

Rights of People with Intellectual Disabilities

Access to Education and Employment

Bulgaria

Table of Contents

Acknowledgements	5
Preface	9
Foreword	11
I. Executive Summary and Recommendations	13
1. Executive Summary	13
2. Recommendations	17
II. Country Overview and Background	23
1. Legal and Administrative Framework	23
1.1 International standards and obligations	23
1.2 Domestic legislation	24
2. General Situation of People with Intellectual Disabilities .	27
2.1 Definitions	27
2.2 Diagnosis and assessment of disability	29
2.3 Guardianship	31
2.4 Statistical data	33
III. Access to Education	36
1. Legal and Administrative Framework	36
1.1 The right to education	36
1.2 Structure and administration of schools	38
1.3 Diagnosis and assessment of disability for educational purposes	40
1.4 Early intervention	45
2. Government Education Policy	46
2.1 The EU and Government education policy	46
2.2 National programmes	47
3. Education in Practice	49
3.1 Resources and support	50
3.1.1 Curriculum and support	50
3.1.2 Teacher training	51

3.2	Inclusive education	52
3.2.1	Mainstreaming	52
3.2.2	Special schools	56
3.3	Education outside the school system	59
3.3.1	Home schooling	59
3.3.2	Education of children in institutions	60
3.3.3	Day services	61
4.	Transition from Education to Employment	63
4.1	Vocational education	63
IV.	Access to Employment	67
1.	Legal and Administrative Framework	67
1.1	Domestic legislation	67
1.2	Diagnosis and assessment for employment and benefits purposes	69
1.3	The role of the social welfare system	71
2.	Government Employment Policy	72
2.1	The EU and Government employment policy	73
2.2	National employment policy	73
2.2.1	Development of Government employment programmes	73
2.2.2	Government requirements and incentives	76
3.	Employment in Practice	78
3.1	Statistical information	78
3.2	Employment on the open market	79
3.2.1	Supported employment on the open market ..	80
3.2.2	Other models of inclusive employment	80
3.3	The sheltered workplace	81
V.	Conclusions	84
	Annex 1. Tables	87
	Annex 2. Legislation cited in the report	91
	Annex 3. Bibliography	92

Index of Tables

Table A1. People with intellectual disabilities registered with dispensaries (as of 31 December 2002)	87
Table A2. People with all levels of intellectual disabilities registered with dispensaries – breakdown by region (as of 31 December 2002)	88
Table A3. People with intellectual disabilities living in homes for adults with intellectual disabilities	89
Table A4. People with intellectual disabilities living in homes for adults with mental disorders	90

List of Acronyms

BAPID	Bulgarian Association of People with Intellectual Disabilities
EASPD	European Association of Service Providers for Persons with Disabilities
LEMCC	Labour Experts Medical Commission
NCHI	National Centre for Health Information
NEMC	National Expert Medical Commission
NSI	National Statistical Institute
RAPID	Regional Association of People with Intellectual Disabilities
REMCC	Regional Expert Medical Consultative Commission
SEBS	Social-Educational Boarding School

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Preface

The **EU Monitoring and Advocacy Program (EUMAP)** of the Open Society Institute monitors human rights and rule of law issues throughout Europe, jointly with local NGOs and civil society organisations. EUMAP reports emphasise the importance of civil society monitoring and encourage a direct dialogue between governmental and non-governmental actors on issues related to human rights and the rule of law. In addition to its reports on the Rights of People with Intellectual Disabilities, EUMAP has released monitoring reports focusing on Minority Protection, Judicial Independence and Capacity, Corruption and Anti-corruption Policy, and Equal Opportunities for Women and Men. Reports on the Regulation and Independence of the Broadcast Media are also forthcoming in 2005. EUMAP is currently preparing reports on Equal Access to Quality Education for Roma; publication is expected in 2006.

EUMAP reports are elaborated by independent experts from the countries being monitored. They are intended to highlight the significance of human rights issues and the key role of civil society in promoting governmental compliance with human rights standards throughout an expanding Europe. All EUMAP reports include detailed recommendations targeted at the national and international levels. Directed at Governments, international organizations and other stakeholders, the recommendations aim to ensure that the report findings directly impact on policy in the areas being monitored.

The present reports have been prepared in collaboration with the **Open Society Mental Health Initiative (MHI)**, part of OSI's Public Health Programs. MHI seeks to ensure that people with mental disabilities (mental health problems and/or intellectual disabilities) are able to live as equal citizens in the community and to participate in society with full respect for their human rights. MHI promotes the social inclusion of people with mental disabilities by supporting the development of community-based alternatives to institutionalisation and by actively engaging in policy-based advocacy.

Throughout Europe people with intellectual disabilities still face serious stigma, prejudice and significant barriers to realising their fundamental human rights. Discrimination against people with intellectual disabilities is deeply rooted and widespread, standing in the way of positive change. Providing real access to education and employment for people with intellectual disabilities is key to ensuring their social inclusion, and enabling them to live and work in the community as equal citizens. The EUMAP reports focus specifically on these two areas because of their importance to people with intellectual disabilities and because of the existence of international standards, and national law and policy, relating to these areas.

Monitoring of the rights of people with intellectual disabilities was based on a detailed methodology (available at www.eumap.org), intended to ensure a comparative

approach across the countries monitored. The reports cover the eight Central and Eastern European (CEE) countries that joined the EU in May 2004 (the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia), Bulgaria and Romania, expected to join in 2007, one candidate country (Croatia), and three older EU member States (Greece, the Netherlands, and the United Kingdom).

The preparation of reports on both member and non-member States highlights the fact that international human rights standards apply equally, and provides an opportunity to comment on general trends in the development and the policy application of these standards. The States selected represent a geographical spread and illustrate a spectrum of policy, practice and implementation.

Reports on each of the 14 countries monitored, plus an overview report resuming the main findings across all the countries, will be published separately. First drafts of each of the country reports were reviewed at national roundtable meetings. These were organised in order to invite comments on the draft from Government officials, civil society organisations, self-advocates, parents, and international organisations. The final report reproduced in this volume underwent significant revision based on the comments and critique received during this process. EUMAP assumes full responsibility for its final content.

Foreword

This report is one of a series of 14 country reports prepared by the Open Society Institute's EU Monitoring and Advocacy Program and the Open Society Mental Health Initiative. The report presents an overview of the opportunities and challenges facing people with intellectual disabilities in accessing education and employment. It provides an important contribution to research on this group, one of the most vulnerable groups throughout Europe.

The initiative of producing this report fulfils important objectives. There is a clear need for comprehensive studies based on reliable research about the situation of people with intellectual disabilities in Europe. Without reliable information, the strategies and policies targeting this particular group of people are often inadequate in terms of meeting their real needs. The monitoring underlying the reports also aims to provide a comparative overview on the countries analysed. The present report goes far beyond previous reports that have brought this issue to the attention of European and national decision-makers.

Presenting a wider picture, this series of reports provides a thorough analysis of the situation of people with intellectual disabilities in their access to education and employment in eight new EU Member States (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia), two accession countries (Bulgaria and Romania) and one candidate country (Croatia). To give a broader view of practice across Europe, Greece, the Netherlands and the United Kingdom have also been studied. The conclusions of the series of reports indicate that people with intellectual disabilities in Europe continue to face significant barriers as far as real access to education and employment is concerned. Discrimination also remains a major issue, despite measures taken at the national level and within a larger European context.

The reports also stand for the importance of civil society monitoring and the overall involvement of different stakeholders in dialogue regarding the human rights of people with intellectual disabilities. A local expert in each country prepared the monitoring report, while local NGOs were involved throughout the monitoring process, providing the basis for broad consultation wherever possible. A central goal of this monitoring is to promote greater awareness and discussion of the issues at stake for people with intellectual disabilities at the local, national, and international levels.

Across the countries monitored, common problems continue to block access to education and employment for people with intellectual disabilities. In many countries, data on the situation of this group is extremely limited or insufficiently disaggregated, making it difficult for Governments to develop policy tailored to their needs. What data there is, shows that while integration of children with intellectual disabilities in mainstream schools is generally increasing, a more fundamental process towards

inclusion, as presented in the 1994 Salamanca Declaration on Special Needs Education, has made little headway. Many children throughout the region are still segregated in special schools or denied an education altogether, leaving little hope that they will be able to find jobs as adults. In most countries monitored, there is only the most basic support for the transition from education to employment.

Existing incentive schemes in many countries, particularly hiring quotas, have not been successful in increasing the number of people with intellectual disabilities who have entered the work force. More specifically targeted programmes must be developed to meet the needs of this group. Throughout Europe, NGOs have piloted effective projects offering supported employment to people with intellectual disabilities, providing assistance such as job coaches, specialised job training and individually tailored supervision. However, this approach has not yet been adopted as Government policy and therefore the opportunities it offers cannot be extended to a much larger group of people.

The reports highlight numerous obstacles that people with intellectual disabilities face in accessing education and employment in various countries across Europe. Improved legislation still needs to be adopted and implemented nationally as well as at the EU level. Existing models of good practice in inclusive education and supported employment should be replicated on a more extensive scale. These reports should help domestic and European decision-makers to develop effective policies ensuring the inclusion of people with intellectual disabilities into society.

From the perspective of Inclusion Europe, the European Association of People with Intellectual Disabilities and their Families, this report makes a very important contribution to the present discussion on access to education and employment for people with intellectual disabilities. We only can encourage local, national and European decision-makers, service providers and disability and social NGOs to consider and follow the recommendations developed in this report.

Geert Freyhoff

Director
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I. Executive Summary and Recommendations

1. EXECUTIVE SUMMARY

Throughout Europe people with intellectual disabilities¹ face major stigma and prejudice and are confronted with significant barriers to realising their fundamental human rights. Discrimination against people with intellectual disabilities is deeply rooted and widespread, standing in the way of positive change. Providing real access to education and employment for people with intellectual disabilities is critical to ensuring that they can live and work in the community as equal citizens. There is a strong link between education and employment: without access to adequate education, people with intellectual disabilities cannot secure meaningful employment. This denial of access leads to life long dependency, poverty and social exclusion adding to the stigma of intellectual disability. This monitoring report focuses specifically on the areas of education and employment because of their importance to people with intellectual disabilities, and because of the existence of both international standards and national legislation that specifically address them.

Access to education and employment for people with intellectual disabilities in Bulgaria remains highly limited. Although new programmes adopting a modern, inclusive approach have been adopted, older policies segregating people with intellectual disabilities remain in force. Incremental changes are being made, many prompted by the EU accession process, but much work remains to be done to shift attitudes towards acceptance of people with intellectual disabilities as active, participating members of society.

The Bulgarian Government has taken important initial steps towards better inclusion of people with intellectual disabilities, particularly in education. While Bulgaria has demonstrated good intentions through the adoption of policies addressing the education of children with disabilities, much remains to be done to ensure that people with intellectual disabilities leave school equipped with the skills to be active, contributing members of society. The limited options available in education are matched by the even more restricted possibilities for people with intellectual disabilities to secure meaningful employment. Ensuring that the policies adopted in recent years reach their potential will go far towards helping people with intellectual disabilities to reach their potential as well.

