

Children's Right to Identity in Bulgaria

Factsheet submitted to the UN Committee on the Rights of the Child
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1 Creation of identity

Birth registration:

- 100% of children under five were registered in Bulgaria in 2019.¹ Birth registration is free of charge. A fee is required for copies of certificates.

Family support:

- According to UNICEF,² 'the number of community-based social services has jumped from 241 in 2010 to 607 by early 2018'. In 2021, UNICEF's Country Office Annual Report³ mentions that '1,125 families and 1,680 children (924 girls and 756 boys) from vulnerable and excluded communities benefited from the outreach and preventive services provided by the Family Consultative Centre for Community Support in Novi Pazar, Shumen region. The model was scaled-up in the pilot project "EU Child Guarantee", implemented by UNICEF in three other regions of the country. [The] objective was to improve the quality and strengthen the prevention capacities of existing family support social services by establishing mobile teams for outreach support to children and families in precarious situations, focusing on Roma communities. Seven mobile teams have been established and trained in 6 social services and one municipal administration and reached 976 parents (519 female and 427 males) and 1,277 children (617 girls and 660 boys). 4,529 parents of 5,101 of children under 3 years of age in Shumen and Sliven districts benefited from individualized support, guidance and information on nurturing care provided through the home visiting services, established with UNICEF support'.
- Following COVID, the support to families was increased. UNICEF⁴ mentions that the interim Government continued to implement a package of socio-economic measures to mitigate the negative effects of COVID-19 on business and households and key programmes in support of families with children.
- The Social Services Act was enacted in 2020: it offers better access to services through the development of a national map of social services, introduction of universal and specialized services, etc.; a new approach to defining services and integrated approach to their provision; as well as as well as efficiency and effectiveness of public resource use.⁵
- Most recently, the country has provided monthly and one-off financial support provided by the Child Protection Departments and/or service providers; but there is a need to prioritize early identification of risks and support rather than responding to signals, improve multi-disciplinary approach and co-ordination, in order to prevent family separation and abandonment, amongst other issues relevant to the child's right to identity.⁶

Potential consideration:

- *How will the government pursue its support to families, especially to children and families in precarious situations, including Roma communities, to ensure that children's identity is safeguarded from birth?*

2 Modification of identity

Family separation:

- According to UNICEF,⁷ there are currently (December 2022), 1,593 children placed in nine voluntary and 1,883 professional foster care families, whilst 4,157 children were in kinship care at the same date. Also according to UNICEF,⁸ children from marginalized communities and those with disabilities face the highest risk of being separated from their families and factors leading to separation of children from their families include stigma and prejudices, early pregnancies, as well as child marriages in some Roma communities.
- According to UNICEF,⁹ as a result of the implementation of the National Strategy 'Vision for the deinstitutionalisation of Children in the Republic of Bulgaria 2010-2025', all institutions for children with mental disabilities and almost half of those for children up to the age of three have been closed down. Such progress was made possible as a result of the development of services in support of vulnerable children and families, the creation of an extensive network of foster families and family-type placement centers for children, of which there are currently 261.¹⁰

Abandonment:

- Article 48 of the Civil Registration Act¹¹ mentions that 'found, abandoned or left new-born children shall be taken to the closest medical establishment and there in the presence of a representative of the Ministry of Interior, the medical establishment and the person found and delivered the child, a record about the finding shall be compiled. In the record shall be noted: the time and the place where the child is found; sex and supposed date of birth; peculiarities which the child has on its body, description of the clothing with which the child has been found; other circumstances. The record shall be signed by the person found the child and by the present representatives, stamped and sent to the municipality where is the medical establishment in order a birth certificate to be compiled. When a new-born is abandoned by the mother at the medical establishment where the birth has happened, and it is not looked for within the term for compiling the birth certificate shall be proceeded in the way pointed out in para 1. The official shall compile the birth certificate on the basis of the record which shall become an inseparable part of the certificate. The names of the child shall be determined by the official according to the provisions of this Act'.

Adoption:

• Article 50 of the Civil Registration Act mentions that in case of full adoption, a new birth certificate is issued: the adoptive parents are mentioned as parents and a new name may be given to the adoptive child. In this situation, the details of birth parents and family, may not be accessible or readily available for the child.

Child marriage:

• The Bulgarian Family Code allows for marriages of persons aged 16 with permission of a regional judge, in cases of “important reasons” requiring the marriage.¹² There is no publicly available government data on child marriage. Between 2001 and 2011, the numbers of child marriages and early childbirths have been decreasing both in absolute terms and as percentage of all marriages and live births in the country.¹³ Girls not brides¹⁴ mentions that according to the Supreme Cassation Prosecution Office, 664 minor girls were illegally married in 2018, and similar figures were recorded in recent years and that, according to a 2016 UNICEF study,¹⁵ girls from remote, segregated Romani communities continue to marry at a young age.

