

Bulgaria

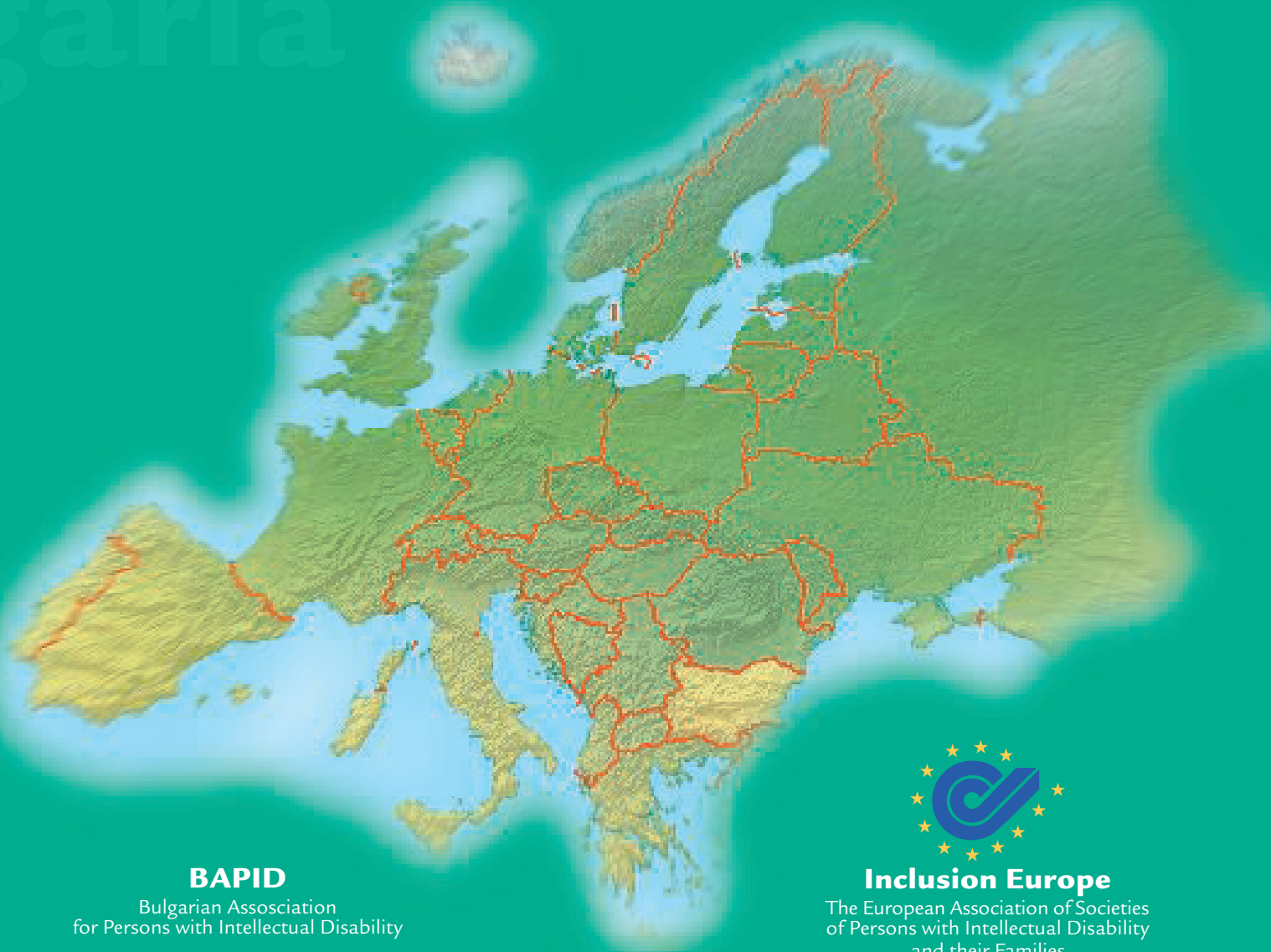
Human Rights for Persons with Intellectual Disability

Country Report

BULGARIA

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BAPID

Bulgarian Association
for Persons with Intellectual Disability



Inclusion Europe

The European Association of Societies
of Persons with Intellectual Disability
and their Families

*Human Rights
for Persons with
Intellectual Disability*

Country Report
BULGARIA

September 2001
by

Inclusion Europe
The European Association of Societies of Persons with Intellectual Disability and their Families

and

Bulgarian Association for Persons with Intellectual Disability – BAPID

**Inclusion Europe - The European Association of Societies of Persons
with Intellectual Disability and their Families**

Galleries de la Toison d'Or
29 Chaussée d'Ixelles #393/32
1050 Brussels – Belgium
Tel.: +32-2-502 28 15 – Fax.: +32-2-502 80 10
e-mail: secretariat@inclusion-europe.org
Website : <http://www.inclusion-europe.org>

Bulgarian Association for Persons with Intellectual Disability - BAPID

Ul. "Sofrony Vrachansky" 20
1003 Sofia – Bulgaria
Tel.: + 359 2 31 92 14
e-mail: bapid@hotmail.com

Author: *Lyubka Nencheva Aleksandrova, BAPID*

Editorial: *Geert Freyhoff, John O’Gorman, Valentina Škondrič*

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Executive Summary

The European Initiative for Democracy and Human Rights of the European Commission is co-financing the project “Advancing the Human Rights of Persons with Intellectual Disability in Civil Society” of Inclusion Europe. Partners are eight national organisations of persons with intellectual disability and their parents from Bulgaria, the Czech Republic, Estonia, Hungary, Macedonia, Poland, Romania and Slovenia.

This project aims at strengthening the political capacity of the partner NGOs by assuring their active participation in the decision-making processes and introducing them to the European disability policy. It also wants to raise the awareness of the Governments on national and European level about the lives of persons with intellectual disability.

This Country Report is one of the main outcomes of the project. It is based on a survey carried out by the Bulgarian Association of Persons with Intellectual Disability – BAPID – with the professional assistance of Inclusion Europe and the Netherlands Institute of Care and Welfare (NIZW). NIZW developed the research methodology and guidelines for this report.

Each chapter in the report describes the legislation, government policy, statistical information, views of NGOs and reactions of persons with intellectual disability and their parents on the particular subject. From the report it can be concluded which laws were adopted by the Bulgarian government and to which extent they were implemented.

The Country Report presents the living conditions of persons with intellectual disability in Bulgaria, where the vast majority of children and adults with intellectual disability are not integrated into society. The health, education and social services necessary to help children to stay in the family are lacking, therefore parents are in many cases forced to give their child away, into institutions. The Bulgarian Association for Persons with Intellectual Disability, parents and self-advocates categorically define the living conditions in institutions for persons with intellectual disability as inhuman.

The conditions **institutions for adults** are exceptionally bad in. Most of them are located in far away villages, practically inaccessible during the winter period. The hygiene there is very bad too (outside toilets and lavatories). Some clients do not have their own bed linen and personal belongings. Clothes and shoes are insufficient. The necessary equipment in the institutions is absent or in a very

bad condition because of the municipal budget shortages.

New and alternative forms of social services should be created as soon as possible. If the families are not supported, they will continue placing their children and relatives with intellectual disability in such institutions.

This report also looks at the **medical care system** in Bulgaria, which showed to be insufficiently adapted to the needs of persons with intellectual disability. Parents reported that medicines required for their children are not always free of cost and some medical services for their disabled child as well have to be paid. Consequently, all the parents interviewed state that, considering the difficulties in bringing them up and the lack of support services, doctors advise them to send their intellectually disabled children to social institutions. The Bulgarian Association for Persons with Intellectual Disability

All interviewed parents stated that doctors advise them to send their intellectually disabled children to social institutions because of the difficulties in bringing them up and the lack of support services.

therefore recommends the provision of social services which will give parents the possibility to keep children with intellectual disability at home.

Another very problematic area in Bulgaria is the insufficient number of **day-care centres** for persons with intellectual disability. Since 1993 about 20 day centres for intellectually disabled children (age 3 to 18) have been established. However, the most important period for the development of a child (0 to 3 years of age) is not provided for. The parents are lost between different experts and institutions with the feeling of guilt, helplessness and desperation, because in Bulgaria the problem of intellectual disability is still regarded from a medical point of view. Different experts – doctors, psychologists, physiotherapists, social workers, speech therapists, etc. – do not work in teams. Combining and coordinating their efforts would be very important to help families of intellectually disabled children during this most difficult period.

We cannot speak of equal opportunities for persons with disabilities without an equal access to **education**. The *National Strategy for Equal Opportunities of Persons with Disability* in Bulgaria indicates that an

integrated education starts with the establishment of a specialised service system. This system will gradually supersede the system of specialised institutions and will then subsequently evolve into resource centres. In order to achieve this, however, the education of all persons with disability should become an integral part of the national educational plans, the development of educational programs and the organisation of schools. Unfortunately the reality shows that there are no educational systems

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designed in conformity with the degree of disability as only children with mild intellectual disability are accepted in special schools. All children in special institutions have no access to education. BAPID recommends in this Country Report the integration of all children with intellectual disability in the education system, and not only of children with mild intellectual disability, but also children with moderate and severe disability. Children in institutions must also be integrated in the education system.

In the area of **employment**, persons with intellectual disability have no access to appropriate forms of work because such forms are not available. These persons are simply not considered as potential employees. Labour therapy is rarely developed in the large residential institutions in Bulgaria. Some labour activities are carried out in day centres for persons with intellectual disability above 18 years of age, but they do not generate any income. In this chapter BAPID recommends some actions to be undertaken in order to improve the situation.

In the chapter **on organisations of persons with disability**, the importance of the new role of non-governmental organizations in civil society is described. Non-governmental organizations in the social field working for people with intellectual disabilities should find their place in the process of

social change in the country. This can only happen if the state gives up its monopoly in service provision and allows state funding for non-governmental initiatives in this area.

The **awareness of the general public** about the lives of persons with intellectual disability is very low. The research showed that also parents and persons with intellectual disability themselves are often not aware of their own rights. Even though the National Strategy for Equal Opportunities for People with Disabilities in Bulgaria has been developed in 1999, an awareness raising campaign to change the attitudes of the general public was not undertaken by the Government until now.

A very important finding of this survey was that **statistical data** on persons with intellectual disability does not exist at all. There is no data on the number of persons with intellectual disability in the country because the number of children and adults with intellectual disability living with their families is not known. No percentages could be given related to the total population either. There is no statistical information available on the number of people with intellectual disability differentiated according to their level of disability, age, living conditions and employment.

The final chapter of this Country Report provides **recommendations** to the Bulgarian Government, local authorities, and the international donor community about possible steps to be undertaken to bring about an enforcement and implementation of the generally positive legislation. The biggest challenge for the Bulgarian Government will be to prepare a strategy for the full integration of persons with intellectual disability into the community. In this process the Bulgarian disability NGOs will play a central part to improve the living conditions of persons with intellectual disability.

Inclusion Europe sincerely believes that this report provides decision-makers with important background information and that the recommendations show vital steps forward towards the full recognition and realisation of the human rights of persons with intellectual disability in Bulgaria.

