the document. ESC supports the idea of establishing a Commission on the Rights of the Child as an independent specialised body at the Council of Ministers in order to accomplish the necessary coordination on policies, monitoring and control of children's rights. Another idea worth supporting is extension of the jurisdiction of the National Council for Child Protection as a body of the Council of Ministers, as well as the greater representation in the Council of non-profit organisations.

III. PROPOSALS AND RECOMMENDATIONS

- 3.1. ESC is pleased to ascertain that some of its main recommendations concerning the promotion and encouragement of responsible parenting, as well as safeguarding children's rights and support at the level of the state are taken into account in the philosophy and spirit of the Draft Act. At the same time, ESC supports the position of the European Economic and Social Committee /EESC/ that it is vital for children's rights not to be placed on an equal footing with general human rights because children need specific legal protection⁵.

⁵ **OPINION** of the European Economic and Social Committee on the "Commission Communication: Towards an EU Strategy on the Rights of the Child" COM (2006) 367 final December 13, 2006
OPINION of the European Economic and Social Committee on the "Commission Communication: Towards an EU Strategy on the Rights of the Child"
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:325:0065:0070:EN:PDF>

- 3.2. ESC confirms again position, expressed in its opinion entitled "Family, Good Parenting and Equal Gender Opportunities," that the pursuit of the state policy on children, family and responsible parenthood is a necessary nonpartisan political consensus in the long run. The demographic collapse and its current implication in crises require urgent action. A coordinated long-term government strategy for children, family and responsible parenthood should be prepared, discussed, adopted and implemented on the basis of a clear quantitative and qualitative assessment and estimating their prospects for future development.
- 3.3. ESC recommends that the implemented programmes and measures for the protection of children's rights should be in sufficient synergy and interaction with other major national policies and programmes concerning education, the youth, poverty-fighting, solidarity between generations, etc. In practice this means a horizontal implementation of children's rights and including issues related to them into mainstream policies and programmes, as well as achieving effective partnership between national, regional and local authorities, NGOs and children themselves.
- 3.4. In its adopted acts ESC has expressed its position that encouraging and supporting responsible parenting and guaranteeing child support at the level of the state should be achieved by means of: child benefits for each child irrespective of the parents' income; ensuring the access of each child to daycare nurseries and kindergartens; novel social services for child care; equal access to healthcare; equal access to education and the introduction of full-day education at schools; support for talented children. ESC notes that the majority of these recommendations have found their place in the Draft Children Act.
- 3.5. ESC reaffirms its recommendation, voiced in its previously adopted acts, that measures in the area of healthcare must be more substantially and more effectively aimed at reducing infant mortality and on this basis to achieve an increase in births. In this regard, ESC proposed the development of

individual programmes for the provision of specialised medical care for children according to their condition and needs, as well as promoting non-governmental organisations to achieve better prevention, promotion and prophylaxis to improve children's health.

- 3.6. In this regard, ESC supports the recommendation of the EESC for drawing special attention to certain issues such as good-quality, accessible and free pre- and post-natal healthcare for mothers as an aspect of public healthcare and children's health⁶.
- 3.7. ESC notes the incorporation in the Draft Act of its proposal for taking effective preventive measures in the area of public health in connection to tackling obesity, smoking, alcoholism and mental illnesses among children. ESC also notes the incorporation into the Draft Act of its proposal for the development of training programmes for children and adolescents designed to prepare them for family and parental partnership as well as for assuming personal responsibilities and commitments.
- 3.8. To ESC early school leaving is one of the most serious problems and challenges facing the future development of human capital and the labour market in Bulgaria. With respect to this ESC proposed in its resolution a more ambitious target for tackling early school leaving than what has been declared so far should be defined in the National Reform Programme of the Republic of Bulgaria. ESC believes that the unification of society and attaining social and political consensus is of crucial importance for making the necessary efforts to reduce significantly early school leaving and improve the educational characteristics of the population in the country. Therefore, ESC regards the provisions in the Draft Act concerning the establishment of a coordinating mechanism for children with a long-term

⁶ OPINION of the European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: "The EU Agenda for the Rights of the Child " COM (2011) 60 final, 07.12.2011
<http://www.eesc.europa.eu/?i=portal.en.soc-opinions0.18510>

tendency of non-attending school, as well as related supporting measures and services, as a major step in achieving the goal of reducing significantly early school leaving in Bulgaria.