¹ The term “intellectual disability” (also described as “learning disability” or “mental retardation”) here refers to a lifelong condition, usually present from birth or which develops before the age of 18. It is a permanent condition that is characterised by significantly lower than average intellectual ability and results in significant functional limitations in intellectual functioning and in adaptive behaviour as expressed in conceptual, social and practical adaptive skills.

Background

Bulgaria has ratified most international instruments that pertain to people with disabilities but has not signed Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). While the Constitution does not afford protection against discrimination on the grounds of disability, supplemental anti-discrimination legislation enacted to comply with the EU anti discrimination *acquis*, in particular the Protection against Discrimination Act, does include disability as a protected ground. An independent body charged with addressing cases of discrimination, the Commission for Protection Against Discrimination, is provided for in new legislation; however, this body has not yet been established. A new Law for the Integration of People with Disabilities was adopted in September 2004 and entered into force on 1 January 2005. It provides for the creation of additional bodies to specifically address issues relating to people with disabilities, as well as a more inclusive approach to education, and improved data collection. Regulations for implementation of this law were also adopted in December 2004.

As Bulgaria lacks a unified definition of intellectual disability that is used consistently in law and policy, basic information regarding people with intellectual disabilities is somewhat unreliable. Some legislation uses terminology that is outdated and stigmatising, and not in line with international standards for the classification of intellectual disability. Definitions from the outdated International Classification of Diseases, ninth revision (ICD-9) are used in much of the medical legislation in force, but legislation in other areas uses various terminology. In the diagnosis procedure as well, the four different bodies assessing disability for various purposes employ different terminology, which is not used consistently or in line with recognised standards.

Detailed statistical data is available on the number of people with intellectual disabilities in each district (and their level of intellectual disabilities); there are an estimated 49,000 people with intellectual disabilities in Bulgaria. However, this data does not include all people with intellectual disabilities and the lack of standardised diagnosis procedures casts some doubt on its reliability. This data is not disaggregated by age, sex, or ethnic origin; nevertheless, the disproportionately high number of Roma diagnosed with intellectual disabilities is a clear trend indicating that diagnosis procedures should be reformed. Both *plenary* and *partial* guardianship exist in Bulgarian law. People under guardianship retain the right to work, but for those under *plenary* guardianship, the guardian must sign the employment contract on behalf of the ward, which can in practice be a serious impediment to employment. Guardianship presents problems primarily for people in institutions, who are likely to be under the *plenary* guardianship of the institutional director. A conflict of interest emerges in such cases, as the ward cannot leave the institution or find employment without the guardian's permission. There is no effective oversight as to whether the wards' interests are respected. Around 8,000 people remain in institutions, including residential schools.

Education

The Constitution recognises the universal right to education. However, for students with intellectual disabilities, access to secondary and higher education is sharply restricted, as most such students will not meet the requirements for a diploma. For the vast majority of people in institutions, there is no access to education at all. After changes to the regulatory framework in 2002, all children with intellectual disabilities may attend mainstream schools, regardless of their diagnosis. Serious concerns have been raised regarding the assessment procedure, however; the process is often superficial, inconsistent, and fails to take into account the individual capacity and potential of the child under examination. There is no national system of early intervention centres, although NGO services are available in limited areas; comprehensive early intervention services provided by multidisciplinary teams must be made widely available for children with intellectual disabilities, to address their needs at the earliest and best time possible.

Before June 2003 there were no long-term governmental programmes or strategies for special education. In general, even children with *mild* intellectual disabilities were excluded from mainstream schools and placed in special schools, while children with more severe intellectual disabilities were regarded as “uneducable” and placed in institutions or cared for by their parents at home with no educational options. However, in the past several years, Bulgaria has implemented a number of initiatives aimed at improving education for children with intellectual disabilities. As part of the “National Strategy for Equal Opportunities for People with Disabilities 2003–2005” (hereafter, National Disability Strategy), the Government has set out a series of specific measures related to education. A National Action Plan for Implementation of the Strategy was also adopted by the Council of Ministers in December 2003. National NGOs were consulted in the preparation of the Strategy, but to date the State has taken few concrete steps towards implementation of its provisions. The EU has not addressed the education of people with disabilities in its regular reporting on Bulgaria as part of the accession process; however, a recent initiative to identify schools for a mainstreaming pilot project has been funded by the EU’s Phare programme.

There remains a chronic lack of resources needed to promote effective education of children with intellectual disabilities, in both mainstream and special schools. Adapted textbooks and curricula are extremely limited, and many of the texts that are available are out of date. General teacher training does not include a component on working with children with intellectual disabilities; current pilot projects aim to train “resource teachers” to support integration in the classroom, a promising initiative that should be rapidly implemented and expanded to meet needs across the country. Resource centres, which would provide support to integrated mainstream schools, are also called for in new legislation, but further regulations must be elaborated to ensure that these structures are established in line with the goals of the Salamanca Declaration.

Since August 2002, parents of children with intellectual disabilities can choose whether to send their children to mainstream or special schools regardless of their diagnosis. To

date, however, resources to make this policy effective, including adequate preparation of teachers, students, and communities as well as financial support, have not been made available. Mainstreaming is taking place only on an extremely small scale, with only a very few students with intellectual disabilities integrated into inclusive classes in mainstream schools. Most children with *mild* to *moderate* intellectual disabilities remain in segregated special schools, where generally the facilities are poor, materials scarce, textbooks out-of-date or unavailable, and teachers poorly trained and motivated. The declining birth rate in Bulgaria has increased competition for students among schools reluctant to cut staff, a phenomenon that has exacerbated the overrepresentation of Roma in special schools, arising from the poorly controlled assessment procedures that too often are discriminatory.

Very few children with intellectual disabilities receive home schooling; although this option is available by law, the resources to implement it are not available, and parents are not aware home schooling is possible for children with intellectual disabilities. Children in residential institutions generally have no access to education whatsoever, although legally they are no longer considered “uneducable”. As most children in institutions have been abandoned by their parents, there are few advocates for their integration into education, and gradual improvements in institutional care have not yet extended to the provision of appropriate educational programmes either in the institutions or in local schools.

Transition from education to employment

The education system does not adequately prepare people with intellectual disabilities to find employment on the open market. Education simply ends at the eighth grade for students with intellectual disabilities who do not live near an appropriate secondary school. Other students are able to continue their studies through vocational education, although the courses available are limited and for the most part do not offer training in marketable skills. Few students who complete these courses are able to find work outside sheltered environments.

Employment

The Labour Code has been amended to specifically prohibit discrimination in employment on the grounds of disability, and the Protection Against Discrimination Act (2003) requires employers to adapt the workplace to accommodate workers with disabilities, in line with the EU Employment Directive. The assessment process to determine both eligibility for benefits and capacity for employment tends to categorise people with even *mild* intellectual disabilities as having a very low work capacity, which severely reduces their possibility of ever finding employment. Although disability benefits are cut or withdrawn if an individual’s income exceeds a certain level, the level of benefits is so low that the incentive to work remains strong. However, guardianship status can be a serious impediment towards employment; in particular, people in institutions are often under the guardianship of the institutional director, without any effective oversight as to whether the wards’ interests are respected.

Bulgaria has introduced a number of ambitious programmes aimed at improving employment levels among various groups, including people with intellectual disabilities. As implementation of these programmes is still in its early stages at present, it is too soon to assess the extent to which they are meeting with success. The underlying principles of these programmes tend to emphasise a move away from dependence on benefits and towards self-reliance. While such an approach could be an important means of aiding people with intellectual disabilities in moving towards productive employment, without adequate support in a transition period the process could have a negative impact in the short term. Adults with intellectual disabilities, whose previous opportunities for education and training were extremely limited, will require greater help to succeed in supporting themselves, even in part, and benefits should be structured to reflect this situation. Government quota policies also appear to have been of only limited use in increasing the number of people with intellectual disabilities working in the open market, although new employer incentive programmes may have a greater effect in the future, especially as training is included in the budget.

No official statistics on the number of people with intellectual disabilities who are employed are available, but all indicators point to an extremely high level of unemployment in this group. Work in sheltered employment has been available to people with intellectual disabilities, but even this type of segregated employment, which does not enhance social inclusion, has been on the decline in recent years. The types of work that are offered in these workshops tend to be of limited marketability, and therefore do not serve to prepare people for employment on the open market. The proportion of people with intellectual disabilities working in these specialised enterprises for people with disabilities tends to be quite small, but smaller still is the number of people with intellectual disabilities working on the open market. Supported employment services² are available on a very small scale through NGOs, but there is no legal or policy framework to develop such initiatives at the national level.

2. RECOMMENDATIONS

General Recommendations

International standards

1. Bulgaria should sign and ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms establishing a general prohibition against discrimination. Bulgaria should also ratify International Labour Organization Convention C159 on Vocational Rehabilitation and Employment (Disabled Persons).

² Supported employment is an employment option that facilitates competitive work in integrated work settings for people with disabilities. It provides assistance such as job coaches, transportation, assistive technology, specialised job training and individually tailored supervision.

2. Bulgaria should bind itself to Article 15 of the Revised European Social Charter (ESC) on the right of physically and mentally disabled persons to vocational training, rehabilitation and social resettlement.

Legislation

3. The Government should eliminate the use of stigmatising and degrading terms to refer to people with intellectual disabilities such as “imbecility”, “retardation”, “oligophrenia”, “handicap” and “mental deficiency” in all domestic law and policy documents and replace them with the term “intellectual disability”.

Coordination

4. The Government should specifically task the new National Council for Integration of People with Disabilities to oversee policymaking in the field of disability, to promote the social inclusion of people with intellectual disabilities more effectively, and to ensure laws and policies take a holistic and coherent approach in law and policy.
5. The Council should also be given the responsibility for promoting and publicising the results of existing policies to raise awareness of the rights and responsibilities created under these laws and programmes.

Diagnosis procedures

6. The Ministry of Health Care, the Ministry of Education and Science, and the Ministry of Labour and Social Policy should undertake an urgent review of the procedure for diagnosing children and adults by the relevant bodies, and issue unified, specific, and detailed instructions for diagnosis incorporating medical, social, and educational approaches.
7. The Government should unify the terminology used to diagnose grades of disability and to classify people with disabilities across all legal and policy instruments to ensure consistency of diagnosis and assessment.
8. The Government should provide adequate training for members of diagnostic and assessment bodies and should ensure that there is ongoing independent monitoring of diagnostic and assessment bodies' operating procedures.
9. The Government should ensure that consistent internationally accepted standards (ICD-10 and ICF) are used in determining disability status and that the appeals process is meaningful. The Government should also evaluate how language and/or cultural barriers and racial and class biases may impede accurate diagnosis and assessment.

Guardianship

10. The Government should review the guardianship system in order to ensure that all people placed under guardianship have their rights and interests adequately protected.

Data collection

11. The National Statistical Institute, the National Centre for Health Information, the Employment Agency and the Ministry of Labour and Social Policy should agree upon one consistent definition of “intellectual disability” in line with international standards for use in collecting data on the type of disability, sex, age, employment and legal status of people with disabilities at a national level.
12. The Government should collect and maintain accessible, disaggregated statistical information on people with disabilities, including information on guardianship and legal capacity, with appropriate protection for personal privacy.