Introduction

Inclusion Europe's project "Advancing the Human Rights of Persons with Intellectual Disability in Civil Society" has brought together eight of its major national members from Bulgaria, the Czech Republic, Estonia, Hungary, Macedonia, Poland, Romania and Slovenia. The objectives of the project are:

- to strengthen the political capacity of NGOs and to assure more active participation in the decision making processes concerning persons with intellectual disabilities
- to introduce NGOs concerned the European Disability Policy and make sure that persons with intellectual disability from Central and Eastern Europe are part of it
- to raise awareness of the Governments on national and European level about the human rights of persons with intellectual disability in Central and Eastern Europe

The present Country Report presents the results of a survey in Bulgaria in order to determine to which extent this country has implemented the UN Standard Rules on the Equalisation of Opportunities of Persons with Disabilities.

The purpose of this Report is not only to present the current situation of persons with intellectual disability in Bulgaria but also to provide recommendations to the Bulgarian Government for further implementation of laws and regulations. The chapters in the Report follow the order of the UN Standard Rules which are the world-wide accepted benchmark for existing services and legislation for disabled persons.

The production of this Country Report reflecting the Human Rights situation of persons with intellectual disability at the present time is very significant. It follows a debate generated by the Bulgarian Association of Persons with Intellectual Disability (BAPID) in 1998 and 2000 during two international seminars in which Bengt Lindqvist, the UN Special Rapporteur on Disability, participated. The seminar in 1998 celebrated the 50th Anniversary of UN declaration on Human Rights and the announcement of the Bulgarian National Strategy on Disability Policy. The second seminar in 2000 was an effort to benchmark progress, if any, and discuss such items as monitoring and implementation of policies.

Since December 1999, Bulgaria is officially recognized as a candidate for membership of the European Union. Disability Human Rights were an issue in these discussions, especially children. At the time of publication of this Report, a new government has just been elected whose expressed wishes and objectives include membership of the EU, support for families, and improving the position of marginalized citizens.

The report highlights the key problem in Bulgaria: What is written in legislation is often not implemented in practice.

The life of persons with intellectual disability is simply terrible if they do not live with their family. If they live with their family then the life of the family is very difficult because of the lack of support. If the person has a moderate, severe or profound disability the person is almost totally excluded from the normal process of education and living. Until ten years ago there were no day services for persons with moderate, severe and profound intellectual disability and even now, though such services are accepted by government policy, they still do not exist in many large towns.

For those who cannot for whatever reason live at home the alternative is a Social Care Home. This is a slow death! Excluded from society, living in isolated areas of the country often outside small villages in the mountains, where trained staff is at a minimum and no programmes exist. Once in the system, disabled people are not persons but parcels to be moved from one place to the other. If people survive to adult life it is no better.

Bulgarian TV has shown programmes where Social Care Homes have not enough beds, no indoor toilets, no working showers, food gulped from a tin plate often with a spoon and never with knife or fork. Recently a member of the new Parliament admitted that the daily food cost per person in such a home is less than 2 Euro per day.

BAPID demands the closure of these institutions beginning with the most isolated. It proposes small community-based units as the better solution. Having clearly identified these issues in this report we stand ready to work hard in a co-operative manner; BAPID in close co-operation with the Bulgarian Government and Inclusion Europe with the European Parliament and the Commission to implement a plan of action. A significant commitment of finance, energy and goodwill is required of all parties.

BAPID and Inclusion Europe hope that this Country Report will be the basis of a real dialogue leading to action both at Bulgarian and EU level. Such conditions as currently exist in Social Care Homes can no longer be tolerated.

The importance of the cooperation with NGOs representing persons with intellectual disability and their families cannot be overemphasized. There exist numerous examples of positive and innovative outcomes of such partnerships in Bulgaria. Unfortunately the opposite with negative effects also exists.

This Country Report states truly where persons with intellectual disability and their families in Bulgaria are now, it points in its recommendations the way forward. It is a challenge to all of us. BAPID and Inclusion Europe accept this challenge and we cannot and will not rest until persons with intellectual disability in Bulgaria enjoy full civil, economic, cultural, social and human rights as is their right as human beings and guaranteed by so many international, European and Bulgarian laws and conventions.

John O’Gorman, September 2001

Country Description

Bulgaria is situated on a territory of 110,993.6 sq. km. The population is 8,992,316 (statistics of 1989). The capital of Bulgaria is Sofia and the largest part of the population is urban. 85% of Bulgarians are Christian Orthodox, whereas 13% of the population professes Islam. The Bulgarian ethnic group represents 85.8% of the population. Other major ethnic groups are the Turks (9.7%) and Roma (3.4%). On average the life span of Bulgarians is 70 years and women live 7 years longer than men. The population growth rate is

1,16 %, the birth rate is 8,06 births/1,000 persons and the mortality rate is 14,63 deaths/1,000 persons (statistical data from 2000).

Bulgaria is a parliamentary republic and its Constitution is the supreme law of the country. The latest Constitution of the Republic of Bulgaria was adopted in July of 1991 and features all basic principles of modern constitutionalism. The President serves as the Head of State, and is directly elected once every 5 years for a maximum of two terms. The Vice-President is elected on the same ballot as the President.

Data Resources

The present report describes in detail the situation of persons with intellectual disability in Bulgaria. It also analyses the legislative and normative documents related to their social status, assesses law implementation and indicates conclusions to the *UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*.

The data collected for the elaboration of this report was provided by NGOs in the field of intellectual disability, parents, relatives and advocates, persons with intellectual disability and state authorities from the social, health and educational sphere at national and regional level. The information was gathered in five regions of Bulgaria: Sofia (capital of

the country), Pleven (an industrial region in the north of Bulgaria), Pazardjik (a region with a mixed ethnic population in the south), Bourgas (East Bulgaria) and Vidin (an agricultural region in the northwest).

There is no statistical data on the amount of persons with intellectual disability in the country because the number of children and adults with intellectual disability living with their families is unknown. No percentages could be given related to the total population either. There is no statistical information available on the number of persons with intellectual disability differentiated according to the following categories: level of disability, age, living conditions and unemployment.

Definitions and Differentiation

According to the 10th revision of the International Classification of Disabilities, mental Handicap is interpreted as a complex disturbance in the cognitive, speech, motor and social skills, which leads to deviations in the adaptive behaviour. In Bulgaria, the *Regulations for the Implementation of the Law for the Protection, Rehabilitation and Social Integration of Persons with Disability* states:

“...The degree of decreased efficiency is defined in percentages compared to people’s abilities without disabilities...” on the basis of the Regulations for the Medical Experts’ Report which Defines the Work Capacity of Persons with disability (25 July 2000).

The degrees of intellectual disability are as follows:

1. Limited mental ability 10-20%
(speech disorders, IQ decrease, limited incentives and inclinations control – mild)
2. Limited mental ability 20-50%
(speech disorders, IQ decrease, limited incentives and inclinations control – moderate)

3. Limited mental ability 50-80%
(speech disorders, IQ decrease, limited incentives and inclinations control – severe)
4. Limited mental ability 80-100%
(speech disorders, IQ decrease, limited incentives and inclinations control – profound)

The definition “persons with disability” is introduced with the latest changes of The Law for the Protection, Rehabilitation and Social Integration of Persons with disability. This definition however is not accepted by all the non-governmental organisations; some of which insist on using the old definition “disabled people”. So, at present, there are different definitions used in different laws and regulations for “persons with disability”. As far as persons with intellectual disability are concerned, definitions like mentally retarded, persons with mental retardation, persons with intellectual deficit, intellectually disabled people, persons with mental handicaps, etc., can be found in different laws concerning this group of people.

Awareness Raising (UN Standard Rule 1)

A CONSISTENT DIALOGUE BETWEEN PERSONS WITH AND WITHOUT DISABILITY AND the active participation of persons with disability at local, regional and national level is needed in order to ensure full and equal opportunities. As long as the opinion of persons with disability is not taken into consideration, their opportunities for a full participation in an open, democratic and pluralistic society remain in jeopardy.

In December 1996, the *Law for the Protection, Rehabilitation and Social Integration of Persons with disability* became effective. Art. 5, Par. 1 of the law states: "...The Council of Ministers implements a policy for the rehabilitation and social integration of persons with disability by ensuring conditions for:

- Social rehabilitation;
- Education, vocational orientation and professional qualification;
- Employment;
- Accessible and appropriate living standards and surroundings;
- Social and legal protection; and
- Information and creating conditions for the communication of persons with disability among themselves and with other persons as well as between persons with disability and their organisations from other countries."

Only the last sixth item is not regulated in full. How should the level of awareness of persons with disability and the public be increased? How will the state undertake the forming of the public attitude towards persons with disability (intellectual, for example)? How should the responsible authorities be engaged to spread topical information, which will reach the general public?

In reality, there is no governmental policy to inform and cultivate the understanding of the problems of persons with intellectual disability. There are deeply rooted negative attitudes and prejudice towards the 'different' ones. The incidental broadcastings and publications dealing with the problems of persons with intellectual disability are more often presented in the form of charitable concern and virtuousness. There is no governmental policy that aims at increasing awareness as part of the education in schools (elementary, primary, secondary and high). The staff working in institutions for persons with intellectual disability does not have access to the training courses, which aim at

changing their attitude towards them. The terminology used by them is absurd: 'the ill', 'the immobile', 'the crawling', and 'the chewing'.

The whole society continues to be poorly, and in some cases, wrongly informed on the problems and the real potential of persons with intellectual disability. Therefore, society is unable to look upon them in another way except as clients of the Health and the Social Ministries.

Human rights is a theme that has been talked a lot about lately. The truth is that not even one of the interviewed persons with intellectual disability,

States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.

Rule 1 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

not even one parent or person working with persons with intellectual disability is capable of pointing out at least several rights. The only right they are aware of is the 'right to vote'. At the same time, no one is informed whether persons with intellectual disability over 18 are allowed to exercise their eligible right. Persons with intellectual disability, parents, and personnel in the social sphere throughout the country are not acquainted with the international documents that deal with problems of persons with intellectual disability neither. None of them have ever heard of the *UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*.

The *National Strategy for Equal Opportunities for Persons with Disabilities in Bulgaria* (1998), developed within the Fund for Rehabilitation and Social Integration

In reality, there is no governmental policy to inform and cultivate the understanding of the problems of people with intellectual disability. There are deeply rooted negative attitudes and prejudices towards the 'different' ones.

and decided upon by the Council of Ministers, deals with the question of information and awareness-raising in the following way:

"...Information dissemination has two objectives and respectively two groups of addressees. The first objective is to increase the opportunities of persons

with disabilities to participate in the decision-making process in civil society and in this case it addresses persons with disabilities and their families. The second one is to increase the level of awareness of the general public about the role of persons with disabilities in the future development of society, and in this case it addresses the society as a whole.