3.9. The Draft Children Act provides for a reduction in the minimum age for compulsory preschool education to 5 years. ESC proposes that additional incentives for the development of initiatives for extracurricular activities for children should be included in the Draft Act, including for children under 5 years of age.

3.10. The Draft Act introduces the term "positive parenting," which refers to the behaviour of parents in accordance with the best interests of the child. In its acts ESC uses the term "responsible parenting" and proposes that the possibility of using this term in the Draft Children Act should be considered. European family law defines the term "parental responsibility" as a set of rights and obligations aimed at supporting and safeguarding the welfare of the child. The basic rights and obligations that correspond to the term "parental responsibility" are very clearly and accurately defined. Therefore, ESC considers it appropriate for the Draft Children Act to incorporate the concept of "responsible parenthood" as it is understood in the context of European family law.

3.11. ESC expresses its conviction that the successful and effective implementation of the Children Act will require sufficient interaction and synergy with all relevant sectoral legislation. Therefore, ESC recommends the development and adoption of a reliable mechanism for assessing the impact of major socio-economic policies and legislation on children's rights. In this regard, it may be useful to consider using the operational guidelines for assessing the impact of EU initiatives on the fundamental rights of the child developed by the European Commission /EC/⁷.

⁷ COMMUNICATION FROM THE COMMISSION: Strategy for the Effective Implementation of the Charter of Fundamental Rights by the European Union COM(2010) 573 final, 19/10/2010
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0573:bg:HTML>

- 3.12. ESC shares the position of the EC expressed in the Communication "The EU Agenda for the Rights of the Child"⁸ that at the current stage the key challenges to the development and implementation of policies are the improvement of existing monitoring systems, setting policy goals related to children's rights and monitoring their impact.
- 3.13. ESC believes that reliable data are the basis for the development of policies and measures to protect children's rights. In this respect ESC notes the lack of official and chronologically comparable data on the impact of respective policies on children's rights.
- 3.14. ESC proposes that the National Statistical Institute should develop the necessary indicators and present a periodic evaluation of the effect of implemented policies on children's rights. In this regard, ESC recommends taking into account the results of the survey of indicators carried out by the EU Agency for Fundamental Rights. This is the way to provide the necessary information for assessing periodically the effects of the implementation, protection, respect and promotion of children's rights, which could be used in developing subsequent measures or taking appropriate action in the future.
- 3.15. ESC recommends paying particular attention to the information concerning the impact of policies and measures on children from the the most vulnerable groups. Such children face a greater risk due to a variety of social, economic and ethnic factors and the impact of implemented children's right policies and measures on such children is very small or negligible.
- 3.16. Existing studies and analyses suggests that children at risk of poverty and social exclusion most often drop out early from school and have very poor academic results, and often suffer from poor physical and mental health. The right to education of such children is often violated and there is very little

⁸ Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: "The EU Agenda for the Rights of the Child" COM (2011) 60 final, 02.15.2011

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>

chance for their future active involvement in the labour market. With respect to this the EC will outline in its recommendation the general principles and effective monitoring tools to prevent and combat child poverty within the scope of the platform against poverty and social exclusion.

- 3.17. ESC also recommends to continue monitoring and making effort to help children with disabilities whose rights are more likely to be violated and therefore need special protection.
- 3.18. ESC has repeatedly paid special attention to the problems concerning the rights of Roma children on account of the profusion of factors that make them particularly vulnerable and place them at greater risk. Guaranteeing the rights of these children requires additional effort and measures in a number of sectoral policies connected with education, health, social inclusion, social support, etc.
- 3.19. ESC welcomes the coordination mechanism and the relevant actions for reducing early school leaving stipulated by the Draft Children Act. At the same time, ESC points out that the legal provisions contained in the Draft Children Act are insufficient to guarantee in practice the right to education of children from vulnerable groups or those at risk. A number of other material and accompanying measures and actions in a range of sectoral policies are needed to ensure the social inclusion of such groups of children and their right to education.
- 3.20. The effective implementation of the services and activities for the protection of children's rights provided for in the Children Act will require additional personnel, financial and material resources. With respect to this ESC proposes, even at this early stage, to make a complete and realistic assessment of the necessary personnel, financial and material resources needed to ensure the successful implementation of the Act. ESC recommends that in case there is lack of adequate resources to seek restructuring of funds from other national priorities – guided by the idea of raising the significance of children's rights as a key priority for the country.