Recommendations on education*Early intervention*

13. The Ministry of Health Care should ensure that a sufficient number of doctors responsible for diagnosing intellectual disability are available in all district hospitals.
14. The Government should make early intervention services widely available throughout Bulgaria, in order to maximise the potential of children with intellectual disabilities and facilitate their social inclusion to the fullest extent.

Inclusive policy

15. The Ministry of Education and Science should develop standards, methodologies, and financing mechanisms for the mainstreaming of children with intellectual disabilities, ensuring that mainstream schools offer all of the support and resources necessary for the full inclusion and unhampered development of students with intellectual disabilities.

Staffing

16. The Ministry of Education and Science should make funding available to ensure that each Regional Educational Inspectorate has a separate full-time position for a special education inspector with appropriate qualifications (a university degree in “Special Pedagogy”) and training to competently monitor and support the integration process for children with special needs in mainstream schools.

Training

17. The Ministry of Labour and Social Policy should ensure that each residential institution for children with intellectual disabilities takes all children in the institution to the Regional Expert Medical Commissions for regular review of their diagnoses. The Ministry of Labour and Social Policy should oversee this procedure and collect data provided by the institutions on the type of disability and needs of the children.
18. Universities that offer a course in “Special Pedagogy” should reform their curricula to promote mainstream schooling, with an emphasis on the mainstreaming process and mechanisms.
19. The Ministry of Education and Science should require all staff currently teaching in special schools to regularly take mandatory qualification courses.

Local governments

20. The Ministry of Education and Science should offer the appropriate resources and support to municipalities that would make mainstreaming an authentic option for children with intellectual disabilities.
21. Municipalities must take steps to prepare teachers, parents, and communities for mainstreaming, and provide adequate resources, training, and support for the mainstreaming process.

Resources and support

22. The Ministry of Education and Science should issue a thorough and uniform methodology for designing individual education plans for children with intellectual disabilities, and ensure that teachers receive training on the adaptation of lessons for all children.
23. The Ministry of Education and Science should reform curricula in mainstream and special schools and other educational facilities in order to ensure that the actual needs of people with intellectual disabilities are addressed, including the development of social and independent living skills and the acquisition of marketable vocational skills.
24. The Ministry of Education and Science should enact the legal provisions relating to home schooling by developing standards and allocating all necessary methodological, human, and material resources to making home schooling for children and adults with intellectual disabilities.

Resource centres

25. The Ministry of Education and Science should ensure that the terms, “resource centre” and “resource teacher” are clearly defined in legislation, in

line with recognised standards such as those elaborated in the Salamanca Declaration on Special Needs Education.

Advancement to secondary education

26. The Ministry of Education and Science should reform policy to enable students who have completed primary education to have a viable opportunity to continue their studies in a secondary school of their choosing.

Education in institutions

27. The Government should ensure that all children with intellectual disabilities in residential institutions have access to high quality education. In addition, the Ministry of Education and Science should develop and provide adequate methodological, human, and material resources to ensure an education for children and adults in residential institutions, who have currently very limited educational opportunities of questionable quality.

Recommendations on the transition from education to employment

28. The Ministry of Education and Science and the Ministry of Labour and Social Policy should cooperate to reform vocational training for people with intellectual disabilities, and ensure that a range of professional courses offering marketable skills for future employment are available to people with intellectual disabilities.
29. The Ministry of Education and Science and the Ministry of Labour and Social Policy should also join efforts to introduce and support life-long education for people with intellectual disabilities.

Recommendations on employment

Legislation and enforcement

30. The Government should provide detailed methodologies for assessing working capacity that are in line with internationally accepted standards and should mandate training of the Labour Experts Medical Commissions responsible for assessing the capacity to work.
31. The Government should continuously monitor and evaluate the practices of the assessment bodies to ensure that people with intellectual disabilities receive an accurate evaluation that promotes their access to employment.
32. The Chief Labour Inspectorate should regularly monitor and issue sanctions where necessary to ensure that employers respect quota policies for hiring people with disabilities.

Policy coordination

33. The Government should evaluate the effectiveness of programmes developed to enhance employment opportunities for people with disabilities and implement the necessary structural reforms to ensure the most efficient use of resources, including funds, so that the actual needs of people with disabilities are met.

Public awareness

34. The Ministry of Labour and Social Policy should prepare a public awareness campaign to bring attention to measures supporting the employment of people with disabilities, and to increase employers' awareness that people with intellectual disabilities can be productive employees.

Local governments

35. Municipal authorities should provide support and resources to local NGOs offering employment opportunities for people with intellectual disabilities.

Employment services

36. The Ministry of Labour and Social Policy should establish employment services specifically for people with intellectual disabilities, which include the provision of counselling, job searching and coaching, as well as supported employment services. The Government should ensure these services are staffed by people who have received training in working with people who have intellectual disabilities.

II. Country Overview and Background

1. LEGAL AND ADMINISTRATIVE FRAMEWORK

Bulgaria has ratified most international instruments that pertain to people with disabilities but has not signed Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). While the Constitution does not afford protection against discrimination on the grounds of disability, supplemental anti-discrimination legislation, in particular, the Protection against Discrimination Act, does include disability as a protected ground. An independent body charged with addressing cases of discrimination, the Commission for Protection Against Discrimination, is provided for in new legislation; however, this body has not yet been established. A new Law for the Integration of People with Disabilities was adopted in September 2004 and entered into force on 1 January 2005. It provides for the creation of additional bodies to specifically address issues relating to people with disabilities, as well as a more inclusive approach to education, and improved data collection. Regulations for implementation of this law had also been adopted in December 2004.

1.1 International standards and obligations

Bulgaria has ratified the major human rights instruments, including those with provisions relating to the rights of people with disabilities. Once ratified, international treaties are considered part of domestic legislation, superseding any national law in the event of conflict between the two.³

Bulgaria ratified the International Covenant on Civil and Political Rights⁴ (CCPR) and the International Covenant on Economic, Social and Cultural Rights⁵ (CESCR) in 1976; and the International Convention on the Rights of the Child⁶ (CRC) in 1991. Bulgaria ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms⁷ (ECHR) in 1992, but has not signed Protocol No. 12⁸ to the

³ The Constitution of the Republic of Bulgaria, SG 56, 13 July 1991, art. 5(4), (hereafter, Constitution)

⁴ International Covenant on Civil and Political Rights (CCPR), 23 March 1976, 999 U.N.T.S. 171.

⁵ International Covenant on Economic, Social and Cultural Rights (CESCR), 3 January 1976, 993 U.N.T.S. 3.

⁶ International Convention on the Rights of the Child (CRC), 2 September 1990, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989).

⁷ European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 3 September 1953, E.T.S. 005, available on the COE website at <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm> (accessed 22 October 2004).

⁸ Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, E.T.S. 177 (not yet in force), available at <http://conventions.coe.int/Treaty/en/Treaties/Html/177.htm> (accessed 22 October 2004).

ECHR. Bulgaria ratified the Revised European Social Charter⁹ (ESC) in 2000, but is not bound by Article 15 on the right of physically and mentally disabled persons to vocational training, rehabilitation and social resettlement.

Bulgaria has ratified all of the eight fundamental conventions of the International Labour Organization (ILO)¹⁰ but has not signed the ILO Convention Concerning Vocational Guidance and Vocational Training in the Development of Human Resources 1975 (No. 142) or the ILO Convention Concerning Vocational Rehabilitation and Employment 1983 (No. 159).

1.2 Domestic legislation

The Constitution of the Republic of Bulgaria (hereafter, Constitution) does not specifically prohibit discrimination on the grounds of disability, providing only that all persons are born free and equal in dignity and rights and that all citizens shall be equal before the law.¹¹ The Constitution also states that there shall be “no privileges or restrictions of rights on the grounds of race, nationality, ethnic identity, sex, origin, religion, education, opinion, political affiliation, personal or social status and property status.”¹²

In the past three years, Bulgaria has substantially revised its legislative anti-discrimination framework, largely as part of the EU accession process. Laws recently amended or adopted prohibit discrimination on the grounds of disability, most notably the Protection against Discrimination Act, which was adopted on 3 October 2003 and came into force on 1 January 2004.¹³ In Article 4 the act provides that,

any direct or indirect discrimination on the grounds of sex, race, nationality, ethnicity, citizenship, origin, religion and faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status or any other ground, provided by a law or international treaty to which the Republic of Bulgaria is a party to shall be prohibited,

⁹ Revised European Social Charter (RESC), 1 July 1999, C.E.T.S. 163, available at <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm> (accessed 22 October 2004).

¹⁰ The International Labour Organisation (ILO) has identified eight fundamental ILO Conventions: Convention on the Abolition of Forced Labour, 1930 (No. 29); Convention on Freedom of Association and Protection of the Right to Organize, 1948 (No. 87); Convention on the Right to Organize and Collective Bargaining, 1949 (No. 98); Convention on Equal Remuneration, 1951; (No. 100) Convention on Abolition of Forced Labour, 1957 (No. 105); Convention on Equality Discrimination (Employment and Occupation) 1958 (No. 111); Convention on the Elimination of Child Labour and Minimum Age, 1973 (No. 138); Convention on Worst Forms of Child Labour, 1999 (No. 182).

¹¹ Constitution, art. 6(2).

¹² Constitution, art. 6(2).

¹³ Protection against Discrimination Act, promulgated in SG 86, 30 September 2003.

which applies to both the public and private sectors. The act also sets out definitions of direct and indirect discrimination in line with international standards,¹⁴ and covers both the pre-employment and employment phases.¹⁵

The Protection against Discrimination Act envisages the establishment of a special Commission for Protection Against Discrimination three months after the act entered into force on 1 January 2004. In line with the European Council Directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (hereafter, Race Equality Directive¹⁶), the Commission will have the authority to establish whether a violation has occurred, to impose sanctions, issue binding instructions, to lodge appeals with relevant bodies, and to recommend legislative action.¹⁷ The Commission must adopt regulations within three months of its establishment, and is expected to begin work from that point onward. As of January 2005 this Commission had not yet been established.

In addition to the provisions in the Protection Against Discrimination Act, there is a specific prohibition against direct and indirect discrimination against people with disabilities in the Law for the Protection, Rehabilitation and Social Integration of Disabled Persons 2001, (hereafter, Law for the Protection of Disabled Persons).¹⁸ The law also establishes a positive obligation for the State to provide for equality between disabled and non-disabled persons,¹⁹ although mechanisms for the practical implementation of this provision are not specified.

The Social Support Act 1998 provides that,

in implementing social support, direct or indirect discrimination on the grounds of sex, race, skin colour, ethnic background, citizenship, political or other beliefs, religion and faith, disability, age, sexual orientation, family status or origin, membership in labour or other organisations and movements shall not be permitted.²⁰

¹⁴ Protection against Discrimination Act, SG 86, 30 September 2003, art. 4(1)–4(3), (hereafter, Protection against Discrimination Act). Compare the EU Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation, art. 2, paras. 2(a)–(b), available at http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/legisln/2000-78_en.pdf (accessed 6 September 2004).