Surrogacy:

Surrogacy is illegal in Bulgaria. Article 60 of the Family Code is clear in that ‘(1) Maternal origin shall be established by birth; (2) Mother of the child is the woman who has given birth to it, including cases of assisted reproduction. (3) The maternal origin established in a birth certificate may be challenged in court by the child, by the women specified in the certificate as the mother, by her husband, by the woman claiming to be the mother of the child, and by the man claiming that the child was born by his wife. (4) Parties to the proceedings shall be also the mother's husband, the husband of the woman challenging the origin, as well as the child; (5) The maternal origin from the woman who gave birth to the child through assisted reproduction may not be challenged on these grounds’. Despite the practice of surrogacy being prohibited, surrogates who are Bulgarian are offering to carry children.¹⁶

Humanitarian situation:

According to UNICEF’s factsheet of December 2022,¹⁷ ‘since the beginning of the conflict, 148,873 Ukrainians have been granted temporary protection (52,772 children, 74,181 women and 21,920 men)’.¹⁸ At the end of February 2023, UNICEF¹⁹ mentioned that 152’179 Ukrainian refugees were registered for temporary protection or similar national protection (49’897 Ukrainian refugees remained in the country) and ‘six UNICEF/UNHCR Blue Dots were established in key locations to provide immediate support to refugees from Ukraine. More than 17,940 children and 40,307 adults were reached by the 35 trained frontline workers, who provided psychosocial support, risk identification, provision of information, referrals, mediation in front of state authorities, legal aid, counselling, and recreational activities for children in the child-friendly spaces’.

Potential considerations:

• *How will Bulgaria supervise the surrogacy arrangements of its nationals abroad and how does it intend to prevent women from being taken abroad to act as surrogates?*

- *What is Bulgaria undertaking to safeguard the identity and family relations of Ukrainian children with temporary protection in the country?*
- *Are any actions foreseen to put an end to child marriages?*

3 Falsification of identity

Sexual exploitation and trafficking:

• ECPAT mentions that ‘Bulgaria is one of the primary source countries for human trafficking in the EU. Bulgarian children are trafficked for sexual purposes within the country as well as in Europe, Russia, the Middle East and the United States. Romanian girls, in particular, are vulnerable to trafficking for sexual purposes within the country’s borders.²⁰

• In 2019, Greek law enforcement authorities, supported by Europol, dismantled an organised criminal group involved in the trafficking of human beings (selling ova), illegal adoption and money laundering where €25,000 to €28,000 were paid for each illegal adoption. Interpol notes that ‘active since 2016, the criminal network recruited vulnerable pregnant women from Bulgaria. The group transported them to Thessaloniki, Greece where they were placed under medical observation and sent to private hospitals to deliver their children. The newborns were then illegally adopted for between €25,000 and €28,000 each. The fees included paying the biological mother, all legal expenses, hospitalisation, delivery itself and the members of the criminal group. Some of the mothers brought to Greece were also used as surrogates’.²¹

Potential consideration(s):

- *What efforts are being made to prevent and criminalise the falsification of identity in child trafficking and sexual exploitation ?*
- *What is being done to respond to potential illegal adoption practices?*

4 Preservation of identity and access to origins

Adoption:

• *Access to origins in adoption:* ‘Bulgarian law imposes the secrecy of the adoption and provides for criminal sanctions in case of violation of this secrecy. According to the Bulgarian authorities, this is intended to protect the adopted child from traumatic revelations about his or her origin’.²² As a result of this culture of secrecy, the adoptee’s birth identity disappears including his/her biological origins. This extends to possibility for changing his/her given name and issuing a new birth certificate (Art. 101-2 of the Family Code and Arts. 18 and 50 of the Civil Registration Act).

• There are no legal provisions that proactively allow for access to information, but one can request information in practice: Article 105 of the Family Code provides that adoptive parents or adopted persons above the age of 16 may request the regional court, which has ruled on the admissibility of the adoption, to obtain information about the origin of the adopted person provided there exist compelling reasons to do so.