- 3.21. In this regard, ESC recognises the important role of business in supporting and providing resources for the realisation of children's rights. Therefore, ESC recommends the discussion and adoption of additional tax and other incentives for Bulgarian business encouraging it to invest in education, health and other activities related to the raising and upbringing of children.
- 3.22. ESC expresses its position that policy and legislation on children's rights must be considered in close relation to key objectives and actions in the Europe 2020 Strategy. In this regard, ESC proposes that sub-targets for reducing child poverty in the country should be included under the general target of reducing poverty in the National Reform Programme of Bulgaria.

Finally, ESC expresses its unified opinion that the development, adoption and implementation of all legislation concerning children's rights and related sectoral policies should be done with the direct and active participation of children themselves. Especially that Art. 24, paragraph 1 of the Charter of Fundamental Rights requires to take into account the views of children in matters affecting them in accordance with their age and maturity.

With full confidence ESC states that reliable, durable and effective results in the field of children's rights can be achieved only through adequate interaction between all stakeholders - government institutions, regional and local authorities, social partners, NGOs and children themselves.

Therefore ESC will initiate a broad public consultation on the "Draft Children Act" with the participation of all stakeholders.

Prof. Lalko Dulevski, Ph.D.

PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

Appendix 1

PROPOSALS AND RECOMMENDATIONS OF ESC AND THEIR INCORPORATION INTO THE DRAFT CHILDREN ACT

ESC ACTS	DRAFT CHILDREN ACT
<p>Economic and Social Council calls for encouraging and supporting responsible parenting and safeguarding the rights and support for children at the level of the state.</p> <p>Policy aimed at the family, good and responsible parenting must be based on a specific policy for the support and stimulation of socialised motherhood and responsible fatherhood through a system of incentives and protection of good parenting and a system of re-socialisation of sanctions on irresponsible parents. (Opinions FGPEGO; SISP)</p>	<p>Article. 1. (1) This Act governs the rights of the child, the principles and the mechanisms for ensuring the rights and obligations of parents and the persons exercising care for the child, state and municipal authorities and their rights and obligations and the rights and obligations of natural and legal persons.</p> <p>(2) The state shall protect and institute safeguards for the rights of the child in all spheres of public life for all groups of children in accordance with age, social status, physical health and mental state, providing all appropriate economic, social and cultural environment, healthcare, education, freedom of conviction and security.</p> <p>(3) The objectives of this Act are:</p> <ol style="list-style-type: none"> 1. ensuring the rights of the child in the Republic of Bulgaria; 2. family support for upbringing and child development 3. risk prevention and early intervention; 4. provision of family and family-like environment.
<ol style="list-style-type: none"> 1. ESC recommends conducting policies in support of the family in raising children. It is necessary to demonstrate political will in order to increase the priority of the problems of family and parenting. (Opinion FGPEGO) 2. State policy on children, family, and 	<p>Article. 2. (1) The policy for child shall be implemented on the basis of the National Strategy for the Child adopted by the National Assembly on the proposal of the Council of Ministers, in accordance with the provisions of this Act.</p> <p>(2) Pursuant to the National Strategy</p>

<p>responsible parenting should be coordinated and focused, designed and implemented by the state authorities responsible for it. There is a need for the development of Annual reports on the current state of the family and responsible parenting . (Opinion FGPEGO)</p> <p>3. Nonpartisan political consensus is needed for the long-term implementation of such a policy. The demographic collapse and its current implication in crises require urgent action. On the basis of their clear quantitative and qualitative evaluation, as well as the prospects for their development, should <i>be prepared, debated, adopted and implemented coherently a long-term government strategy for children, the family and responsible parenting</i> . (Opinion FGPEGO)</p>	<p>for the Child under par. 1 the Council of Ministers shall adopt a National Programme for the Child on the proposal of the Chairman of the National Council for the Child.</p> <p>(3) Municipal policy for the child shall be implemented on the basis of Municipal Programme for the Child adopted by the Municipal Council.</p> <p>(4) The state and the municipalities shall provide conditions for the participation of individuals and legal entities in actions to ensure the rights of the child.</p>
<p>Encouraging and supporting responsible parenting and guaranteeing support to children at the level of the state by means of: paying child benefits for every child without prejudice to the income of its parents; providing access to child care in nurseries and kindergartens; developing new social services for child care; equal access to healthcare; equal access to education and introduction all-day schooling; encouraging talented children.</p>	<p style="text-align: center;">Support and assistance to parents</p> <p>Article. 9. (1) The parents, guardian or custodian, or others who care for the child shall have the right to:</p> <ol style="list-style-type: none"> 1. psycho-social, medical and legal counselling to promote positive parenting in raising the child and caring for the child's education and development; 2. information and assistance in exercising rights and use of services in relation to the health of the child, ensuring the child's education, the provision of social and material support for the child and family, ensuring social security and standard of living adequate for the development of the child;