Regarding the first aspect, the potentialities of modern communications should be used in full value. For the better awareness of society towards

persons with disability's problems, all media (printed and electronic) should be fully involved. This problem is a fundamental one because ignorance or wrong concepts of disability problems lead to limited access and non-observance of the existing normative acts. Change of concepts and respective change in policies (dealing directly and indirectly with disability) is a long process that requires a coordinated approach on the side of the government and media, but mostly of the organisations of and for persons with disabilities.

Medical Care (UN Standard Rule 2)

IN ORDER TO ACHIEVE MAXIMUM PERSONAL DEVELOPMENT OF A HUMAN BEING, EARLY intervention should be focused on preventing the malfunction from turning into a disability immediately after detection and assessment. For this purpose, it is necessary to stimulate cooperation and exchange of information among doctors, paramedical teams (physiotherapists, speech therapists, special teachers), and social workers. A person with disability (or his/ her parents if a child is concerned) should be an active partner in the process. Thus, when appropriate elements of intervention are defined, consideration of his/her needs and opinion will be guaranteed.

The normative acts in this sphere are the *Law for the People's Health*; the *Law for the Health Insurance*; and the *National Framework Agreement*. According to the *Law for the People's Health*, every Bulgarian citizen has the right to accessible medical aid. The municipalities provide conditions for the population's medical treatment on their administrative areas. The activities of the health authorities for health protection and rehabilitation of the population are based on prevention.

States should ensure the provision of effective medical care to persons with disabilities.

Rule 2 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Accessible medical aid is granted under the conditions and by the order of the *Law for the Health Insurance*. People have the right to freely choose and be treated by a doctor/dentist or medical institution (one medical examination costs 1% of the minimum salary, and one hospitalisation day 2%). People suffering from illnesses included in the list of the *National Framework Agreement* as well as under-aged, unemployed, socially weak people and clients of the institutions are exempted from the 1% and 2% taxes. *Instruction Nr. 19 for the Medical Specialists' Report*

on Disability of Children Aged up to 16 (3 October 2000) states: "... a disability is a permanent limitation or lack of capability of a child to adapt to the surroundings in which he/she lives, in a way and degree a healthy child at this age does..."

GPs, pediatricians and experts from the Departments for Child Protection at the Municipal Services for Social Support are members of the regional medical experts' commissions. Teachers, psychologists, social workers and other doctors-specialists according to the profile of the concrete illness could be involved too. The commissions give recommendations on the supervision, treatment and rehabilitation, the life and work regimen, and the relocation to children's institutions and schools. All children are observed by these commissions in order to have their diagnosis precisely determined and be offered adequate treatment and rehabilitation. A big percentage of the diagnoses so far are very general and imprecise.

Although the commissions offer counselling to the parents, there is a lack of support services for their children. That is why all parents interviewed state that doctors advise them to send their children with intellectual disability to social institutions considering the difficulties in bringing them up and the lack of support services. Many parents declare that they exclusively provide for the treatment of their

children with intellectual disability. In fact, these parents are not well acquainted with the new health insurance system in power: the opportunities for

All parents interviewed state that doctors advise them to send the intellectually disabled children to social institutions considering the difficulties in bringing them up and the lack of support services.

medical treatment provided free of charge, concessions of certain taxes, reimbursement of costs for different medicines, etc. Information on such issues is accessible and could be achieved without any problems. Most of the parents have chosen the same doctor and dentist for both themselves and their children with intellectual disability. As GPs are paid according to the number of their patients (a certain coefficient is added depending on the patient's age), adequate payment for doctors treating persons with certain categories of disability should be reconsidered. According to the statistics of 1994, 3,386 children with physical and intellectual disability are

placed in social institutions. That is why the consultative work with parents is very important. At present there are no social services of this type whatsoever. It is therefore recommendable that:

- Social and psychological support is provided for parents of children with disability since the birth of the child;
- Practice of day centres is multiplied with multi-discipline teams;
- Day centres for rehabilitation are opened;
- Special services for families with children with intellectual disability are developed and offered;
- Legislation for children with disability is unified and concepts and terminology humanised;
- Concrete national and regional programs assuring access of children with disability to education, social services and medical care are developed; and
- A system promoting reliable education for social workers in universities and every day work is designed.

(Re)habilitation (UN Standard Rule 3)

DURING THE LAST FEW YEARS (SINCE 1993) ABOUT 20 DAY CENTRES FOR CHILDREN WITH intellectual disability (aged 3 to 18) have been established. However, the most important period for the development of a child (up to three years of age) is not provided for. The parents are left wandering between different experts and institutions with the feeling of guilt, helplessness and desperation, because in Bulgaria the problem of intellectual disability is still looked upon from a medical point of view. Different experts do not work in teams. Uniting their efforts is the only way for them to be more efficient.

The term (Re)habilitation means physical and psychological therapy, early intervention, vocational training and occupational therapy. *The Law for the Protection, Rehabilitation and Social Integration of Persons with disability* regulates the right of persons with disability to rehabilitation and social integration, as well as the obligations (following from it) of the state, state authorities, municipal councils, economic and social organisations in the country and of the persons with disability themselves. The rehabilitation and social integration policy is carried out by ensuring social rehabilitation, education, professional qualification and vocational orientation, employment, etc. Rehabilitation includes motor rehabilitation, labour therapy, training in basic skills for independent living, rehabilitation of hearing and speech, psychological support, etc. Persons with permanent disability have the right to special education

under adapted programs aiming at training them for labour activities.

The National Service on Employment opens and runs training centres for developing professional skills of persons with disability and for job

States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.

Rule 3 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

seeking. There are, however, only several day centres for persons with intellectual disability, which offer rehabilitation (physical, psychological and labour therapy). Only one of the visited regions has such a day centre for children and adults with intel-

lectual disability. It functions under the management of the Municipal Service for Social Support and is actively supported by the parents and the local NGO. The situation in the other regions is more than tragic. Parents and advocates state that physical, psychological and labour rehabilitation is inaccessible for children with intellectual disability. There are no programs implemented and no day care centres for children and adults with intellectual disability functioning. There exists no such centres for their social rehabilitation and integration either. Regional NGOs are opening family centres for counselling but they are experiencing big difficulties because of insufficient funding. The state has provided the sum of 1,200 BGL (approx. 600 Euro) per family centre for 1 year (including maintenance and staff salaries). Despite that, the families with children with intellectual disability demonstrate

an enormous interest in the offered service. Unfortunately, the linking unit for early intervention is still missing in Bulgaria.

It is recommendable that an integrated interdepartmental system be established for early intervention and family support. The Ministry of Education

Parents and self-advocates state that physical, psychological and labour rehabilitation is inaccessible for persons with intellectual disability.

and Science, the Ministry of Health and the Ministry of Labour and Social Policy should offer personnel training for the specialised institutions, day-care centres and other forms of social services for persons with intellectual disability. Diagnostic centres and rehabilitation units should also be set up.

Community-Based Support Services (UN Standard Rule 4)

SPECIAL SERVICES PRESUME THAT PERSONS WITH DISABILITY SHOULD BE CLIENTS, NOT patients. The difference is not a linguistic one. A client pays for the services and chooses the provider. He/she is allowed to and should have requirements, whereas the patient is grateful that attention has been paid to him/ her. That is why special social services in this sense are possible only within the frames of a social approach towards disability. Only these kinds of services create conditions in which persons with disability will be considered and held with respect, while the providers will comply with their needs and wishes.

According to the *Regulations for the Implementation of the Law for Social Support*, the community-based social services for persons with intellectual disability can be provided through: day centres, offices for social services and centres for social rehabilitation and integration.

Instruction Nr. 4 (16 March 1999) regulates the requirements and methods of provision of social

States should ensure the development and supply of support services, including assistive devices for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights.

Rule 4 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

services. According to it, day centres provide care for children (aged three to ten), young people (aged ten to 18) and adults (over 18) with intellectual disability. The offices for social services offer consulting for children in a socially unequal position (com-

ing from families of low income, with a single parent, at social risk, etc.), adults and families in the community. Centres for social rehabilitation and integration provide social services (rehabilitation, social and legal consultation, application for residential institutions, social integration and resocialisation programs, educational and professional orientation, vocational training) for children and adults with various degrees of intellectual disability.

The *Law for the Protection, Rehabilitation and Social Integration of Persons with Disability* states that municipalities secure housing for persons with permanent disability by using the municipal housing funds according to the *Regulations for the Implementation of the Law for Municipal Property*. Persons with permanent disability have the right to credit amounting to 75% of the floorage norm's worth in cases of house purchasing, building or overall repairs. The Council of Ministers in coordination with the Director of the National Bank of Bulgaria determine the amount, conditions and procedure of the credits. The *Regulations for the Implementation of the Law for the Protection,*

Rehabilitation and Social Integration of Persons with Disability and Instruction Nr. 2 of the Ministry of Labour and Social Policy of 1999 regulate the conditions and procedures for renting out technical supportive devices and appliances free of charge.

There are only two day centres for children and adults with intellectual disability in two of the visited regions with municipal centres of about 80,000 persons. In the other two visited regions, there are also only two day centres for children with intellectual disability: one of them opened recently, and the other one is functioning solely for one group of children due to the poor quality service.

Community-based social services are the real alternative to the segregating and derogatory to human dignity social institutions. These social services are the type of services, which compensate for the deficit caused by disability.

Offices for social support are opened in three of the regions visited but most of the families do not make use of them because the fees are so high. Moreover, families caring for children with intellectual disability are not offered other forms of social services as an alternative to the existing large residential institutions. The financial support for such families amounts to 70% of the guaranteed minimum income (28 BGL – approx. 14 Euro). There are no opportunities for persons with intellectual disability in Bulgaria to lead an independent life. No statistics are available on the number of persons with intellectual disability living with their families.

The Bulgarian NGOs for persons with intellectual disability defend the existence of legal regulation for the provision of social services, and the opening of:

- Day centres for children and adults in all the regions (accessible to all persons living both in big towns and small villages);
- Centres for social rehabilitation and integration;
- Community group homes; and
- Respite care centres for persons with intellectual disability.

But first and foremost, they insist on the regulation of opportunities for NGOs to provide services funded by the state and the financing of a personal assistance system for persons with intellectual disability. Community-based social services are the real alternative to the segregating and derogatory to human dignity social institutions. They are the type of services, which compensate for the deficit caused by disability, increase the quality of life and contribute to a full value functioning of persons with disability. These social services would inevitably be of a different kind because the needs of persons with disability are various – from home catering, through psychosocial consultation to self-advocacy. Their high quality could be guaranteed by the presence of different providers and the competition between them. Competition in this sphere should really be encouraged and monopolies of any kind should not be allowed.

Accessibility (UN Standard Rule 5)

PERSONS WITH INTELLECTUAL DISABILITY FACE INSURMOUNTABLE OBSTACLES WHEN THEY have to obtain information. This will be made easier not only for them but also for persons without intellectual disability, if the way of writing and presenting information changes.

(a) Access to the Physical Environment

In Bulgaria, the access to the physical environment is regulated by *Instruction Nr. 1 for Building Town Infrastructures Usable by Persons with Disability* (effective from the beginning of 1995) by the *Law for the Protection, Rehabilitation and Social Integration* (end of 1995), as well as by the *Architectural Reference Book for Designing and Constructing the Living Surroundings for Persons with Disability* (1995).