¹⁵ Protection Against Discrimination Act, arts. 12–21.

¹⁶ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, art. 13, (hereafter, Race Equality Directive).

¹⁷ Protection Against Discrimination Act, art. 47.

¹⁸ Law for the Protection, Rehabilitation and Social Integration of Disabled Persons, SG 31, 30 March 2001, art. 5a, (hereafter, Law for the Protection of Disabled Persons).

¹⁹ Law for the Protection of Disabled Persons, art. 5a(4).

²⁰ Social Support Act, SG 120, 29 December 2002, art 3.

Article 2 of the Encouragement of Employment Act 2001 also prohibits discrimination on the grounds of physical or mental disability.²¹

There are specific provisions for social integration and rehabilitation in the Public Education Act 1991, the Labour Code 1986, the Social Support Act 1998, the Encouragement of Employment Act 2001 and in the regulations for the implementation of these acts. This legislation applies to people with intellectual disabilities who have a recognised reduced capacity for employment.

A new Law for Integration of People with Disabilities replaced them and entered into force on 1 January 2005. It was prepared by an inter-ministerial group, in consultation with over 20 NGOs for, and of, people with disabilities. It envisages the establishment of two State bodies – a National Council for Integration of People with Disabilities, and an Agency for Integration of People with Disabilities. The Council is to be under the authority of the Council of Ministers. Its members will be representatives of the national organisations of and for disabled people, representatives of the State appointed by the Council of Ministers, representatives of employers' organisations, and the National Municipality Union.²² The proposed Agency will be under the authority of the Ministry of Labour and Social Policy, and will be responsible for collecting data on people with permanent disabilities, registering specialised enterprises for people with disabilities, elaborating legislation, and licensing production and import of technology to assist people with disabilities.²³ The law stipulates that the assessment of disability should include both a medical and social-functional approach, conducted not only by medical commissions, as is the current practice, but also by social workers from local social assistance departments. The latter are under the authority of the Social Support Agency, which is under the supervision of the Ministry of Labour and Social Policy.

Although the adoption of a new Law for the Integration of People with Disabilities presented an important opportunity to update current practices, the law is not innovative; most provisions are drawn from existing legislation or from programmes already being implemented. The new law does provide for more extensive data collection on the situation of people with disabilities, which is an essential step towards developing more specific and targeted policies, but it does not establish new approaches and mechanisms for the integration of people with disabilities, nor does it provide any definitions of the different types of disabilities that it is meant to cover. While the law calls for a more inclusive approach to education, it does not set out the responsibilities of the staff who should implement the integration process, and does not explain the concept of “resource centres” that are a key element of the new approach. These issues are to be regulated in supplementary legislation, which has not yet been elaborated.

²¹ Encouragement of Employment Act, SG 112, 29 December 2001.

²² Law for Integration of People with Disabilities, SG 81, 17 September 2004, art. 6 (Law for the Integration of People with Disabilities).

²³ Law for the Integration of People with Disabilities, arts 8-9.

2. GENERAL SITUATION OF PEOPLE WITH INTELLECTUAL DISABILITIES

As Bulgaria lacks a unified definition of intellectual disability that is used consistently in law and policy, basic information regarding people with intellectual disabilities is somewhat unreliable. Some legislation uses terminology that is outdated and stigmatising, and not in line with international standards for the classification of intellectual disability. Definitions from the outdated International Classification of Diseases, ninth revision (ICD-9) are used in much of the medical legislation in force, but legislation in other areas uses various terminology. In the diagnosis procedure as well, the four different bodies assessing disability for various purposes employ different terminology, which is not used consistently or in line with recognised standards.

Detailed statistical data is available on the number of people with intellectual disabilities in each district (and their level of intellectual disabilities); there are an estimated 49,000 people with intellectual disabilities in Bulgaria. However, this data does not include all people with intellectual disabilities and the lack of standardised diagnosis procedures casts some doubt on its reliability. This data is not disaggregated by age, sex, or ethnic origin; nevertheless, the disproportionately high number of Roma diagnosed with intellectual disabilities is a clear trend indicating that diagnosis procedures should be reformed. Both plenary and partial guardianship exist in Bulgarian law. People under guardianship retain the right to work, but for those under plenary guardianship, the guardian must sign the employment contract on behalf of the ward, which can in practice be a serious impediment to employment. Guardianship presents problems primarily for people in institutions, who are likely to be under the plenary guardianship of the institutional director. A conflict of interest emerges in such cases, as the ward cannot leave the institution or find employment without the guardian's permission. There is no effective oversight as to whether the wards' interests are respected. Around 8,000 people remain in institutions, including residential schools.

2.1 Definitions

There is no unified legal definition of intellectual disability in Bulgarian legislation. However all medical legislation and statistics use definitions that correspond to the World Health Organization's *International Classification of Diseases and Related Health Problems*, Ninth Revision, (hereafter, ICD-9), although a tenth edition of this reference guide is generally accepted as the international standard (hereafter, ICD-10). Most current legislation uses the terms "mental disability" or "mental retardation", rather than "intellectual disability", and the choice of the definition appears to depend primarily on the aim of the particular act and when it was adopted.²⁴ Until mid-2002, the Ministry of National Health and the Ministry of National Education's joint

²⁴ The Regulations for Implementation of the Law on Public Education uses the term "mental retardation"; Legislation issued by the Ministry of Labour and Social Policy generally uses the term "persons with mental retardation/disability", see Decree 4 from 16 March 1999 for providing social services, art. 38(1).

Instruction No. 6²⁵ defined a child with “mental insufficiency” as a child whose “cognitive activity is permanently impaired because of organic damage to the brain.”²⁶

According to the new Law for Integration of People with Disabilities, “disability is each loss or impairment in anatomic structure, physiology or mental activity of an individual”.²⁷ It also provides that “a person with permanent disability is such who as a result of anatomical, physiological or mental impairment has a reduced capacity to perform activities in the way a healthy person would perform them and for which medical experts have assessed a level of reduced working capacity and reduced capacity for social adaptation” (art. 2 of the additional provisions).

The revoked Law for the Protection of Disabled Persons defined a person with disabilities as “every person, regardless of his age, with a physical, sensory or mental disorder which encumbers his social integration and participation in the social life, his abilities of communication and education or his labour performance”.²⁸ The “National Strategy for Equal Opportunities for People with Disabilities 2003–2005” adopted on 21 March 2003 by the National Council for Social Rehabilitation and Integration at the national Council of Ministers²⁹ uses its own definition of “persons with disability”, referring to “handicaps of physical functions, intellectual abilities or mental health” that persist for longer than six months and hinder the individuals’ participation in social life.³⁰

On 19 August 2002, the Ministry of Education issued Decree No. 6 for the education of children with special educational needs and/or chronic illnesses that replaced the earlier instruction. The new instruction does not contain a definition of intellectual disability. However, it generally relies upon the definitions corresponding to the ICD, Tenth Revision (ICD-10), according to which, “mental retardation” is defined as a “complex disturbance in the cognitive, speech, motor and social skills, which leads to deviations in adaptive behaviour”. This definition sets out four levels of intellectual disability: *mild*,

²⁵ According to the Law for the Normative Acts, SG 27, 3 April 1973, art. 7 (3), an instruction may be issued by a governmental body to “direct bodies subordinated to it about the implementation of a normative act which it has issued or whose fulfilment it has to ensure.”

²⁶ Instruction No. 6 on the placement of children and pupils with physical or mental disabilities in special schools and special educational-disciplinary establishments, issued on 18 March 1977 by the Ministry of Education and Ministry of Health Care, not published in the SG, art. 2, (hereafter, 1977 Instruction No. 6).

²⁷ Law for the Integration of People with Disabilities, art. 1 of additional provisions.

²⁸ Law for the Protection of Disabled Persons, additional provisions § 1(3) (amended 30 March 2001).

²⁹ The National Strategy for Equal Opportunities for People with Disabilities, available on the Ministry of Labour and Social Policy’s website in Bulgarian at http://www.mlsp.government.bg/bg/law/regulation/disable_strategy.doc (accessed 6 September 2004), (hereafter, National Disability Strategy).

³⁰ National Disability Strategy, p. 25.

moderate, severe and *profound*.³¹ Although the definitions used in various laws and regulations correspond to the ICD-10, it is not specifically cited in any legal document, and therefore it is not obligatory for medical doctors to use its definitions.

2.2 Diagnosis and assessment of disability

There are separate assessment procedures for adults and children and for education, employment and access to social benefits.

Until summer 2002, Instruction No. 6 of the Ministry of Education and the Ministry of Health Care from 1977 regulated the diagnosis of a child's intellectual disability and subsequent placement in school. This instruction was repealed and replaced by Decree No. 6 of the Ministry of Education on 19 August 2002.³² The latter uses a four-level system of categorisation of intellectual disability – *mild, moderate, severe, and profound* mental retardation, without giving an explanation or citation for these terms. Child psychiatrists who assess children for educational purposes generally still use a three-level categorisation of intellectual disability: *mild, moderate* and *severe* mental retardation,³³ while the National Centre for Health Information uses the offensive terms “mild oligophrenia”, “moderate oligophrenia” and “severe oligophrenia” when collecting national statistics on people with intellectual disabilities.³⁴ There are thus three different systems of terminology in use, which causes confusion regarding the exact diagnosis and indicates that the diagnosis itself can vary widely.

Two bodies, which follow two separate procedures, are responsible for assessing children with intellectual disabilities. One is the Regional Expert Medical Consultative Commission that is responsible for assessing the child for access to medical services and social benefits but also for access to educational services. The other is the diagnostic team (and the diagnostic commission at the Regional Education Inspectorates), which has the responsibility of assessing the child for educational purposes only.

The Regional Expert Medical Consultative Commissions (REMCC) consist only of medical doctors, although the Commission may invite educational experts to take part in its assessments.³⁵ The REMCCs are under the supervision of the Ministry of Health

³¹ World Health Organization, *International Statistical Classification of Diseases and Related Health Problems*, Tenth Revision, Geneva, 1992, (hereafter, ICD-10).

³² Decree No. 6 on the Education of Children with Special Needs and/or Chronic Diseases issued by the Minister of Education and Science, SG 83, 30 August, 2002, (hereafter, 2002 Decree No. 6).

³³ Bulgarian Helsinki Committee, *Special Schools in Bulgaria*, Sofia, 2003, p. 12, (hereafter, BHC, *Special Schools*).

³⁴ The NCHI uses the term “oligophrenia” to define intellectual disabilities following the officially approved ICD-9. This terminology comes from the Greek meaning ‘little or small mind’ and is both outdated and stigmatising.

³⁵ Decree No. 19, issued by of the Ministry of Health Care on 3 October 2000, SG 84, 13 October 2000, art. 6 para. 2.