	<ol style="list-style-type: none"> 3. assessment of the needs, individual abilities and interests of the child to stimulate the child's development and involvement in educational, recreational and other activities; 4. support in situations of crisis and conflict in the family; 5. access to programmes promoting positive parenting and the prevention of risks related to the upbringing of the child.
<p>In the area of social assistance ESC insists on providing comprehensive protection of the family and children from economic, social and criminal risks by means of targeted measures for timely integration of children living at risk and against the abuse of parenting . (Opinions FGPEGO; SISP)</p>	<p>Article. 14. (1) The child has the right to live and develop in a safe and secure environment.</p> <p>(2) The child is entitled to protection against any form of abuse, neglect or exploitation, which affects the child's life, health or development.</p> <p>(3) The child is entitled to protection against involvement in activities inimical to his or her physical, mental, social and educational development, including hard labour and illegal activities, alcohol, drugs, psychotropic and other harmful substances.</p> <p>Article. 46. (1) Parents have equal rights and obligations and each of them should care for the child's physical, mental, social and educational development according to their abilities and talents as well as the needs of the child.</p> <p>(2) Parents may not use violence, coercion and other methods of education undermining the dignity of the child.</p> <p>(3) The opinion and wishes of the child are taken into account by parents in resolving all issues leading to changes in the child's usual way of life.</p> <p>(4) Parents control the child's behaviour appropriately and according to his age and stage of development. They are</p>

	responsible for any injuries the child may cause to others.
<p>ESC proposed the specification of the criteria for placement of children in social care institutions in cases when they have living parents. (Opinions FGPEGO; SISP)</p>	<p>Article. 70. (1) A child who has remained without parental care shall be protected by measures specified by means of a court decision – placement outside of the family of his or her parents and/or adoption.</p> <p>(2) Placement of children outside of the family shall be undertaken as a measure of protection after exhausting all possibilities to support the family of the child's parents, except when the provisions for emergency placement under Art. 84 apply.</p> <p>(3) Placement of the child outside of his or her family should be made:</p> <ol style="list-style-type: none"> 1. to a family of relatives or friends; 2. to a foster family; 3. to a social service facility of residential kind; 4. to a specialised institution. <p>(4) Adoption of the child shall be subject to the regulations provided in Chapter Seven.</p> <p>(5) The implementation of the measures under paragraphs 3 and 4 shall be effected in accordance with the best interest of the child and following a precise consideration of the proximity of the domicile of the parents and the possibility for maintaining personal relations with them, reintegration of the child into the family, maintaining continuity in the child's upbringing as well as in the ethnic, religious, cultural and linguistic features of the environment from which the child originates.</p> <p>(6) Placement of a child in specialised institutional care shall be taken as a last resort for protection after exhausting all other possibilities for placement with relatives or friends, in the</p>

	absence of a suitable foster family or social service of a residential kind, except in cases of emergency placement.
<p>The measures proposed by ESC in the area of healthcare are aimed at reducing child mortality and increasing fertility. It is necessary to develop individual programmes to provide specialised medical care to children according to their condition and needs, and to encourage NGOs' initiatives in the area of child care and protection, to ensure better prevention, promotion and prophylaxis of children's health. (Opinions FGPEGO; SISP)</p>	<p>Article. 27. (1) The child is entitled to free, accessible and safe healthcare and rehabilitation , and the highest attainable standard of medical care provided in accordance with recognised good medical practices.</p> <p>(2) The state and the municipalities provide the conditions for exercising the rights under par. 1 including through:</p> <ol style="list-style-type: none"> 1. implementing measures to reduce child mortality; 2. implementing measures to ensure the mental health of children as well as to reduce the psychological and psychosocial disorders and suicides in children; 3. providing parents with timely and accurate information about the physical and mental health of children, measures for preventing of diseases, including their early recognition, hygiene, nutrition and healthy environment for children, immunisations, accident prevention, alcohol abuse, smoking and psycho-active substances; 4. implementing measures for the prevention and treatment of sexually transmitted diseases; 5. pment and involvement in family planning and reproductive health, including providing information about the dangers of early pregnancy, prevention of unwanted pregnancy and its safe termination.