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society.

Rule 5 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

The first document regulates the building of an accessible environment for persons with disability, while the second obliges the corresponding institutions to provide the normative bases and the material resources for adapting the whole living surroundings to the needs of persons with disability so that they do not live in isolation from society.

The Ministry for Regional Development and Public Works, The Ministry of Transport and Communications and the municipalities are responsible for the appropriate living and physical surroundings for persons with disability by making them accessible to persons with all types of disability. Municipalities, physical and juridical persons that carry out transportation activities, as well as employers of vocationally rehabilitated persons should consider requirements of the Ministry for Regional Development and Public Works, The Ministry of Transport and Communications. The National Agency for Standardisation and Methodology in accordance with the *Law for National Standardisation* approves standards for special inside equipment, devices and furniture in residential and work premises, and public buildings adapted to the needs and the abilities of persons with disability.

It is a fact that public transport in towns is not, in practice, usable by persons with disability. The situation with public buildings, town surroundings, and residential areas is the same. No positive steps towards changing the present situation could be pointed out

in this report. The municipalities do not dispose of the necessary funds for making such changes. Some single projects are being implemented for partial accessibility but only in the bigger towns. The physical environment does not correspond to the requirements for a normal life of persons with disability. What is more, the physical environment turns out to be an architectural obstacle, which “disables” persons with disability.

(b) Access to Information and Communication

Art. 4, Par. 1 of the *Law for Access to Public Information* (July 2000) states: “... Every citizen of the Republic of Bulgaria has the right of access to public information...” and Art. 26, Par. 4 states: “... Persons with vision problems or problems of the auditory-speech apparatus can demand access in a form corresponding to their communicative abilities...”

Unfortunately, there are no normative acts regulating the access to information and communication of persons with intellectual disability. The information regarding diagnoses, rights, services and programs for persons with intellectual disability is not provided in a form appropriate to them. This does

There are no normative acts regulating the access to information and communication of persons with intellectual disability. The information regarding diagnoses, rights, services and programs for persons with intellectual disability is not provided in accessible form.

not appear to be a priority for the government. Also NGOs of and for persons with intellectual disability do not provide information in appropriate forms. Persons with intellectual disability face insurmountable obstacles when they have to obtain information. This situation will be made easier not only for them but also for persons without intellectual disability, if the way of writing and presenting information changes. It is recommendable that clear and simple language with short sentences be used. The written information should be presented with big size fonts in well-defined paragraphs, with many illustrations and symbols.

Education (UN Standard Rule 6)

THE NATIONAL STRATEGY FOR EQUAL OPPORTUNITIES FOR PERSONS WITH DISABILITY IN Bulgaria indicates that an integrated education starts with the establishment of a specialised services system. This system will gradually supersede the system of specialised institutions and will then subsequently evolve into resource centres. In order to achieve this, however, the education of all persons with disability should become an integral part of the national educational plans, the development of educational programs and the organisation of schools.

According to the *Constitution of the Republic of Bulgaria*, all persons are born free and equal in value and rights. Everyone is also entitled to education. School education up to the age of 16 is obligatory and education in primary and secondary municipal and state schools is free of charge. Bulgaria has ratified the *UN Convention for the Children's Rights* with a resolution of the Supreme National Assembly of 11 April 1991. Furthermore, the *Education Act* states: "... all citizens have the right to education. They can constantly advance their education and qualification. Limitations and privileges on the grounds of race, nationality, gender, ethnic and social origin, religion and social status are not permitted. The state educational requirements define the levels of the necessary educational and vocational training. These requirements refer to children with chronic illnesses and/or children with specific educational needs as well..." According to the *Regulations for the Implementation of the Education Act*, all nurseries, schools and supporting structures should secure conditions for integrated education and training of children with specific vocational needs and chronic illnesses. Every pupil has the right to individual support from the teachers in accordance with his/her specific pedagogical needs.

The *Law for the Protection, Rehabilitation and Social Integration of Persons with Disability* also states: "... the pre-school children's establishments, general education and vocational schools should provide opportunities for integrated training of children with disability in ordinary and special classes. Special education in early and school age should be carried out after using all the opportunities for integrated education and training..." According to the *Law for Vocational Education and Training*, children up to five years of age with chronic, physical and sensory illnesses as well as children from social institutions can be

enrolled as pupils in one class in vocational secondary schools.

In the above-mentioned normative acts there are discriminative clauses, which in practice deprive children with intellectual disability of access to education. For example, the *Regulations for the Implementation of the Education Act* states: "... special schools are open for children with mental retardation..." Children with moderate and severe intellectual disability do

not even have access to special schools. Therefore, education for persons with intellectual disability is not an integral part of the national planning in the field of education, programs and organisation of schools, chil-

children with intellectual disability have no access to mainstream schools and only children with mild intellectual disability have access to special schools.

The Ministry of Education and Science works on specific programs for special schools open to children with mild intellectual disability aged 7-16. It also develops curricula for special nurseries for children with mild intellectual disability up to seven years of age only. The Ministry of Education and Science does not develop educational programs for adults with intellectual disability. No examples of attempts for improving the training of children and adults with learning disability in the state policy can be pointed out. There are no educational systems designed in conformity with the degree of disability as only children with mild intellectual disability are accepted in special schools. All children in special institutions have no access to education. The Ministry of Education and Science does not develop programs for their needs. Moreover, the Ministry of Labour and Social Policy designs programs of its own, which do not correspond to the educational needs of those children, nor follow the line of reasoning present in the *Education Act*. These programs are not even implemented in most

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

Rule 6 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

of the social institutions. All children with moderate and severe disability, living either with their families or in social institutions are deprived of education.

The statistical data shows that the number of children aged 6 to 17 is 1,215,055 (year of 1999). There are no statistics on the number of children with intellectual disability. The number of special schools for children with mild intellectual disability is 75 for the period 1999/2000. The number of children registered there for the same period is 9,252 (it should be noted that these schools accept not only children with intellectual disability but also children from families in a socially weak position – unemployed, with low incomes, etc.). No data is available on the number of teachers educated in “Special Pedagogy” and employed in such schools. The number of university graduates with “Special Pedagogy” is as follows:

1996	1997	1998	1999	2000
118	269	383	217	286

Regional NGOs do not work very actively in cooperation with the special schools. There are only a few exceptions. This is due to the fact that most of the NGOs have been established by groups of parents whose children do not have access to special schools because of their disability degree. NGOs’

efforts are aimed at opening day centres for children with moderate and severe intellectual disability. Results from the interviews show that only children with mild intellectual disability have access to nurseries, special and, later on, vocational schools. Children with moderate and severe intellectual disability living with their families in or close to a big town, where a day centre is functioning, may attend it. In some of these day centres the quality of education

There are no educational systems designed in conformity with the degree of disability as only children with mild intellectual disability are accepted in special schools. All children in special institutions have no access to education. What about persons with moderate and severe intellectual disability?

offered is satisfactory but in others it is very poor. With one exception, the regions visited do not possess day centres for adults. Education in social institutions (if existing) is of very poor quality too. There are no teachers

employed in some of these institutions and terms as “uneducable” are still part of the personnel’s vocabulary.

All children including the children with intellectual disability should have access to appropriate education. Integrated education for children with intellectual disability should be established and special programs designed. Not only children with mild intellectual disability should receive education but children with moderate and severe disability likewise. Children in institutions should be integrated too.

Bulgaria should ratify the Salamanca Agreement and develop a strategy for its implementation as well.

Employment (UN Standard Rule 7)

PERSONS WITH INTELLECTUAL DISABILITY ARE NOT RECOMMENDED APPROPRIATE FORMS of labour therapy because such forms are not available. These persons are simply not considered potential employees. Labour therapy is rarely developed in the large residential institutions in Bulgaria. Some labour activities are carried out in day centres for persons with intellectual disability (over 18 years old), but they do not generate any income.

Currently, the unemployment rate in Bulgaria is 16%. The percentage varies in the country with the unemployment rate being higher in the boarder and agricultural regions.

The new *Regulations for the Medical Experts’ Report which defines the Work Capacity of Persons with Disability* was published in the State Newspaper, Issue of 25 July 2000. The degree of decreased efficiency is defined in percentages compared to people’s abilities without

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

Rule 7 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

disability. The experts' reports acquire the statute of an administrative act, and as such they are obligatory for all organisations and authorities in the country (after appeal deadlines expire). The members of these expert commissions are more often

It is necessary to develop a general employment strategy for persons with intellectual disability (including persons with moderate and severe disability).

doctors, and as a consequence, disability is looked at as a medical problem. No clear individual assessment of the abilities and needs can be made in regarding the defined percents.

According to another law, the *Law for Unemployment Protection and Employment Stimulation*, employers are subsidised by the state if they employ people with decreased work capacity. Such cases with persons with intellectual disability are few in numbers. *Resolution Nr. 758 of 6 December 1999* of the Council of Ministers specifies a list of services and goods, whose production is assigned to specialised enterprises and cooperatives of persons with disability through a contracting procedure (Art. 16, Par. 7 of the *Law for Social Commissions*). Towards the end of 1995, 69 cooperative enterprises of persons with disability in Bulgaria were functioning. They still ensure rehabilitation for persons who were transferred to a more appropriate job for health reasons. Yet, cooperatives for persons with intellectual disability do not exist.

The Law for the Protection, Rehabilitation and Social Integration of Persons with disability and the Regulations for its application regulate the procedures for employing persons with disability as well as for ensuring certain job quotas. But in practice, only persons with a mild intellectual disability can make use of these norms. Social vocational institutions offer qualification and re-qualification training to all categories of persons with disability, persons with mild

After receiving the medical experts' report, persons with intellectual disability are not recommended appropriate forms of labour therapy because such forms are not available.

intellectual disability and hearing problems (aged 14 to 35). Ten institutions of this type exist in Bulgaria. They function under the methodical guidance of the Ministry of Labour and Social Policy. Training on cooking, gardening, knitting, sewing, etc. is offered. However, no budget is allocated for assisting the process of integration of persons with intellectual disability in the labour market. There is no statistical data on the number of persons with intellectual disability employed. No "protected"

workshops for persons with intellectual difficulties are opened either. The pupils in the secondary vocational institutions are 1,730 and only a small percentage of them are persons with intellectual disability.