Care, and regulated by Decree 19 for the medical assessment of disability of children up to sixteen years old.³⁶ People over sixteen years old are diagnosed by the Labour Expert Medical Commissions following procedure regulated by the Decree for Working Capacity Assessment. The second and primary body responsible for diagnosing intellectual disability for educational purposes is the diagnostic team (and the diagnostic commission) based at each special school. On the recommendation of the director of the child's school, the multidisciplinary diagnostic team carries out the examination of children believed to have disabilities, and makes an assessment of their individual and specific educational needs.³⁷

Most child psychiatrists in Bulgaria do not use the ICD-10 terminology in their diagnosis, although they use its diagnostic instructions. Medical and other documents issued by the diagnostic commissions in special schools use the terms "mental retardation" or "oligophrenia".³⁸ According to psychiatrists experienced in assessing children for educational purposes, the diagnostic process for intellectual disability in Bulgaria is of very low quality.³⁹

Generally, intellectual disability is determined between the ages of three and seven.⁴⁰ Very rarely, when a child is born with severe disabilities, doctors may make a diagnosis of *severe* or *profound* intellectual disability before the age of three. But the medical and educational establishments are of the opinion that intellectual disability cannot be clearly diagnosed in very early childhood before the age of three.⁴¹

The procedure for assessing capacity to work is provided in the Decree for Working Capacity Assessment.⁴² The assessment for determining permanent incapacity to work is performed by the Labour Experts Medical Commissions (LEMC) and the National Expert Medical Commission (NEMC), which are under the authority of the Ministry of Health Care. The assessment of temporarily reduced capacity to work is made by the

³⁶ Decree No. 19, issued by of the Ministry of Health Care on 3 October 2000, SG 84, 13 October 2000.

³⁷ 2002 Decree no. 6, art. 19(3).

³⁸ BHC, *Special schools*, p. 12.

³⁹ OSI Roundtable, Sofia, April 2004. *Explanatory Note: OSI held a roundtable meeting in Bulgaria in April 2004 to invite critique of the present report in draft form. Experts present included representatives of the government, parents, and NGOs.*

⁴⁰ Interview with parents of children with intellectual disabilities, Pazardzhik, 4 December 2003; Bulgarian Helsinki Committee, *The Homes for Children with Special Needs*, Sofia, 2002, p. 12, (hereafter, BHC, *Homes for Children*); telephone interview with Dr. Dimitar Terziev, child and youth psychiatrist at the Consultative Child Psychiatric Clinic "St. Nikola", Aleksandrovska hospital, Sofia, 6 February 2004.

⁴¹ Telephone interview with Dr. Dimitar Terziev, 6 February 2004; see also BHC, *Homes for children*, p. 14, "Children's diagnoses have until now most often been made to use a test for neurological and physiological development at the age of three using the Manova-Tomova tables (ICD-10). Many specialists, however, believe that this method is outdated."

⁴² Decree for Working Capacity Assessment, SG 61, 25 July 2000.

LEMC and NEMC, with assistance from a Medical Consultative Commission based at a local hospital. Eligibility for social welfare benefits is determined through a series of means tests, carried out by the local social assistance department.

2.3 Guardianship

Both *plenary* and *partial* guardianship are provided for in the Law for Individuals and Family 1949. The basic principle underlying the laws governing guardianship is that the legal status of adults who are placed under *plenary* or *partial* guardianship is the same as that of minors⁴³ who cannot carry out legal actions on their own behalf. Specifically, only a guardian may carry out legal actions on behalf of a person under *plenary* guardianship, while people under *partial* guardianship can perform legal actions themselves, with their guardians' consent.⁴⁴ The Law for Individuals and Family provides that "juveniles and adults who, due to their imbecility or mental disease, cannot take care of their affairs shall be placed under *plenary* guardianship and shall be declared legally incapable".⁴⁵ The law further stipulates that people with less severe disabilities may be placed under *partial* guardianship.⁴⁶

The procedure for placing a person under guardianship is regulated by the Civil Procedure Code and has not been amended since 1983.⁴⁷ A person may be placed under *plenary* or *partial* guardianship at the request of a spouse, a close relative, the prosecutor, or by anyone who has a legal interest in an individual's competence, such as presumptive heirs or contracting parties.⁴⁸ A person whose capacity is called into question must be interviewed in person by the court and, if needed, can be compelled to participate in the court hearing. The person's relatives and experts may also be called to give evidence before the court. If, after the interview the court finds it necessary, it can immediately appoint a temporary custodian who will take care of the ward's personal and property interests.

The Family Code 1985, chapter 10, regulates the appointment of guardians.⁴⁹ The mayor of the municipality appoints a guardian from among the relatives or close friends of the person placed under guardianship.⁵⁰ The guardians of people placed under *plenary* guardianship are responsible for the life, health, and property of their

⁴³ Law for Individuals and Family, SG 89/6 November 1953, art. 5(3).

⁴⁴ Law for Individuals and Family, art. 5(3).

⁴⁵ Law for Individuals and Family, art. 5.

⁴⁶ Law for Individuals and Family, art. 5(2).

⁴⁷ Civil Procedure Code, adopted SG 12, 8 February 1952, last amended April 2004, last amendments in the chapter on guardianship – April 1983 and December 1997, chapter 27, art. 275–277.

⁴⁸ Civil Procedure Code, art. 275.

⁴⁹ Family Code, adopted SG 41, 28 May 1985, last amendments – September 2003, last amendments in the chapter on guardianship – July 2003.

⁵⁰ Family Code, art. 11.

wards, and for representing them before third parties.⁵¹ The guardians of people placed under *partial* guardianship only give consent for legal actions performed by their wards.⁵² A guardian may request revocation of the guardianship order, and wards may also request a revocation through the municipal guardianship body. The same court hearing procedure then applies.

There is no national statistical data on guardianship in Bulgaria, although NGO research into the conditions of social care homes has revealed clear patterns (see Annex 1, Table A2). This report indicates that it is common for directors of the homes or members of the staff to be appointed as guardians of the people with intellectual disabilities residing there: the director or staff member was appointed as a guardian to 41 per cent of the residents in all homes for adults with intellectual disabilities.⁵³ Some residents do have their relatives appointed as guardians.⁵⁴

NGO monitoring in social care homes and social assistance departments has found that guardians regularly fail to perform some of their legal duties and central authorities and municipal bodies in charge of overseeing guardianship either do not perform their duties at all, or fulfil them with minimal care and responsibility. For example, although guardians are required to submit annual reports to the mayor's office, in most of the municipalities surveyed, no such reports appeared to have been filed.⁵⁵ No municipalities appear to have taken action to ensure that guardian reports are filed. Under these circumstances, guardians may abuse their role with impunity; the directors of some institutions have taken advantage of the fact that they were appointed as guardians of residents and appropriated wards' personal income or privileges for themselves.⁵⁶

There is no provision in national legislation imposing restrictions upon, or prohibiting the employment of, people under *plenary* guardianship. They can work if their guardians sign the employment contract and the guardians receive the salary on their wards' behalf. People under *partial* guardianship may sign an employment contract for themselves, with their guardians' authorisation.

While according to the law, *plenary* guardians are responsible for their ward's life, health, property and financial interests, in practice the guardian's role extends only as far as their ward's property is concerned. Most relatives who are appointed as guardians do not live with their wards and therefore cannot protect their interests in a meaningful

⁵¹ Family Code, art. 117, para. 2.

⁵² Family Code, art. 122, para. 2.

⁵³ Bulgarian Helsinki Committee, *Archipelago of the forgotten – homes for people with mental disabilities in Bulgaria*, Sofia, August 2004, p. 29, (hereafter, BHC, *Archipelago of the Forgotten*).

⁵⁴ See Annex 2, Table 2.

⁵⁵ BHC, *Archipelago of the Forgotten*, p. 30.

⁵⁶ Unofficial information provided by the director of the home for children with intellectual disabilities in Vidrare for the dismissal of the previous director of the home in an interview with BHC and Amnesty International, 25 January 2002.

way, although legally cohabitation is a condition of guardianship.⁵⁷ When a director of an institution is appointed as a guardian of one or more residents, a clear conflict of interests emerges. The director represents both the institution and the resident who contracts with the institution for providing social services. Thus if a person is placed under guardianship after entering the institution, and the director is appointed as the guardian, the ward cannot leave unless the director agrees to it. The Government should review the guardianship system in order to ensure that all people placed under guardianship have their rights and interests adequately protected.

2.4 Statistical data

Due to the lack of a single, unified definition of intellectual disability that is used throughout law and practice, statistical information available in Bulgaria is not based on consistent interpretation of the term intellectual disability. Problems with the procedure for diagnosing intellectual disability also call into question the reliability of any data source; in particular, the disproportionately large number of Roma children diagnosed with intellectual disabilities suggests that cultural or language barriers may be misdiagnosed and incorrectly recorded as intellectual disability. The application of clear and consistent definitions of intellectual disability in regulations governing diagnosis, access to education and employment would serve to ensure that data is more reliable and more comparable across sectors. The Ministry of Labour and Social Policy reports that a methodology for a unified database on people with disabilities will be developed by the end of 2004,⁵⁸ that should ultimately lead to more regular data collection and improve the information available to policymakers. No methodology for this database has been elaborated to date.⁵⁹ However, the development of a unified database alone will not resolve the chronic unreliability of data generated by a system that lacks a unified definition of intellectual disability and standardised diagnostic procedures.

The National Centre for Health Information (NCHI) under the Ministry of Health Care maintains data for the number of people with intellectual disabilities in all 28 districts of Bulgaria, and for the numbers of people with certain types of intellectual disabilities in each district (see Annex 1, Table A1). While this data is extensive and useful, it is not disaggregated for the age, sex, or ethnic origin of people with intellectual disabilities, which would provide greater information about this population. According to data provided by the NCHI, there were 49,014 people with intellectual disabilities in Bulgaria – 30,285 (or 61 per cent) with *mild* intellectual disabilities, 13,719 with *moderate* intellectual disabilities, 4,851 with *severe* and *profound* intellectual disabilities and 159 with other unspecified intellectual disabilities as of 31 December 2002.⁶⁰ This data is compiled from the annual reports of the

⁵⁷ BHC's observations in the homes for adults with intellectual disabilities.

⁵⁸ OSI Roundtable, Sofia, April 2004.

⁵⁹ Interview with agency official, confidentiality requested, 12 January 2005.

⁶⁰ See Annex 1.

psychiatric facilities, psychiatric clinics and from practising psychiatrists and takes into consideration only people who are registered at the dispensaries which are local bodies under the authority of the municipalities. However, because thousands of people with intellectual disabilities never come into contact with psychiatrists or the mental health system, there are concerns that these numbers may underestimate the actual population. The figures do not include people with intellectual disabilities living in social care homes or those who were diagnosed by special commissions for employment purposes, although such people are advised to apply for admission at the social care homes or the employment commissions after their initial diagnosis.⁶¹

According to the Ministry of Labour and Social Policy there are 27 institutions for adults with intellectual disabilities, in which there were 2,300 residents as of October 2003.⁶² There are 30 residential institutions specifically for children with intellectual disabilities accommodating 1,751 children. Although there is a national strategy to reduce the number of children in institutional care, in fact the number of children under the age of three placed in social care homes increased in 2003.⁶³

According to data provided by the Ministry of Education and Science there are 74 special schools for children with intellectual disabilities with 8,957 students enrolled for the 2003–2004 academic year. Of all students, some 3,726 children live in residential schools. The total number of people with intellectual disabilities living in residential institutions is 7,777 or 15.8 per cent of all people with intellectual disabilities.⁶⁴ In addition, there are 16 State-run day centres for children and six day-centres for adults with intellectual disabilities in the country.⁶⁵

The National Statistical Institute (NSI) also collects data on the number of people who have been assessed as having a disability. However it does not disaggregate the data based on the type of disability.⁶⁶ According to the latest data provided by the NSI, “as

⁶¹ Telephone interview with Krassimira Dikova, head of the “Information Resources, Analysis and Prognoses” Department at the National Centre for Health Information, Sofia, 19 February 2004.