<p>ESC proposed the adoption of effective preventive measures in the area of public health in connection to tackling obesity, smoking, alcoholism and mental illnesses among children. (Opinions FGPEGO, HA)</p>	<p>Article. 17. (1) Children shall not have access to public places where there are no separate rooms for smoking, which provide entertainment with erotic or pornographic content, where games of chance under the Gambling Act are organised, where sexual services are offered or psychotropic substances are consumed.</p> <p>(2) Municipal councils and state authorities under this Act may adopt further restrictive measures to ensure the safety of children and their normal physical, mental, psychological, social and educational development.</p> <p>(3) The owners, tenants or users of commercial premises, sports facilities, cinemas and theatres, determine the specific conditions for children's access to them and supervise their implementation in such a way as to ensure the life and safety of children.</p>
<p>ESC proposes the development and adoption of programmes for the preparation of children and adolescents for family and parental cooperation, for assuming the respective personal responsibilities and commitments by means of: targeted cultivation of understanding and stimulating action for personal biography planning with a view to setting up a sustainable family and respectively good and responsible parenting ; prevention from collapsing into extreme individualism and consumerism; prevention from the deviations of early promiscuity, etc. (Opinions FGPEGO; SISP)</p>	<p>Article. 29. (1)The Minister of Health and the Minister of Education and Science shall ensure the implementation of appropriate educational programmes for sexual and reproductive health and family planning in the system of preschool and school education.</p> <p>(2) The bodies specified in par. 1 shall promote the activity of non-profit organisations working in the field of sexual and reproductive health and family planning and cooperate with them in educating children and pupils as well as in carrying out information campaigns in this area.</p>

ESC proposed that more ambitious target for tackling early school leaving than what has been declared so far in Bulgaria should be included in the National Reform Programme (2011-2015). (Resolution DCBES) ESC even insists that this target should be more ambitious than the EU average. (Resolution DNRPRB) ESC believes that the unification of society and attaining social and political consensus is of crucial importance for making the necessary efforts to reduce significantly early school leaving and improve the educational characteristics of the population in the country. (Resolution DCBES)

Coordination mechanism for children with a long-term tendency of non-attending school

Article. 38. (1) Every principal of a school situated on the territory of the municipality shall report the number of children with a long-term tendency of non-attending school by the end of each month of the school year to the mayor.

(2) The information under par. 1 shall be collected by a person appointed by the mayor who shall be in charge of matters relating to education in the municipality.

(3) In order to ensure the provision of education to a child with a long-term tendency of non-attending school, the mayor of each municipality shall form a multidisciplinary team whose members cooperate in resolving each case.

Measures and support services for children with a long-term tendency of non-attending school

Article. 39. (1) The multidisciplinary team under Art. 38, par. 3 shall examine the case of every child with a long-term tendency of non-attending school and shall produce an action plan that includes short and long term measures and social services to support the child and his or her family. The action plan shall be agreed with the child's parents, guardian, custodian or person exercising care for the child.

(2) Subject to the proposal of the Directorate "Social Support" the action plan may be developed with the participation of the extended family of the child. In such a case, priority is given in the consideration of measures and services proposed by the family under par. 1, as well as concerning the time limits for the specific involvement of family members, means of monitoring

	the implementation of the measures, and dealing with the consequences of failure to comply with the measures.
--	---

Appendix 2

LIST OF ABBREVIATIONS of the adopted resolutions and opinions of the ESC used in the text

1. **FGPEGO** - Family, Good Parenting and Equal Gender Opportunities (opinion)
2. **SISP** - Social Insurance and Social Protection (opinion)
3. **HA** - Health Act Amendment Bill (№ 754-01-50, submitted by a group of Members of the National Assembly) (opinion)
4. **DNRPRB** - Draft of the National Reform Programme of the Republic of Bulgaria (resolution)
5. **DCBES** - Demographic Challenges for Bulgaria within the Europe 2020 Strategy (resolution)