After receiving the medical experts' report, persons with intellectual disability are not recommended appropriate forms of labour therapy because such forms are not available. These people are simply not considered potential employees, despite the appointed concessions for employers. Mainly persons with physical, visual and hearing problems are employed in specialised enterprises. These are, to a great extent, "protected" places, where persons with disability still remain isolated and without any opportunities for social integration. Labour therapy is likewise rarely developed in the large residential institutions in the country. Some labour activities are carried out in day centres for persons with intellectual disability (over 18 years old), but they do not generate any income. Existing legislation does not allow funding of NGOs for persons with intellectual disability in order for them to provide services related to labour activities or open "protected" workshops and day centres. It is thus a necessity:

- To make radical changes in the work mode of the medical experts' commissions, which at the moment function in a simply administrative and formal way. These commissions should be transformed into multi-disciplined expert bodies, whose members must be not only doctors, but also specialists in other fields - social workers, labour experts, psychologists, etc. An expert team should assess the work capacity of each person individually;
- To develop a general employment strategy for persons with intellectual disability (including persons with moderate and severe disability);
- To change the system for vocational training so that it can include persons with moderate and severe intellectual disability;
- To develop a strategy for training children with moderate and severe intellectual disability and who live with their families or in institutions. Most of these children do not receive primary education and thus have no opportunity for subsequent vocational training. Practically, there are no integrated forms of training for children with intellectual disability. Only children with mild intellectual disability are accepted in special schools; and
- To open day centres with labour therapy for adults with intellectual disability, since most of the existing day centres are for children under 18 years of age.

Income Maintenance and Social Security

(UN Standard Rule 8)

PERSONS WITH INTELLECTUAL DISABILITY AND PERSONS TAKING CARE OF THEM STATE that the received pension and the additional social support are an extremely insufficient income. During the last few years, the degree of disability in the experts' report has been unjustifiably reduced, and this situation deprives persons with disability even of a small social pension.

Art. 1, Par. 3 of the *Law for Social Support* of 19 May 1998 states: "... Social support is carried out in a way that the citizens' human dignity is maintained. Social support involves provision of financial aid and/or aid in kind and services to meet the basic life needs of citizens..." Social services are activities for the support of persons and families which are in need and cannot provide for themselves. Persons and families whose previous month income is lower than an appointed differentiated minimum income are entitled to receive a monthly allowance. The differentiated minimum income is determined on the basis of the guaranteed income (currently 40 BGL – approx. 20 Euro) corrected with coefficient 1.2 for children with severe physical or intellectual disability and for persons with disability with a certain degree of disability.

In cases of incidental occurrence of health, educational, communal or other needs of vital necessity, a one-time aid is allowed once a year. Persons with 1st or 2nd degree of disability, as well as persons with 3rd degree of disability (of the lower limbs) and children with severe physical and intellectual disability aged 7-16 have the right to receive a monthly social allowance for transportation needs amounting to 15% of the guaranteed minimum income. Persons with 1st or 2nd degree of disability and children with severe physical and intellectual disability have the right to travel for free twice a year – a round-trip ticket for railway or bus transportation. Those accompanying persons with dis-

200 charge units per month. The Municipal Service for Social Support reimburses this latter expense only when a receipt is presented.

In providing social support there is no discrimination, privileges or restrictions based on race, nationality, political or ethnical affiliations, origin, gender, age, religious affiliations and social status.

States are responsible for the provision of social security and income maintenance for persons with disabilities.

Rule 8 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Adequate social support is provided on a territorial principle by the Municipal Services for Social Support, which identify and register people and families in need of support and social services. Municipal services further analyse and generalise the necessities of social support; consult and work individually with everyone that needs help aiming at his/her social adaptation and integration; and verify the authenticity of the circumstances declared by the persons and families in the social support applications.

According to the *Regulations for the Implementation of the Law for Social Support*, persons that take care of persons with disability can benefit from certain concessions. The period during which a parent/adopter (or husband/wife) have taken care of people in permanent need of somebody else's help – due to which they have not been insured or have not received any

pension according to the *Code for Obligatory Social Insurance* - is considered as an insurance length service once they retire. Accord-

ing to the *Law for the Protection, Rehabilitation and Social Integration of Persons with disability*, parents/adopters of children with disability up to 18 years of age have the right to a monthly allowance amounting to 70% of the guaranteed minimum income. The instructions of the *Decree for Birth Encouragement and the Regulations for Its Implementation* states that the monthly allowances for children with disability are double in amount.

Families taking care of children with intellectual disability up to 16 years of age receive 75% of the guaranteed minimum income (or 30 BGL = approx. 15 Euro) plus double child allowances (amounting to 16 BGL = approx. 8 Euro).

ability have the same right. Persons with 1st degree of disability and children with severe physical and intellectual disability, as well as those accompanying them, have the right to free-of-charge spa treatment with a 20-day duration once a year. Furthermore, persons with 1st degree of disability have the right to personal assistance and are also entitled to free-of-charge telephone services up to the maximum of

Another existing norm since 1 January 2000 is the *Code for the Obligatory Social Insurance*. It ensures that the pension of people with limited work capacity is determined on the basis of an expert opinion on their labour abilities. Persons with intellectual disability are classified in the group of people assigned to receive a social disability pension. People older than 16 with limited work capacity over 71% have the right to receive such a pension as well. Retired persons with reduced work capacity over 90% (who constantly need assistance) receive an additional 75% of the social old-age pension over the assigned monthly pension. The *Decree of the Council of Ministers* of 27 December 1999 (State Newspaper, Issue 114) determines that the amount of the social old-age pension equals 40 BGL per month. Persons with over 91% degree of disability are entitled to an additional amount for personal assistance services of 30 BGL (approx. 15 Euro).

There are no protected workshops for persons with intellectual disability. What's more, they are not competitive on the labour market. These people are doomed to rely on their parents and relatives for their living and in many cases to go to social institutions if their parents are unemployed. Governmental job seeking departments do not register unemployed persons with intellectual disability, so they do not receive any unemployment compensations. Families taking care of children with

intellectual disability up to 16 years of age receive 75% of the guaranteed minimum income (or 30 BGL = approx. 15 Euro) plus double child allowances (amounting to 16 BGL = approx. 8 Euro). This is half of the Bulgarian minimum salary and is extremely insufficient if one of the parents has no income, which is the case when he/she is taking care of a child with disability.

At this point, it would be a difficult task to give any concrete recommendations regarding the income and social security for persons with intel-

There are no protected workshops for persons with intellectual disability. What's more, they are not competitive on the labour market. These people are doomed to rely on their parents and relatives for their living and in many cases to go to social institutions if their parents are unemployed.

lectual disability. It must be noted that these people are deprived of basic education and professional training. Only those with mild intellectual disability have access to these services, but even they have no opportunities for a placement on the labour market because of the current high unemployment rate. Persons with intellectual disability cannot find jobs even in protected workshops due to the lack of such establishments. They rely only on social pensions and support.

Family Life and Personal Integrity (UN Standard Rule 9)

THE STATE IS IMMENSELY INDEBTED NOT ONLY TO THE FAMILIES TAKING CARE OF CHILDREN and adults with intellectual disability but also to the persons with intellectual disability themselves. After reaching the age when relatives and friends cannot take care of them any more, those persons are not given the choice to an independent living and get sent straight to social institutions.

The *Law for Persons with Disability and Families* (Change, State Newspaper, Issue 81 of 6 October 2000) states as follows: "...Under-aged and adults who cannot take care of themselves because of imbecility or mental disease are put under full

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

Rule 9 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

juridical disability and become incapable. Adults with such illnesses and whose state of health is not deep enough to be put under full juridical disability, are put under limited juridical disability. According to the *Civil Procedure Code*, to put a person under full or limited juridical disability, the husband or another close relative of the person in question, a public prosecutor or anyone else having a juridical interest in the matter must write a statement of claim. After the decision for putting a person under full juridical disability comes into force, the court informs the guardianship body in order for it to establish a guardianship or tutelage. The *Family Code* (Change, State Newspaper, Issue 11

of 1992) regulates the relations based on marriage, kinship, adoption, guardianship and tutelage. According to its Art. 13, Par. 1, Item 2 "... a person who is pronounced legally incompetent or suffers from a mental disease or imbecility, and as a consequence is put under full juridical disability, cannot contract a marriage." According to Art. 74, Par. 2 "... measures for parental rights restrictions are carried

Persons with intellectual disability have also no access to the necessary counselling on opportunities for sexual relations and the right to parenthood. Even persons with mild intellectual disability have no possibilities to have a family of their own.

out when the parent is not able to exercise his/her parental rights because of long-lasting physical or mental disease or long-lasting absence, or any other objective reason." Also according to the *Family Code*, a person of full legal incompetence is placed under tutelage, while a person of partial legal incompetence is placed under guardianship. The mayor of the municipality or an official appointed by him constitutes the tutelage and guardianship authority. He/she appoints a tutor/guardian, a sub-tutor/sub-guardian and two advisers (relatives or akin to the under-aged or legally incompetent person) who will best protect the person's interests. Altogether they constitute the tutelary/guardianship council.

When necessary, the tutelage and guardianship authority can place the under-aged or legally incompetent person in a social institution. The guardian or tutor's position is an honorary one. The tutor is obliged to take care of the person placed under tutelage, to manage his/her property, and to stand proxy for him/her before other persons. The tutor's obligations also involve responsibilities in the person's upbringing, education and training. The guardian must take care of the personal integrity and interests, upbringing, education and training of the person placed under his/her guardianship; and

give his/her consent to legal actions that the person under guardianship wishes to carry out.

There is no statistical data about the number of persons with intellectual disability pronounced legally incompetent and neither about the number of children and adults with intellectual disability living with their families. NGO representatives and advocates believe that 50% of the children with intellectual disability live with their families regardless of their disability degree. Most of the parents, relatives and persons with intellectual disability are not familiar with the legislative regulations for pronouncing a person legally incompetent. Even in the bigger social institutions, actions in this direction are carried out with the purpose of allowing the directors to represent the clients and manage their incomes. Some of the clients do not even have ID documents.

No NGOs are engaged in activities aiming at the recognition of equal human rights for persons with intellectual disability. Those persons have also no access to the necessary counselling concerning sexual

After reaching the age when relatives and friends cannot take care of persons with intellectual disability any more, those persons are not given the choice to an independent living and get sent straight to social institutions.

relations and the right to parenthood. Even persons with mild intellectual disability have no possibilities to have a family of their own. In this respect, the state is immensely indebted not only to the families taking care of children and adults with intellectual disability but also to the persons with intellectual disability themselves. After reaching the age when relatives and friends cannot take care of them any more, those persons are not given the choice to an independent living and get sent straight to social institutions.

The laws should ensure the protection and promotion of the rights of children and adults with intellectual disability in institutions and in the community. Programs based on the best international practices should be designed, human rights enforcement mechanisms should be developed and advocacy and self-advocacy training should be provided.

Culture (UN Standard Rule 10)

CHILDREN AND ADULTS WITH MODERATE AND SEVERE DISABILITY PRACTICALLY DO NOT have access to cultural activities. They face obstacles such as communicational and architectural inaccessibility. There are no special agreements allowing the special needs of persons with intellectual disability to be met so that they can fully participate in cultural activities even when these do not require verbal communication.