⁶² See Annex 1, Table A2.

⁶³ Save the Children, Bulgarian Helsinki Committee, Every Child, Inter Ethnic Initiative for Human Rights, Centre for Independent Life, *NGO Alternative Report on Bulgaria's Progress Towards EU Accession*, 2004, Sofia, October 2004, p. 7, available at http://www.savethechildrenbg.org/SCBG/Docs/NGOAlternativeReport_EN.doc (accessed 3 November 2004), (hereafter, *NGO Alternative Report 2004*).

⁶⁴ Data provided by the National Centre for Health Information: the number of people diagnosed with intellectual disabilities in hospitals, psychiatric clinics; data provided by the Ministry of Education and Science: the number of children studying in special residential schools; data from Ministry of Labour and Social Policy: the number of homes for children and adults with intellectual disabilities; data collected by the Bulgarian Helsinki Committee: the number of people living in social care homes for adults with intellectual disabilities.

⁶⁵ Correspondence from Ivanka Chistova, Deputy-minister of Labour and Social Policy, 23 December 2003, on file with the Bulgarian Helsinki Committee.

⁶⁶ Correspondence from Aleksandar Hadzhijiski, Director of the National Statistical Institute, 26 November 2003, on file with the Bulgarian Helsinki Committee.

of 1 March 2001 the number of people assessed as having a disability (both physical and mental) is 224,550 of which 2,204 are children up to 16 years of age”⁶⁷.

The Bulgarian Association of People with Intellectual Disabilities (BAPID), which is the only national representative NGO in the country, does not maintain any statistical data on the number of people with intellectual disabilities. BAPID has 1,547 members, 1,216 of who are parents of children with intellectual disabilities.⁶⁸

⁶⁷ NSI data, 2001. Correspondence from Aleksandar Hadzhijiski, 26 November 2003, on file with the Bulgarian Helsinki Committee.

⁶⁸ Interview with Lyubka Aleksandrova, representative of BAPID, Vidin, 11 December 2003.

III. Access to Education

1. LEGAL AND ADMINISTRATIVE FRAMEWORK

The Constitution recognises the universal right to education. However, for students with intellectual disabilities, access to secondary and higher education is sharply restricted, as most such students will not meet the requirements for a diploma. For the vast majority of people in institutions, there is no access to education at all. After changes to the regulatory framework in 2002, all children with intellectual disabilities may attend mainstream schools, regardless of their diagnosis. Serious concerns have been raised regarding the assessment procedure, however; the process is often superficial, and fails to take into account the individual capacity and potential of the child under examination. There is no national system of early intervention centres, although NGO services are available in limited areas; comprehensive early intervention services provided by multidisciplinary teams should be made widely available for children with intellectual disabilities, to address their needs at the earliest and best time possible.

1.1 The right to education

The Bulgarian Constitution recognises the universal right to education, and mandates compulsory school attendance up to the age of 16.⁶⁹ Compulsory education applies to “all citizens” except people with intellectual disabilities, for whom there is no legally prescribed term of compulsory education. The Public Education Act also provides that citizens shall have the right to education without discrimination on the grounds of race, nationality, sex, ethnic or social origin, religion, or public position.⁷⁰

The legislative framework for both the mainstream and special educational systems is set out in the Public Education Act and the Regulations for Its Implementation; the Professional Education Act 1999 and the Regulations for Its Implementation 1999; and the 2002 Decree No. 6 of the Ministry of Education and Science on the Education of Children with Special Needs and/or Chronic Diseases.

The Public Education Act and the Regulations for Its Implementation defines the function and role of mainstream schools, which are funded and governed by the municipalities.⁷¹ The special educational system, however, is administered and financed directly by the Ministry of Education and Science (hereafter, Ministry of Education).

⁶⁹ Constitution, art. 53(1)-(2).

⁷⁰ Public Education Act, adopted SG 86, 18 October 1991, last amendments May 2004. art. 4. “The citizens shall have right to education. They can constantly increase their education and qualification. (2) No restrictions or privileges shall be admitted based on race, nationality, sex, ethnic or social origin, religion or public position.”

⁷¹ The municipalities shall ensure education up to the age of 16, including funding for the curriculum and teaching, resources and maintenance of facilities, health services, etc. Public Education Act, art. 36.

In accordance with the Constitution, the Public Education Act 2004 provides that school attendance up to the age of 16 is compulsory.⁷² However, for children with intellectual disabilities there is no legally prescribed term of education. In addition, children without disabilities may repeat a grade if necessary, while children with intellectual disabilities may not, and few meet the necessary qualifications to advance to secondary or tertiary education.⁷³ Often children with intellectual disabilities are promoted whether they meet educational standards or not. The 2003 amendments to the Regulations for the Implementation of the Public Education Act provide that students with special educational needs who finish eighth grade but do not meet State academic standards for continuing their education may continue their studies in a professional high school.⁷⁴ Such students obtain a certificate for finishing the eighth grade, but not a diploma for primary education. The certificate allows them to continue studying at vocational high schools, or for training at the secondary level, but upon completion of these courses they again only earn a certificate, not a high school diploma.⁷⁵ This system of not awarding diplomas to students with intellectual disabilities denies them access to further education.

Neither the Constitution nor the Public Education Act specifically provides for non-discrimination on the grounds of disability in education. Only the Protection against Discrimination Act explicitly prohibits discrimination in education on the grounds of disability. At present, cases of alleged discrimination in education can be addressed by the courts. The act additionally provides that “a director of an educational institution shall take effective measures to prevent all forms of discrimination in the place of study by members of the teaching or administrative staff, or by students”.⁷⁶ The act also requires that educational institutions take appropriate measures to compensate for persons with disabilities’ limited opportunities to effectively exercise their rights to education and training, unless the cost is “excessive” and “would seriously burden the institution”.⁷⁷ The extent of what would constitute excessive cost has not yet been determined, neither by the courts nor by supplementary legislation, but the vague language of this provision may offer schools a justification to deny support for, or mainstreaming of, students with intellectual disabilities.

⁷² Public Education Act, art. 7.

⁷³ A primary school diploma is required to advance to secondary school. In practice, it is assumed that children with intellectual disabilities cannot meet the general State educational standards, so they study according to individual curricula even if they are integrated in mainstream schools. Once they complete primary school they receive only a certificate, not a diploma that would allow them to move on to secondary education.

⁷⁴ Regulations for the Implementation of the Public Education Act, SG 99, 11 November 2003, art. 48(3).

⁷⁵ Regulations for the Implementation of the Public Education Act, SG 99, 11 November 2003, art. 56(7), (8).

⁷⁶ Protection Against Discrimination Act, art. 29(2).

⁷⁷ Protection Against Discrimination Act, art. 32.

The Protection against Discrimination Act establishes a duty for a director of an educational institution to provide information to a person alleging a violation of the right to education. The act also states that providers of training or education, and drafters of textbooks and teaching materials shall present information and apply methods of training and education in a manner designed to overcome negative stereotypes of persons with disabilities.⁷⁸

The legacy of discriminatory legislation persists, although new regulations have been in place for several years. The Ministry of Education and the Ministry of Health Care's 1977 Instruction No. 6 on the placement of children and pupils with physical or mental disabilities in special schools and special educational-disciplinary establishments relegated children with *mild* intellectual disabilities to special schools, and denied education to those with *moderate*, *severe*, and *profound* intellectual disabilities, who were classified as "uneducable".⁷⁹ In August 2002, a new Decree No. 6 on the Education of Children with Special Needs and/or Chronic Diseases (hereafter, 2002 Decree No. 6) was issued by the Minister of Education and Science, which supersedes the 1977 Instruction. Importantly, this new legislation entitles children with any type of intellectual disability to study in special schools or mainstream schools depending on the choice of their parents.⁸⁰ The Ministry of Education was reportedly elaborating a new decree in spring 2004, as the current Decree's approach does not meet the aims of inclusive education,⁸¹ but no decree had been prepared as of January 2005.

1.2 Structure and administration of schools

There were 74 special schools for children with intellectual disabilities with 8,957 students enrolled for the 2003–2004 academic year.⁸² This figure also includes children with intellectual disabilities who study in special classes in mainstream schools in Montana (36 children), Svishtov (52 children) and Purvomaici (69 children). Almost

⁷⁸ Protection Against Discrimination Act, art. 35.

⁷⁹ Issued on 18 March 1977. According to art. 1 of the Instruction, special educational-disciplinary establishments are special kindergartens for children with sensor disabilities, mental insufficiency and speech deviations, speech therapy cabinets and speech and hearing rehabilitation centres for children of pre-school age.

⁸⁰ Regulations for Implementation of Law on Public Education, art.36, par. 1 (amend. SG 53, 2001) "Children are enrolled in the first grade in state and municipal schools at request of their parents or guardians" and par.2 (amend. SG 33, 11 April 2003) "The school is to be chosen by the parents or guardians." Decree 6, art. 2, par. 1. "Children with special educational needs and/or chronic diseases are to be integrated in kindergartens and schools."

⁸¹ OSI roundtable, Sofia, April 2004.

⁸² Telephone interview with Slavka Evlogieva-Vaklina, senior expert at the Integration of Children with Special Needs Department, Ministry of Education and Science, Sofia, 18 February 2004.

half of all special schools are residential, accommodating some 3,726 children.⁸³ There are no NGOs licensed to provide education for people with intellectual disabilities.

The Ministry of Education has elaborated few standards and offered little written guidance on the conduct of special education. The 2002 Decree No. 6 stipulates the amount of time that pupils are to spend in class, and the Ministry's September 2002 Instruction specifies what types of curricula are to be used and which textbooks are acceptable for the 2002–2003 academic year. However, the Ministry has not yet adopted any State educational requirements for children with chronic illnesses and special educational needs. Consequently, there are no standards for measuring the educational achievements of the children who have graduated from special schools. According to experts, the Ministry of Education takes the view that such standards would place a limitation on the education of children with disabilities, whose needs and abilities are diverse. It is widely assumed that the aim should be for children with disabilities to achieve the same State academic standards as children without disabilities,⁸⁴ which is a cause for concern, as the aim of special education should not be to hold children to the same academic standards, but rather to ensure that all children have the individual opportunity to develop to their fullest potential. Moreover, the present lack of educational requirements of any kind for children with disabilities creates many opportunities for the quality of education to deteriorate.⁸⁵

Families of children with intellectual disabilities report that in many cases they must secure financing for their children's educational and professional training opportunities themselves, especially in smaller towns.⁸⁶ Some experts have called for an option for distance learning to be created where no adapted school environment is available, especially for hyperactive children.⁸⁷ Municipalities would be responsible for funding this option.