- According to the HCCH country profile 2021,²³ ‘the Court at a court hearing in camera after having heard the birth parents of the adoptee and the conclusion of the Prosecutor shall pronounce its decision. The adoptive parents may request from the Court which pronounced the Decision for the admission of the adoption to be presented information about the adoptee’s origins solely when significant circumstances impose that. The Court at a court hearing in camera, after having heard the birth parents of the adoptee and the conclusion of the Prosecutor shall pronounce its decision’. The decision of the regional court may be appealed by the adoptive parents, the adopted person and by the public prosecutor.
- The age of 16 was chosen because it is the minimum marriage age to avoid marriage between relatives (a marriage could be concluded at this age after a court permission).
- *Storage of information regarding adoption:* The provisions of Ordinance No. PД-07-7/2010 of the Minister of Labour and Social Policy outline the conditions and procedure for keeping and storing the registers for full adoption. At the same time, the Ministry of Justice keeps the registers on intercountry adoptions under Article 113-1 of the Family Code on electronic media. This information is not kept on these registers in perpetuity.
- The legislation on domestic and intercountry adoption differs regarding the information about the child provided to the adoptive parents/candidates for adoption. While the adoptive parent(s) may receive a very limited knowledge about the child (the Ordinance No. PД-07-7/2010 of the Minister of Labour and Social Policy on the conditions and procedure for keeping and storing the registers for complete adoption does not say anything about this), the adoptive parent(s) in case of intercountry adoption is sent the social report for the child, photographs and, if necessary, other materials and video tapes of the child.²⁴ The communication between the adoptive parents and the Ministry of Justice, which in case of intercountry adoption acts as a Central adoption authority, is facilitated by intermediary organisations. This is not the case in domestic adoption, which may partially explain the difference in treatment of the adoptive parents.

Potential consideration:

- *What efforts are being made to ensure that all information related to the child’s name, nationality and family relations is being preserved in perpetuity following an adoption and that all adoptees may access this information ?*

5

Restoration of identity

Birth registration:

- The law permits both retroactive birth registration and applications for copies of such by children. Consortium for Street Children mentions that ,however, procedural and financial requirements may inhibit street children’s access to these provisions” and that ,under (...) the Civil Registration Act, a birth must be reported within 5 days of delivery.²⁵

- However, should this period be exceeded, two provisions may be applied: in accordance with Article 44(1), when the term referred to has expired and no birth certificate has been drawn up, but the announcement has been made or the official has learned about the birth during the same calendar year, he shall compile the birth certificate subject to compliance with the conditions of Article 43 without a court decision being necessary for this. However, a judicial decision is necessary in the second hypothesis of Article 44, *i.e.* when the calendar year and the term for drawing up a birth certificate have elapsed, a birth certificate shall be compiled only on the basis of a court decision made at request by the parents, the person or the prosecutor.
- According to a local expert, whilst it appears that the procedure to obtain a court decision may be an obstacle for some children, *e.g.* street children, as it is not detailed in the Civil Registration Act, the latter is not necessary as a similar procedure is fully detailed in Article 542 and following of the Civil Procedure Code.

Potential considerations:

- *What is the State undertaking to facilitate late birth registration and ensure restoration of a child’s identity when not registered immediately after birth?*
- *What is Bulgaria undertaking to restore the identities of children that have been falsified?*

1 UNICEF. [Data Warehouse. Indicator: Percentage of children under age 5 whose births are registered.](#)

2 UNICEF Bulgaria (n.d.). [Support for vulnerable children and families.](#)

3 UNICEF (2022). [Country Office Annual Report 2021.](#)

4 *Ibid.*

5 UNICEF (April 2023). Child Care Reform: The Bulgarian experience 1999-2022.

6 *Ibid.*

7 *Ibid.*

8 UNICEF Bulgaria (n.d.). *Supra* 2.

9 *Ibid.*

10 UNICEF (April 2023). *Supra* 5.

11 [Civil Registration Act](#) (2020).

12 ECPAT. [Bulgaria.](#)

13 UNICEF Bulgaria (n.d.). *Supra* 2.

14 Girls Not Brides. [Bulgaria.](#)

15 UNICEF (2016). [Research on the social norms which prevent Roma girls from access to education. Summary.](#)

16 See: [SurrogateFinder.com](#). See also: Bakove, D. et al. (2018). [Study of the attitude of Bulgarian society towards surrogacy. Biomedical Research-tokyo.](#) Volume: 29, Issue: 21, Pages: 3835 – 3841.

17 UNICEF (December 2022). [Factsheet - Ukraine Refugee Response in Bulgaria.](#)

18 *Ibid.*

19 UNICEF. [Bulgaria: Humanitarian Response for Children and Refugee Families Outside of Ukraine - One Year of UNICEF Response \(24 February 2022 - 24 February 2023\).](#)

20 ECPAT. *Supra* 12.

21 EUROPOL (26 September 2019). [66 suspected of arranging illegal adoptions and surrogacies, and human egg trafficking in Greece.](#)

22 France Diplomatie (March 2022). [Adoption en Bulgarie.](#)

23 HCCH (2021). [Country Profile.](#)

24 Ordinance No. 3/2014 on the conditions and the procedure for keeping the registers in case of interstate adoption and on the consent given by the Minister of Justice, Art. 21-2.

25 Consortium for Street Children. (July 2022). [Bulgaria: Can a child obtain retroactive or replacement birth registration documents?.](#)