The normative document, which regulates the cultural activities in the country, is the *Law for the Protection and Development of Culture* (Change, Issue 1 of 4 January 2000). This law does not guarantee in any way the equal inclusion and participation of persons with disability in cultural life. Many cultural initiatives in the different regions of the country have completely subsided because of financial difficulties. Some school circles in the different fields of culture have been primarily set up in special schools and attended only by children with mild intellectual disability. Children and adults with moderate and severe disability practically do not have access to such activities. They face obstacles such as communicational and architectural inaccessibility. In practice all the buildings of cultural institutions and institutions organising cultural events and services are architecturally inaccessible. There are no special agreements allowing the special needs of persons with intellectual disability to be met so that they can fully participate in cultural activities even when these do not require verbal communication.

NGOs occasionally organise cultural events, however these are never financially supported by the state, but rather by various sponsors: private donors, foundations, etc. The situation in the big

social institutions is extremely negative in this respect – no cultural events and activities are organised. Exceptions to this situation are the practice of organising cultural charity events by different active groups of parents and the activities carried out in day centres for children with intellectual disability under the management of the municipal services for social support in some of the bigger towns of the country.

Most of the time children are mere spectators in these events. Some of them do not even understand the meaning of certain activities because they are not presented in a comprehensible way. If the state and the municipal structures experience financial difficulties for implementing a more active cultural policy, then NGOs lack the necessary experience and capacity to do so.

The national and local authorities should develop a strategy to ensure the participation of persons with intellectual disability in the different cultural activities such as fine arts, music, theatre, dancing, etc. These activities should be an integral part of the training programs in institutions, day-care centres, and special schools. Non-governmental organisations should be more involved in initiating cultural activities and events with an active participation of and on behalf of persons with intellectual disability.

States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.

Rule 10 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

NGOs occasionally organise cultural events, however these are never financially supported by the state, but rather by various sponsors: private donors, foundations, etc.

Recreation and Sports (UN Standard Rule 11)

PERSONS WITH INTELLECTUAL DISABILITY LIVING IN SMALL VILLAGES IN THE COUNTRY DO not have and never had access to sports and recreation activities. They are mostly children and adults with moderate and severe disability living with their families or in social institutions.

The normative document regulating recreation, tourism and sports is the *Law for Physical Training and Sports* (Change of 4 August 2000). It obliges the state and the municipalities to encourage the development of physical training, sports and tourism as follows:

- Acknowledge physical training, sports, the maintenance and improvement of motor abilities and tourism as an innate need and a right of every Bulgarian citizen; and
- Provide the citizens with opportunities and appropriate conditions for the practice of sports, thus ensuring a healthy and long life regardless of their age, social and public status.

Art. 16, Par. 3 further states: "... The state supports the training and the participation of Bulgarian sportsmen/sportswomen in the Olympic and Special Olympics games." Art. 33 reads: "... The physical training and sports for persons with disability aim at improving their quality of life and contribute to their rehabilitation and social integration. The necessary conditions for the practice of all

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.

Rule 11 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

types of sports activities are ensured for them. Through special funding, the State Agency for Youth and Sports supports the training and participation of sportsmen/sportswomen with disability in the Special Olympics, World and European Championships. Sportsmen/sportswomen with disability use free-of-charge state and municipal sports facilities. They are also exempt from paying competition fees."

As part of its policy, the Government declares that the use of sports and tourist facilities and services is secured since it:

- Appoints and adjusts places, and creates conditions for using cultural and sports facilities;

- Provides specific free-of-charge information about the services, routes, and public areas designed for recreation, culture and sports, which are accessible, architectural and transportation wise; and
- Provides adapted visual and hearing acoustic interpretation of sports and other programs and materials for persons with visual and hearing disability.

The reality however is different. Mainly it is the children with mild intellectual disability attending the special schools - which organise the rounds for

The national and regional agencies dealing with sports and recreation should allocate financial means for sports activities for persons with intellectual disability.

the Special Olympics in the country - that are able to participate in sports and recreation activities. There are some other sports and cultural initiatives but they are carried out centrally from Sofia. Persons with intellectual disability living in small villages in the country do not have and never had access to sports and recreation activities. They are mostly children and adults with moderate and severe disability living with their families or in social institutions.

The state does not support NGOs in the organising and carrying out of sports events for persons with intellectual disability. Regional NGOs of and for persons with intellectual disability are not strong enough and so there are only a few sports events, which they are capable of accomplishing. Another important fact is that most of the existing sports facilities outside the capital are in a bad condition.

The government should have a more active policy in this sphere. The national and regional agencies dealing with sports and recreation should allocate financial means for sports activities for persons with intellectual disability. Schools and social services for this group of persons should plan more sports events in their programs. Finally, non-governmental organisations should play likewise an important role in this field.

Religion (UN Standard Rule 12)

ONE OF THE GOALS OF THE DIFFERENT EXISTING CHURCHES IN BULGARIA IS TO HELP THE development of an adequate social attitude towards the problems of persons with disability and to assist the popularisation of positive models and practices of social care for them.

Since January 1998, changes to the *Law for Religions* ensure the free choice of a religion to all citizens in Bulgaria. All different churches, as religious communities, are separate from the state, and within the constitutional framework and the country's laws they are free to perform religious rituals. A church is considered "recognised" and acquires the status of a corporate body upon ratification of its constitution by the Council of Ministers. Churches collect income and make expenditures within the budgets set out in accordance with their constitutions. If necessary, the state can subsidise their upkeep. The religion of most Bulgarians is Christian Orthodoxy. The Orthodox Church's idea of charity as an institution underlies in its essence, traditions and objectives. The social activity of the Church in Bulgaria, as well as in other orthodox countries, in communist times was reduced to almost non-existing.

States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.

Rule 12 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

At present, the Orthodox Church restores and renews its traditional forms of care for socially isolated people. One of its goals is to help the development

of an adequate social attitude towards the problems of persons with disability and to assist the popularisation of positive models and practices of social care for them.

NGOs implement some joint activities together with representatives of the different churches in the regions, but religious communities are not very active in general. In some social institutions religious lectures are delivered, and celebrations of religious holidays are organised. If parents and relatives of persons with intellectual disability so desire, they can also be a part of the religious activities that take place. It is advisable for the religious communities to become more active participants in social life and to reach to everyone in need of their help.

Organisations of Persons with Disabilities (UN Standard Rule 18)

POSSIBLE CHANGES IN THE SOCIAL LEGISLATION, WHICH COULD PROMOTE A MORE active and higher quality participation of organisations with non-profit purposes in the process of providing social services, should be further discussed. NGOs of persons with intellectual disability cannot be and have not been so far financed by the state their social services.

The *Law for Juridical Persons with Non-Profit Purposes*, which has been effective since 1 January 2001, regulates the registration and functioning of NGOs of and for persons with disability. In addition to this law, *Regulations for the Structure and Activity of the Central Register of Juridical Persons with Non-Profit Purposes for Socially Beneficial Activities* within the Ministry of Justice have been laid out.

States should recognize the right of the organizations of persons with disabilities to represent persons with disabilities at national, regional and local levels.

Rule 18 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

The law uses the juridical term “juridical persons with non-profit purposes” and this term defines best these organisations. The difference from the common term “non-profit organisation” is extremely important because in the new law the determinant factor is the organisation’s purposes and not its activities. This is why, according to the *Law for Juridical Persons with Non-Profit Purposes*, the juridical person with non-profit purposes can carry out any kind of activity (including those related to business) provided it contributes to the achievement of its non-profit purposes. As a result there is a completely new distinction of juridical persons with non-profit purposes – juridical persons for private benefit and juridical persons for public benefit. The difference between them is that the juridical persons for private benefit act only in the benefit of their members, whereas the juridical persons for public benefit work and spend their funds in the public sphere. Examples of the latter’s activities are the support for socially weak people, arts development, human rights, environmental protection, and other activities supporting society as a whole. On this account juridical persons for public benefit should be supported by the state, part of whose responsibilities would be assumed by these organisations.

Another law that regulates the activities of non-governmental organisations is the *Law for Social Support* (State Newspaper, Issue 56 of 19 May 1998). Its Chapter 6, Art. 21 states: “... Organisations with non-profit purposes can accomplish all activities in the field of social services upon abiding by this law and additional normative acts...” And Art. 22 reads: “... In accomplishing activities in the field of social services, licensed organisations with non-profit purposes can apply for funding from the Social Support Fund after their project has been approved...” Unfortunately, this part of the law has no practical application, and in the words of the Bulgarian Minister of Labour and Social Policy: “It just sounds like a wish.”

On 17 January 2001, the Ministry of Labour and Social Policy held a workshop at which a draft project for making changes in the Regulations for the *Implementation of the Law for Social Support* was discussed. Other possible changes in the social legislation, which could promote a more active and higher quality participation of organisations with non-profit purposes in the process of providing social services, were also discussed. NGOs of persons with intellectual disability cannot be and have not been so far financed by the state for the accomplishment of activities in the social services field.

In what concerns the legislative process, external experts indeed assist the work of the Permanent Committees at the Bulgarian Parliament, and opinions

and standpoints on draft laws are also required. However, there is no information phase during which the Parliament can study the necessity of legislative regulation of certain public areas. Finally, in most cases NGOs are asked for their opinion and standpoint only after the Parliament has already drawn up a draft law. In most occasions the contacts between the citizens and the Parliament members are incidental, when in fact the interaction should be permanent. The NGOs’ participation in the legislative activity should not only be reduced to working out draft laws, but also to have its place in discussing laws in the Parliament Committees (including the period between two hearings in the

The NGOs’ participation in the legislative activity should not only be reduced to working out draft laws, but also to have its place in discussing laws in the Parliament Committees.

Parliament). NGOs could further monitor the correct application of new laws. Funds from the state budget have been granted to the only official national NGO of persons with intellectual disability in Bulgaria: BAPID (Bulgarian Association for Persons with Intellectual Disability). In the year 2000 this organisation received 24,510 BGL (approx. 12,500 Euro), and in 2001 the allocated amount was 50,000 BGL (approx. 25,000 Euro). The state budget does not cover the salaries and running costs of BAPID. Instead it is allocated for families caring for persons with intellectual disability. Finances for salaries and running costs of the central office and branches of BAPID are provided for by different projects, sponsorships and membership fees. At a regional level, no funds from municipal budgets have been allocated to NGOs of persons with intellectual disability.

BAPID is only national NGO for persons with intellectual disability in Bulgaria. BAPID has 1,260 members and 34 branches. Some of these branches are registered as independent NGOs and there are also several regional NGOs of persons with intellectual disability, which are not branches of BAPID. Some of them provide support to specific groups but there are no organisations which support persons with Down Syndrome or Autism.

The new *Law for Juridical Persons with Non-Profit Purposes* is only a structural law but it is the necessary base in order to accomplish the subsequent measures related to obtaining special tax exemptions and other concessions for NGOs. The new functional distinction made by the law of the Juridical Persons with Non-Profit Purposes gives the opportunity for directing future preferences to a narrower circle of organisations: the ones for public benefit.