Parents have also expressed concern about the lack of choice for education of children with intellectual disabilities – there is broad agreement that mainstream schools are not yet prepared to provide education for children with intellectual disabilities in terms of staff training and teaching materials, and the special schools provide only poor-quality education.⁸⁸ In addition, parents indicate that both the mainstream and special education systems are not able to address the needs of children with severe intellectual disabilities.

⁸³ Telephone interview with Slavka Evlogieva-Vaklina, Sofia, 18 February 2004.

⁸⁴ OSI roundtable, Sofia, April 2004.

⁸⁵ OSI roundtable, Sofia, April 2004.

⁸⁶ Interviews with: parents in Vidin, 11 December 2003; parents in Pazardzhik, 4 December 2003; questionnaires completed by parents in Burgas, Varna, Russe and returned by email.

⁸⁷ OSI Roundtable, Sofia, April 2004.

⁸⁸ OSI Roundtable, Sofia, April 2004.

1.3 Diagnosis and assessment of disability for educational purposes

The diagnosis procedure is regulated by law and through instructions issued by the Ministry of Education; together, these regulations set out a multidisciplinary and thorough examination procedure, but there is insufficient monitoring to ensure compliance with the process. Both NGO monitoring and parents' accounts indicate that there are wide discrepancies in the practice of the Regional Expert Medical Consultative Commissions and diagnostic commissions responsible for assessing children with intellectual disabilities. Examinations are often cursory, and only rarely do reassessments result in a change in the level of disability diagnosed. The overrepresentation of Roma in special schools is largely a consequence of the inadequate controls over the diagnosis procedure, which leaves open the possibility that language barriers, cultural issues, and prejudice may affect the assessment outcome.

Diagnosis Procedures

There are two commissions responsible for the diagnosis of intellectual disability for educational purposes, the Regional Expert Medical Consultative Commissions (REMCC) and the diagnostic commissions. Parents of children who may have intellectual disabilities are generally advised by their general physician to visit the REMCC at the nearest district hospital with a children's ward. Following its assessment, the Commission may recommend that the child be placed in a social care home or in a special school.⁸⁹ Parents may have to wait at least five to 12 months for their children to be initially assessed by the commission, because commissions sit only on certain dates each month and are not able to see all children waiting for assessment. Parents have also expressed concern that commissions are not always able to determine a precise diagnosis and they must bring their child to Sofia to get an appropriate assessment.⁹⁰

According to Decree 19 for medical assessment of disability, the REMCC is generally obliged to review the diagnosis every two years.⁹¹ Many parents, however, report that after their children had been diagnosed by the REMCC the diagnosis was not reviewed later.⁹² If it appears that the disability is permanent, and after monitoring the development of the disability over two years, the term of the disability is defined up to the age of 16,⁹³ and then procedures for adults are used.

⁸⁹ 2002 Decree No. 6, art. 21(6).

⁹⁰ OSI Roundtable, Sofia, April 2004.

⁹¹ 2000 Decree No. 19, art. 27(1). In cases where rapid recovery may be anticipated, a reassessment is scheduled in one year, Art 27(2).

⁹² Interviews and questionnaires distributed among parents of children with intellectual disabilities in Pazardzhik, Vidin, Razlog, Varna, Burgas, Plovdiv, November and December 2003.

⁹³ 2000 Decree No. 19, art. 27(3).

The second and main body responsible for diagnosing intellectual disability for educational purposes is the diagnostic team (and the diagnostic commission) based at each special school. Until 2002, commissions consisted of the Ministry of Education's Regional Educational Inspector for special schools, a doctor (either a neurologist or a psychiatrist), a special education teacher, a psychologist, a speech therapist, and a primary teacher from a mainstream school. These commissions were "responsible for conducting clinical psychological examinations aimed at a qualitative analysis of the children's psycho-physical development".⁹⁴ There is little coordination between the REMCC and the diagnostic commissions, as these function under the authority of two different ministries. In general practice, the commissions rewrite the diagnosis determined by the REMCC, as children of school age who are believed to have a disability must be assessed by the commission to gain access to school.

At present, following the 2002 Decree no. 6 on assessment procedures, the diagnosis of children with special needs occurs through a series of psychological and pedagogical examinations. Three bodies are responsible for these examinations: a diagnostic team formed in the special kindergartens and special schools; a diagnostic commission from the Regional Inspectorate of the Ministry of Education; and a central diagnostic commission from the Ministry of Education.⁹⁵ There are 74 diagnostic teams (at each special school), 28 diagnostic commissions and one central diagnostic commission.

Lists of children who are thought to have special needs are to be drawn up by the directors in each institution and mainstream school in the region at the end of every term for examination by the diagnostic team. The lists should be given to the diagnostic commission at the Regional Inspectorate on Education.

The diagnostic team is chaired by the special school principal and comprised of a psychologist, a speech therapist, a special education teacher, a pre-school or primary school teacher, a psychiatrist, a paediatric neurologist, and other specialists as relevant.⁹⁶ The child's parents are involved as members of the team and they also attend the assessment.⁹⁷ An expert on special schools from the regional inspectorate for education oversees the diagnostic team.⁹⁸ After the initial diagnosis, the team develops individual plans and programmes for children with special educational needs,⁹⁹ and may recommend the transfer of a child from a special school to mainstream education.¹⁰⁰ The mainstream school is legally obliged to enrol such a child,¹⁰¹

⁹⁴ 2000 Decree No. 19, art. 22, 23.

⁹⁵ 2002 Decree No. 6, art. 15.

⁹⁶ 2002 Decree No. 6, art. 18(9).

⁹⁷ 2002 Decree No. 6, art. 18(3).

⁹⁸ 2002 Decree No. 6, art. 18(2).

⁹⁹ 2002 Decree No. 6, art. 19(5).

¹⁰⁰ 2002 Decree No. 6, art. 19(8).

¹⁰¹ Law on Public Education, art. 27(2).

although in practice very few children are ever re-diagnosed or found to have made sufficient progress to return to mainstream schools.¹⁰²

The diagnostic commission is competent to supervise and provide guidance to the diagnostic teams in special schools. It carries out additional examinations of all children recommended for special education who have already been examined by the diagnostic teams, checks the documentation upon which the diagnoses are based, cooperates in providing textbooks and other materials to the mainstream schools where children with special needs are integrated. The Central Diagnostic Commission is responsible for supervising the activities of the diagnostic commissions at the Regional Inspectorates on Education, and for providing methodological assistance to the diagnostic commissions and teams. It also has the mandate to resolve any disputed or difficult cases of diagnosis. For each child diagnosed, the Central Commission draws up an assessment document, which is maintained at the Ministry of Education for a period of ten years.¹⁰³ The Commission is appointed by the Minister of Education and Science and includes experts from the ministry, psychologists, speech therapists, child psychiatrists and other specialists if relevant.¹⁰⁴

According to the Ministry of Education's 2002 Decree No. 6, each diagnostic team's activities are reviewed by the diagnostic commission; in addition, the diagnostic team should keep a record for the development of every child examined during each school term, and should present that record to the diagnostic commission at the end of the school year. When the commission finds it necessary, it can recommend that the child be reassessed by the diagnostic team and the commission.¹⁰⁵

Diagnosis in practice

In spite of all the procedures provided for by law, in practice the diagnostic examination of children with special needs is reduced to a very simple procedure. In many schools the diagnostic team conducts the only examination of the children. The diagnostic commission sometimes simply signs the examination record provided by the diagnostic team without even seeing the child, while in other instances, the examination of the child is conducted solely by the diagnostic commission without a previous examination by a diagnostic team.¹⁰⁶ NGO research carried out in 2002 sought to review the medical files of the students in each of the 74 special schools. This investigation revealed that for most pupils the initial diagnosis by the diagnostic commission is the only examination by a team of specialists that children undergo during their entire education in special schools.

¹⁰² BHC, *Special Schools*, p. 11.

¹⁰³ 2002 Decree No. 6, art. 27.

¹⁰⁴ 2002 Decree No. 6, art. 26.

¹⁰⁵ 2002 Decree No. 6, art. 19(8), art.23(13).

¹⁰⁶ BHC, *Special Schools*, p. 14.

Concerns have also been raised that some psychiatrists are not aware of the normative framework for diagnosis. For example, the psychiatrist on the Stara Zagora diagnostic commission was unaware that children with *moderate* and *severe* mental disabilities could be placed in special schools as of September 2002, and continued to regard such children as “uneducable”.¹⁰⁷ No unified standard for noting diagnoses appears to exist. Records from the children’s diagnostic examinations suggest that the ICD-10 instructions (including the use of IQ tests) were not used for diagnosis, as the records do not mention the appropriate classifications from the ICD.

Until recently, examination reports frequently failed to record the results of the IQ tests used in the assessment, and the sections about comprehension and mental activity were frequently marked “not examined” or “cannot be examined”. The formulaic responses on older reports suggest that little attention was given to the individual capacities of the children examined. In this regard, monitoring the use of the new forms introduced by the 2002 Decree No. 6 indicates that the new instructions have led to the collection of more information about the health conditions (status of hearing and sight, health history, IQ tests results, etc.) of the children being diagnosed. Moreover, despite the fact that even before the passage of Decree No. 6 there were sections on the forms for hearing and sight ability, these were almost always marked “not examined.” The new Decree requires that a doctor examine these indicators. Even though this was frequently done as a mere formality, after September 2002 vision and hearing is generally included in the examination.¹⁰⁸

As there are no instructions on how the examination forms should be completed, and the Ministry of Education has not taken steps to standardise or monitor the process, the results are highly inconsistent. Under the Ministry of Education’s new Decree No. 6, psychologists are only required to record the methods that they used to examine the various indicators. NGO research conducted in September-November 2002 indicates that only a few schools followed even that requirement.¹⁰⁹ Psychologists and psychiatrists who work in special schools and participate in the diagnostic commissions state that they employ any one of a wide range of tests to examine the intelligence, memory, understanding, creativity, and attention span of the children. In general, the commissions did not indicate which methods were used for the psychological tests, they did not record the results of the IQ tests, and they did not fill in the data on the child’s health history, often because parents are unable to provide information or medical documentation about the children’s health conditions from infancy.¹¹⁰ In some cases, examination reports were not dated or signed by all members of the commission.¹¹¹

¹⁰⁷ BHC, *Special Schools*, p. 12.

¹⁰⁸ BHC, *Special Schools*, p. 13.

¹⁰⁹ BHC, *Special Schools*, p. 13.

¹¹⁰ BHC, *Special Schools*, p. 13.

¹¹¹ BHC, *Special Schools*, p. 13.