The successful functioning of the partnership between the state and NGOs is hampered by the

presence, on the latter's side, of mistrust and fear for independence. The development of relations between these two actors based on collaboration and equality at a local level is of particular significance. Such relations are flexible enough and can in time respond to the changing local needs and problems. On the other hand however local NGOs are too small and unsustainable to be accepted as equal partners by the administration. The identification of the most appropriate forms of collaboration, and the lack of stable practices and encouraging legislation constitute challenges for the future partnership. A sociological research shows that only four percent of NGO projects in the last five years have aimed at working out and suggesting new legislative norms. NGOs' activities in the field

of lobbying and advocacy are strongly limited. In fact, NGOs do not participate in the most essential component of the collective choice, especially during the recent and current periods of very active legislative activity: law defining and application of reforms in all key social spheres (from the economical to the social ones).

The role of non-governmental organisations in civil society has become more and more important. Non-governmental organisations in the social sphere working for persons with intellectual disability should find their place in the process of social change in the country. This can only take place if the state gives up its monopoly in the provision of services and accommodates certain state funding for non-governmental initiatives in this sphere.

Large Residential Institutions

NGO REPRESENTATIVES, PARENTS AND ADVOCATES CATEGORICALLY DEFINE THE LIVING conditions in the institutions for persons with intellectual disability as inhuman. New and alternative forms of social services should be created. If the families are not supported, they will continue placing their children and relatives with intellectual disability in such institutions.

Social institutions with a capacity of more than 100 residents are the subject of this chapter. *Instruction Nr. 4 (16 May 1999) for the Conditions and the Requirements for Provision of Social Services* issued by the Minister of Labour and Social Policy, regulates the functioning of residential institutions, the different kinds of services offered, and the conditions and requirements for the provision of such services. The institutions for children and adults with intellectual disability are a type of social service set up in the community. The Ministry of Labour and Social Policy has established a Social Support Fund, which aims at:

- Improving, the living conditions in the residential institutions ; and
- Building new premises, and reconstructing and modernising existing buildings.

The national policy derived from the *Law for Social Support* aims at transforming the existing system of residential institutions into a system of day care services provided in the community – centres for social rehabilitation and integration, day care centres for children and adults with intellectual disability, social patronages and clubs for persons with disability. The Ministry of Labour and Social Policy implements its policy of programs through the

Department for Social Services and Social Support, and the National Service for Social Support. The governmental policy comprises:

- Regulations for labour therapy organisations
- Regulations for the activities of vocational training in residential institutions;
- Investment programs for the development of residential institutions;
- The objective of achieving better living conditions in residential institutions through workers and teachers;
- The cooperation with NGOs in the implementation of long-term social programs.

The Ministry of Labour and Social Policy carries out the overall control of the Law for Social Support implementation and other normative acts concerning residential institutions. There is a specialised body at the Ministry of Labour and Social Policy in the field of social support: the National Service for Social Support. It manages and controls the activities of the district and the municipal services for social support, on whose territories the residential institutions are located. Under the management of the National Service for Social Support functions an Inspectorate, whose structure and activities are regulated by Instruction Nr. 3 of 1999.

Most of the buildings, in which the residential institutions operate, are in accordance with the requirements of *Instruction Nr. 2 of 1994 of the Ministry of Infrastructural Development and Construction and the Ministry of Labour and Social Policy for the Planning of Social Services Institutions' Buildings*. According to this legislation, all buildings should have enough bedrooms, quarantine units, a medical office, canteens, day activity rooms, kitchen facilities, stores and administrative offices. Some institutions dispose of agricultural lands and large gardens to provide labour therapy. Some also cooperate with supporting enterprises with the purpose of developing the residents' work capacity. Certain buildings have central heating and others are heated with coal. The furniture for the buildings is funded from the municipal budgets according to the regulations of the Ministry of Labour and Social Policy.

People living in the institutions should have their own clothes and belongings. The food for the residents is in accordance with the requirements laid down in the diet books prepared by the Ministry of Health. The necessary funds are provided the municipal budgets and through the monthly fees paid by the residents. Social services are offered and provided in a manner that respects the human dignity of the residents. Entering an institution takes place after a written application - voluntarily signed by the person or his/her family - is filed. Issues of legal incapacitation of persons with intellectual disability are regulated in the *Civil Procedure Code* (Art. 275-277), and the *Family Code* (Art. 109-128 deal with tutelage and guardianship, protective measures, rights and obligations of the

NGO representatives, parents and advocates categorically define the living conditions in the institutions for persons with intellectual disability as inhuman.

guardian) guarantees their rights. All rights and obligations of Bulgarian citizens according to the *Constitution of the Bulgaria* and the *Convention for Human Rights* are also guaranteed to the people living in residential institutions.

The institutions should provide for good material, medical and social care, and secure all necessary conditions for meeting the basic living needs of persons with disability. The conditions and the requirements for provision of social services are regulated in Chapter 5 of *Instruction Nr. 4 for the Conditions and the Procedures for Social Services Provision*, issued by the Minister of Labour and Social Policy. The amount of the daily provision per person living in an institution varies according to the region. In one of the visited regions, the allocated budget for an institution of medium capacity (90 residents)

amounted to 167,463 BGL (approx. 84,000 Euro) for the year 2001 (or 5.64 BGL = approx. 3 Euro per day per person). In another region, an institution of approximately the same capacity had an allocated budget of 100,000 BGL (approx. 50,000 Euro) or 3.00 BGL (approx. 1.5 Euro) per day per person. The lowest registered budget of 137,673 BGL (approx. 70,000 Euro) (1.58 BGL = approx. 0.8 Euro per day per person) was assigned to a region of ethnic mixture, hosting an institution with a capacity of 120 residents.

According to the statistics of 1996, there are 104 social institutions for persons with intellectual disability or psychiatric disorders, of which 71 have a capacity of more than 100 residents

According to the statistics of 1996, there are 104 social institutions for persons with intellectual disability or psychiatric disorders, of which 71 have a capacity of more than 100 residents. During the last few years, the number of residents in institutions decreased as a whole. Some of the institutions have been closed as a result of the new forms of social services offered (day care centres), but to a greater extent, the situation is due to the high mortality rate and the negative demographic tendencies that the country is experiencing.

NGO representatives, parents and advocates categorically define the living conditions in the institutions for persons with intellectual disability as inhuman. These are exceptionally bad in institutions for adults. Most of them are located in far away villages and are practically inaccessible during the winter period. The hygiene there is very bad too (outside

toilets and lavatories). Some residents do not even have their own bed linen and personal belongings.

Clothes and shoes are insufficient and the necessary equipment in the institutions is non-existent or is in a very bad condition. This state of things is due to municipal budget shortages.

Municipal authorities, in cooperation with NGOs, are doing their best to improve the living conditions in these institutions but drastic measures to bring about changes are necessary. The separation per districts should be strictly observed and the distinction of institutions by profile should be eliminated. The capacity of the institutions should be lowered and the staff should be changed. NGOs should be allowed to provide social services as well. New and alternative forms of social services should be created. If the families are not supported, they will continue placing their children and relatives with intellectual disability in such institutions.

Conclusions and Evaluation

After producing this Country Report about the situation of persons with intellectual disability and their families in Bulgaria, BAPID and Inclusion Europe would like to highlight especially the following results of the survey:

1. The state provides medical care for all people in need whether or not they have an intellectual disability. There is no information, which refers to any special rules or regulations in

Bulgarian legislation recognises the right to rehabilitation, including physical and psychological therapy, early intervention, vocational training and occupational therapy. NGOs report however a complete lack of services provided in the above-mentioned spheres.

this respect for persons with intellectual disability. NGOs focus their attention and efforts on several problems: insufficient resources for medicine, isolation and poor medical care in institutions and lack of information on appropriate care and treatment.

2. Bulgarian legislation recognises the right to rehabilitation, including physical and psychological therapy, early intervention, vocational training and occupational therapy. NGOs report however a complete lack of services provided in the above-mentioned spheres.
3. There is no legislation for community-based support services relevant to the needs of persons with intellectual disability. Only one model of such services - day care centres - is legally regulated. There are no other alternative models, which would allow the closing of large residential institutions.
4. The state ensures persons with 1st degree disability with tax reductions on the purchase of private vehicles and financial support for their adaptation (VAT and customs taxes when imported). Mobility allowances and compensations for transport costs are granted to persons with disability and there are special road traffic rules, which provide preferential parking for them as well. Moreover, certain mandatory regulations for constructions aim at making public buildings accessible to persons with disability and certain supportive legislative measures concerning subsidies for building or reconstruction also aim at meeting their needs. Finally, reductions of public

transport fares for persons with disability, and to some extent for those helping them, are provided for in the legislation.

5. Little information on relevant anti-discrimination rules or on provisions for promoting access to information is available.
6. Children with disability are entitled to a place in a day nursery. On one hand, the schools system consists of ordinary schools and on the other of special schools for children with disability. Children with mild intellectual disability are taught in special schools. Children with moderate and severe intellectual disability do not have access to education at all. NGOs believe that mainstream education enables children with disability to participate in community life, and also combats prejudice.
7. Persons with intellectual disability do not have the individual right to be employed, despite the fact that existing legislation prohibits both direct and indirect discrimination. Preventive measures are to be found in the legal system in the form of a quota arrangement. A part of the employment costs of a per-

Children with moderate and severe intellectual disability do not have access to education at all. NGOs believe that mainstream education enables children with disability to participate in community life, and also combats prejudice.

son with disability are covered by state subsidies. The legislation also makes provisions for a reduction in the social security contribution of employers who provide contracts for workers with disability. Companies employing persons with disability receive further preferential treatment in the case of government contracts. Persons with disability may receive grants or loans for setting up their own businesses. There are supportive measures to enable them to work at home as well.

8. Preferential treatment outside social allowances is to be found in the form of tax reductions, minimum income guarantees, reduced charges and financial incentives. The state provides for tax reductions on the income of persons with disability. According to tax laws, persons with disability can receive certain tax reductions to compensate for higher costs brought about by their special needs. In this

way, the costs of medical care, spa treatment, technical aid, transport, or special service fees are deductible from tax payments. Other possible tax reductions include a lower VAT rate on private motor vehicles owned by persons with disability. Child allowances are also higher if the child has a disability.

In Bulgaria a certain minimum income is guaranteed. According to the income provisions on social protection or social security, persons with disability have in certain circumstances a special right to state pensions and long-term care benefits. Persons with 1st degree intellectual disability are entitled to a special discount on telephone charges and to a reduction in television fees.

A big percentage of the institutions remain in remote depopulated small villages on the border (some facing complete isolation). The quality of reconstruction works in these institutions is in general very bad and then buildings are not maintained after their reconstruction. Finally, the personnel working in them is often incompetent and unmotivated.

9. No legal restrictions on the sexuality of persons with disability are perceptible. Persons with a disability are not generally precluded from the right to maternity or paternity. Civil law demands full legal capacity in the case of marriage or other family acts but not all persons with disability may be able to meet these conditions. A tutor/ guardian represents legally incapacitated persons placed under his/ her tutelage or guardianship.
10. There is no active governmental policy for the full participation of persons with intellectual disability in cultural activities and sports events.

Recommendations

Based on the findings of this Country Report, the authors want to make the following recommendations for action at regional, national, European and international level and within the network of disability organisations:

1. The full incorporation of the UN and Council of Europe Conventions, and European Union Law into Bulgarian Disability Legislation.
2. All legislation and regulations should be based on the respect for the right of person with intellectual disability to live within their own families and to be members of their own communities.

11. Regarding Bulgarian large residential institutions for persons with intellectual disability, the government should immediately take drastic measures towards them. Their existence and functioning is regulated on the basis of active laws, normative acts and the advis-

Regarding Bulgarian large residential institutions for persons with intellectual disability, the government should immediately take drastic measures towards them.

able programs designed by the Ministry of Labour and Social Policy. The latter aim at the improvement of their institutional work but in reality they are not put to practice. The Social Support Fund assigns one-time grants for the reconstruction of buildings but this money is spent without a preliminary rational strategic planning. A big percentage of the institutions remain in remote depopulated small villages on the border (some facing complete isolation). The quality of reconstruction works in these institutions is in general very bad and then buildings are not maintained after their reconstruction. Finally, the personnel working in them is often incompetent and unmotivated.

12. Existing NGOs for persons with intellectual disability are very weak compared to NGOs of and for persons with other kinds of disability. The former cannot play a decisive role in social legislation and policy changing. Civil society is in an opening stage of development and the state structures are not prepared to implement a constructive cooperation with the NGO sector. The state is not ready to give up its monopolistic role as a service provider and the limited state budget does not encourage NGOs to take initiatives.

3. An Interministerial Committee should be established between the Health, Education, Labour and Social Policy Ministers in order to ensure a seamless service to persons with intellectual disability from birth going through adulthood and until their old age.
4. The immediate establishment of multidisciplinary assessment teams of suitably qualified professionals on a municipal or regional basis.
5. Early intervention, family counselling and support should be available to all families with a child with intellectual disability of zero

to three years of age. Parents should be recognised as active partners in the teams.

6. Adequate levels of income support and the necessary specialised equipment to meet the developmental needs of young children should be made available to families.
7. A system of appropriate education based on inclusion in ordinary schools should be established from nurseries to secondary schools. The current practice of segregated schooling should be phased out.
8. All children irrespective of their disability degree should be under the responsibility of the Ministry of Education and the latter should immediately take responsibility for the appropriate education of children in some Social Care Homes.
9. There is an urgent need to establish a system of appropriate vocational training, and supported, open and sheltered employment. Models currently operating in the European Union should be studied.
10. For adults or those unable to live at home, a system of supported housing should be developed in local communities. The current provision in Social Care Homes should be phased out beginning with the most isolated homes.
11. The practice of housing adults with intellectual disability with persons with psychiatric disorders should cease immediately.
12. A National Disability Council to advise the Government should be established comprising the national organisation of persons with disability and the parents organisation of persons with disability unable to represent themselves.
13. There is an urgent need to establish a Disability Ombudsman Office, adequately funded and staffed, and reporting directly to Parliament.
14. Staff training – There is an urgent need for the staff working with children with intellectual disability to be properly trained professionals, especially in areas outside the home and, in particular, in Social Care Homes.
15. Where children and adults are cared for outside their home, the provision for such services in large villages and local towns would greatly facilitate the provision of qualified staff.
16. The Government should engage in a media “Positive to Disability” campaign to readdress the negative images that have been fostered for many years towards persons with disability.
17. There is an urgent need to improve the role of NGOs in Bulgaria. This could be achieved by:
 - (a) Establishing a National Disability Council;
 - (b) Providing some funding for basic administration, information sharing and member’s education costs;
 - (c) Allowing NGOs to be service providers and therefore receiving equal state funding; and
 - (d) Encouraging state-NGO partnership projects to take place at local and regional level.
18. NGOs/ BAPID should encourage maximum family participation, good democratic and administration practices and in particular, encourage the participation of people with intellectual disability themselves in a self-advocacy movement at local, regional and national level.
19. BAPID should develop a good working relationship with other disability and social sector NGOs as well as with other professional organisations working in the field of intellectual disability.
20. BAPID should maximise its opportunity to participate in European and International partnerships through its active membership in Inclusion Europe and Inclusion International.

In the further course of the project “Advancing the Human Rights of Persons with Intellectual Disability in Civil Society”, BAPID and Inclusion Europe will develop Inclusion Action Plans based on the above recommendations. These Action Plans will actively pursue changes in selected key areas to improve the human rights situation of persons with intellectual disability in Bulgaria.

Appendixes

Appendix 1

Large Residential Institutions (capacity over 100 residents)

	District	Municipality	Town/village	Profile	Capacity
1	Burgas	Malko Tarnovo	Zabernovo	Women with psychiatric disorders	134
2	Burgas	Kameno	Rusokastro	Men with severe and profound intellectual disability	148
3	Burgas	Straldja	Tamarino	Women with moderate intellectual disability	105
4	Varna	Kavarna	Balgarevo	Women with moderate intellectual disability	150
5	Varna	Dolni Chiflik	Goren Chiflik	Women with severe and profound intellectual disability	125
6	Varna	Krushari	Krushari	Children aged three to ten with moderate intellectual disability	115
7	Varna	Shumen	Lozevo	Man with moderate intellectual disability	120
8	Varna	Valchi dol	Gara Oborishte	Men with severe and profound intellectual disability	130
9	Varna	Smjadovo	Cherni vrah	Women with psychiatric disorders	110
10	Lovech	Sevlievo	Batoshevo	Men with moderate intellectual disability	110
11	Lovech	Nikopol	Dragash vojvoda	Men with psychiatric disorders	210
12	Lovech	Drjanovo	Radovtzi	Women with psychiatric disorders	115
13	Lovech	Nikopol	Sanadinovo	Women with severe and profound intellectual disability	120
14	Montana	Berkovitzza	Berkovitzza	Children aged 3 to 18 with moderate intellectual disability	140
15	Montana	Bregovo	Kudelin	Men with moderate intellectual disability	203
16	Plovdiv	Karlovo	Banja	Women with moderate intellectual disability	160
17	Plovdiv	Batak	Batak	Men with severe and profound intellectual disability	120
18	Plovdiv	Smoljan	Petkovo	Men with psychiatric disorders	150
19	Plovdiv	Smoljan	Rovino	Women with psychiatric disorders	125
20	Ruse	Dve mogili	Mogilino	Children aged 3 to 18 with moderate intellectual disability	152
21	Ruse	Samuil	Samuil	Women with severe and profound intellectual disability	120
22	Ruse	Kubrat	Terter	Men with psychiatric disorders	230
23	Sofia	Novi Iskar	Podgumer	Men with moderate intellectual disability	170
24	Sofia	Ovcha kupel	Ovcha kupel	Children aged 3 to 18 with moderate intellectual disability	120
25	Sofia	Pravetz	Vidrare	Children aged 3 to 18 with severe intellectual disability	120
26	Sofia	Kyustendil	Kopriva	Women with severe and profound intellectual disability	112
27	Sofia	Svoqe	Lakatnik	Women with psychiatric disorders	101
28	Sofia	Rila	Pastra	Men with psychiatric disorders	101
29	Sofia	Sandanski	Petrovo	Children aged 3 to 18 with severe intellectual disability	150
30	Sofia	Strumyani	Razdol	Women with psychiatric disorders	135
31	Haskovo	Mineralni bani	Angel vojvoda	Men with severe and profound intellectual disability	101
32	Haskovo	Stara zagora	Lyaskovo	Women with moderate intellectual disability	111
33	Haskovo	Topolovgrad	Radovets	Men with psychiatric disorders	111

Appendix 2

Laws, Normative Acts and Other Documents

- Law for the Protection, Rehabilitation and Social Integration of Persons with Disability
- National Strategy for Equal Opportunities for Persons with Disability in Bulgaria
- Law for the People's Health
- Law for the Health Insurance
- National Framework Agreement
- Instruction Nr. 19 for the Medical Specialists' Report on Disability of Children Aged up to 16
- Regulations for the Implementation of the Law for Social Support
- UN Standard Rules on the Equalisation of Opportunities for Persons with Disability
- Regulations for the Implementation of the Law for Municipal Property
- Regulations for the Implementation of the Law for the Protection, Rehabilitation and Social Integration of Persons with Disability
- Instruction Nr. 2 of the Ministry of Labour and Social Policy
- Instruction Nr. 1 for Building Town Infrastructures Usable by Persons with Disability
- Architectural Reference Book for Designing and Constructing the Living Surroundings for Persons with Disability
- Traffic Law
- Law for Territorial and Infrastructures
- Law for National Standardisation
- Law for Access to Public Information
- Constitution of the Republic of Bulgaria
- UN Convention for the Children's Rights
- Resolution of the Supreme National Assembly of Bulgaria (11 April 1991)
- Education Act
- Regulations for the Implementation of the Education Act
- Law for Vocational Education and Training
- Salamanca Agreement
- Regulations for Medical Experts' Report Which Defines the Work Capacity of Persons with Disability
- Law for Unemployment Protection and Employment Stimulation
- Resolution Nr. 758 of the Council of Ministers (6 December 1999)
- Law for Social Commissions
- Law for Social Support
- Code for Obligatory Social Insurance
- Decree for Birth Encouragement and Regulations for Its Implementation
- Decree of the Council of Ministers (27 December 1999)
- Law for Persons and Families
- Civil Procedure Code
- Family Code
- Law for Protection and Development of Culture
- Law for Physical Training and Sports
- Law for Religions
- Instruction Nr. 4 for the Conditions and the Requirements for Provision of Social Services (16 May 1999)
- Instruction Nr. 3 of 1999
- Instruction Nr. 2 of 1994 of the Ministry of Infrastructural Development and Construction and the Ministry of Labour and Social Policy for the Planning of Residential Institutions' Buildings
- Tax Law
- Convention of Human Rights
- Law for Juridical Persons with Non-Profit Purposes
- Regulations for the Structure and Activity of the Central Register of Juridical Persons with Non-Profit Purposes for Socially Beneficial Activities

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Inclusion Europe

The European Association of Societies of Persons with Intellectual Disability and their Families

Inclusion Europe is a non-profit organisation defending the rights and interests of people with intellectual disability, their families and their organisations in the European Union and other European countries. It is committed to fight for the human rights of people with intellectual disability and is especially concerned with the human rights situation in the countries of Central and Eastern Europe.

Inclusion Europe coordinates a wide range of activities in many European countries, including conferences, working groups, projects and other exchanges on relevant topics. It provides responses to political initiatives at European level as well as expertise in areas of relevance to people with intellectual disability. Inclusion Europe advises the European Commission and members of the European Parliament on disability issues and works closely with other European organisations.

BAPID

The Bulgarian Association for Persons with Intellectual Disability

The Bulgarian Association for Persons with Intellectual Disability is a self-governing, non-political organisation with a representative status at national level. The association has more than 1,300 members among them people with intellectual disability, parents, relatives and friends, in 34 branches throughout the country.

Its main objectives are the improvement of the quality of life of people with intellectual disability - adequate living conditions, medical services, training and employment, rehabilitation and recreation, as well as presenting and defending the problems and interests of people with intellectual disability and their families at the state institutions.



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