Disturbingly, it appears that the fact that a child's parent or sibling studied in a special school is often considered sufficient evidence for the question regarding a family history of mental disability on the assessment form.¹¹² In some schools, the information on the examination reports contradicts itself. These errors usually happen when the commissions face difficulties in diagnosing children from a bilingual environment without an interpreter, and most frequently it is a problem in assessing Roma children. Such cultural or linguistic barriers are one of the key reasons for the excessively high proportion of Roma children who are diagnosed with intellectual disabilities.¹¹³ NGO investigation has revealed that racial prejudice also pervasively affects the diagnosis procedure.¹¹⁴

Parents have different opinions about the diagnosis process, depending on the child's diagnosis and the information they have about their child's opportunities for education and appropriate treatment. Some parents of children with *severe* and *profound* intellectual disabilities reported that they were misled by their general practitioners and other doctors in smaller towns, and that they had to visit doctors in the capital to receive a precise diagnosis of their child.¹¹⁵ Some parents who attended diagnosis meetings with their children had direct impressions of the diagnostic teams and commissions, and were of the opinion that they were not competent to diagnose and treat a child with *severe* and *profound* intellectual disabilities.¹¹⁶ According to these families, the commissions denied their children the chance to be examined and educated even in a special school.

Many parents are poorly informed about the existing services for children with intellectual disabilities in their towns, and did not fully understand the commissions' diagnosis procedures.¹¹⁷ Some parents do not have any medical documentation about their child's early childhood and are not able to provide such information.¹¹⁸ Parents from Plovdiv, Burgas, Varna, Razlog, Pazardzhik, and Vidin, and the members of BAPID reported numerous shortcomings in the diagnosis process, including a lack of time for precise diagnosis, lack of an appropriate environment for the diagnostic procedure, poorly qualified staff, and the formality of the procedure. Of particular concern to many parents was the perception that the diagnosis procedure amounts to

¹¹² BHC, *Special Schools*, p. 13.

¹¹³ See EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection*, Budapest, 2001, pp. 88–89.

¹¹⁴ European Roma Rights Center, *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe*, Budapest, May 2004, p. 50, (hereafter, ERRC, *Stigmata*).

¹¹⁵ Interviews with: parents in Vidin, 11 December 2003; parents in Pazardzhik, 4 December 2003.

¹¹⁶ Interviews with: parents in Vidin, 11 December 2003; parents in Pazardzhik, 4 December 2003.

¹¹⁷ Interviews with: parents in Vidin, 11 December 2003; with parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email (November and December 2003).

¹¹⁸ Bulgarian Helsinki Committee, *Observations of a Diagnostic Commission in a Special School, Stara Zagora*, September 2002.

recruitment of students for special schools, rather than an authentic assessment of an individual child's abilities.¹¹⁹

In some schools, parents report that commissions did not include a teacher from a mainstream school as is required by the 2002 Decree No. 6, art.18. Other schools have had difficulty, particularly during the past two years, in ensuring the participation of a psychiatrist or psychologist in the commission.¹²⁰ Approximately thirty per cent of special schools do not employ full-time psychologists, and must request the attendance of a psychologist from the Regional Social Support Department, from mainstream schools, or from among the psychologists with private practices in the region.¹²¹ Since the adoption of the Decree in August 2002, in some regions such as Sliven, Targovishte, Pernik, and others, psychiatrists have demanded payment for conducting examinations and teachers have had no alternative but to pay for the psychiatrists' services personally. In general the members of the commissions do not receive any additional remuneration for their participation in the commissions because it is considered to be one of their legal obligations according to their contracts.¹²²

1.4 Early intervention

Although early intervention programmes can offer significant support to families and to children with intellectual disabilities, at present such services are quite limited in Bulgaria.

Early intervention services are primarily available in Bulgaria through two types of day centres, supervised by the Ministry of Health Care and the Ministry of Labour and Social Policy respectively. The centres of the first type are for children up to seven years old and have been established within the 30 existing institutions for medical and social care for infants. They are established to provide help and consultation to parents and children with different types of disabilities.¹²³ The first centre was established in 1999 in Veliko Turnovo. At present, almost all such institutions have a day centre for early intervention.

The second type of day centre was established in 1992 in district centres. At present, there are 16 such centres with a total capacity to accommodate approximately 455 children from three to 18 years of age, and which provide a range of services in

¹¹⁹ Interviews with: parents in Vidin, 11 December 2003; with parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

¹²⁰ Interviews with: parents and the Bulgarian Helsinki Committee research team, Stara Zagora, September 2002, Plovdiv May 2002; see also, BHC, *Special Schools*, p. 12.

¹²¹ BHC, *Special Schools*, p. 12.

¹²² BHC, *Special Schools*, p. 12.

¹²³ Interview with Mrs. Milena Brachkova, child psychologist at the day care centre in Veliko Turnovo and in the home for infants in Debelets, 11 February 2004.

addition to early intervention (see section III.3.3.3).¹²⁴ Donors, the State, and municipalities were responsible for the establishment and furnishing of the centres, although funding for the centres continues to come primarily from foreign sponsors.¹²⁵

Some NGOs have also started to offer services for children with intellectual disabilities, including medical examinations, hearing and speech therapy, art and psychological therapy. At present there is only one active local NGO, Egida in Pazardzhik, that provides such services, and it only has the capacity to serve a limited number of children in a limited area.

2. GOVERNMENT EDUCATION POLICY

Before June 2003 there were no long-term governmental programmes or strategies for special education. In general, even children with mild intellectual disabilities were excluded from mainstream schools and placed in special schools, while children with more severe intellectual disabilities were regarded as “uneducable” and placed in institutions or cared for by their parents at home with no educational options. However, in the past several years, Bulgaria has implemented a number of initiatives aimed at improving education for children with intellectual disabilities. As part of the “National Strategy for Equal Opportunities for People with Disabilities 2003–2005” (hereafter, National Disability Strategy), the Government has set out a series of specific measures related to education. A National Action Plan for Implementation of the Strategy was also adopted by the Council of Ministers in December 2003. National NGOs were consulted in the preparation of the Strategy, but to date the State has taken few concrete steps towards implementation of its provisions. The EU has not addressed the education of people with disabilities in its regular reporting on Bulgaria as part of the accession process; however, a recent initiative to identify schools for a mainstreaming pilot project has been funded by the EU’s Phare programme.

2.1 The EU and Government education policy

Bulgaria applied for EU membership in 1995, and opened negotiations in 1999. The situation of people with intellectual disabilities has not been an issue that the EU has focused upon in monitoring Bulgaria’s efforts to meet accession criteria. The regular reports issued by the European Commission on Bulgaria’s progress towards meeting the political and economic criteria for membership have never addressed the issue of education for people with intellectual disabilities. The reports have briefly analysed the

¹²⁴ BHC, *Homes for Children*, p. 4.

¹²⁵ BHC, *Homes for Children*, p. 25.

situation in social care homes for children and adults with intellectual disabilities, but without reference to education for these people.¹²⁶

However, in 2003 a Phare project, “Improving the quality of life of mentally disabled people” was approved by the European Commission, and is expected to run from 2004 through 2007.¹²⁷ The main aim of the project is to encourage the social integration of children and adults with mental disabilities by providing social services in the community. As a pilot project, one aspect of the grant will be used for the integration of children with mental disabilities in kindergartens and schools in several municipalities.¹²⁸ Implementation has started with the selection of pilot municipalities and with an assessment of day care centres for children.¹²⁹ Several NGOs have also received EU funding to work with people with intellectual disabilities, such as an integration project in Pazardzhik organised by a local parents’ organisation.¹³⁰

2.2 National programmes

Before June 2003 there were no long-term governmental programmes or strategies for special education. In general, even children with *mild* intellectual disabilities were excluded from mainstream schools and placed in special schools. Children with *moderate*, *severe*, and *profound* intellectual disabilities were regarded as “uneducable” and placed in institutions or cared for by their parents at home with no educational options.

In August 2002, the Ministry of Education adopted new legislation that entitles children with any type of intellectual disability to study in special schools or mainstream schools depending on the choice of their parents.¹³¹ It is still too soon to gauge the effect this change in legislation will have on the numbers of children with intellectual disabilities attending mainstream schools, or indeed, any form of school.

On 21 March 2003 the National Council for Social Rehabilitation and Integration at the Council of Ministers adopted the National Strategy for Equal Opportunities for

¹²⁶ See, e.g. European Commission, *Regular Report on Bulgaria’s Progress Towards Accession*, Brussels, 2004, p. 25. Available at http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_bg_2004_en.pdf (accessed 4 November 2004).

¹²⁷ Letter from Ms. Ivanka Christova, Deputy Minister of Labour and Social Policy, 23 December 2003.

¹²⁸ Letter from Ms. Ivanka Christova, 23 December 2003.

¹²⁹ OSI Roundtable, Sofia, April 2004.

¹³⁰ See section III. 3.2.1.

¹³¹ Regulations for Implementation of Law on Public Education, art. 36, par. 1 (amend. SG 53, 2001). “Children are enrolled in the first grade in state and municipal schools at request of their parents or guardians” and par.2 (amend. SG 33, 11 April 2003) “The school is to be chosen by the parents or guardians.” Decree 6, art. 2, par.1. “Children with special educational needs and/or chronic diseases are to be integrated in kindergartens and schools.”

People with Disabilities.¹³² It highlights the difficulties in educating children with disabilities, including children with intellectual disabilities, taking a comprehensive approach in its identification and definition of the main legislative and practical obstacles for exercising the right to education for children with disabilities.

The National Strategy for Equal Opportunities for People with Disabilities is designed to meet international standards, drawing upon the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, the UN Convention on the Rights of the Child, relevant EU directives, and best practices. The National Action Plan for implementation of the Strategy was also adopted by the Council of Ministers in December 2003.¹³³ It covers the period up to the end of 2005, and the financial resources for its implementation have already been included in the State budget.¹³⁴

The Strategy envisages several measures for improving the education of people with intellectual disabilities:

- ensuring education for all children with intellectual disabilities from the pre-school to high school levels;
- training staff at mainstream schools for the integration of children with special needs;
- reviewing the diagnoses of children placed in special schools for children with intellectual disabilities;
- creating a supportive environment and individual approach by developing individual plans elaborated by a multi-disciplinary team of experts for every disabled child in mainstream schools;
- ensuring sufficient numbers of qualified staff;
- training and budgeting for dedicated teachers for special needs education in mainstream classes;
- supplying public libraries with information about children with disabilities;
- supporting gifted children with disabilities;

¹³² Correspondence of BHC with Silvyu Canova, deputy executive director of the Agency for Social Assistance, Sofia, 24 July 2003. National Strategy for Equal Opportunities for People with Disabilities, (hereafter National Disability Strategy), <http://www.mlsp.government.bg/bg/docs/index.htm> in Bulgarian (accessed 4 March 2005).

¹³³ National Plan for Equal Opportunities for People with Disabilities, <http://www.mlsp.government.bg/bg/docs/index.htm> (accessed 4 March 2005).

¹³⁴ Letter from Ms. Ivanka Christova, 23 December 2003.

- improving the quality of special education and updating the curricula for special teachers at universities.¹³⁵

The Government consulted with representatives of 22 NGOs working with people with disabilities in the development of the National Disability Strategy, including the Bulgarian Association of People with Intellectual Disabilities (BAPID), the national parents' organisation.

The action plan envisages that every pre-school and school age child with disabilities will be included in the educational system by September 2004; the Ministry of Education is responsible for implementing this provision. The additional funds needed to support the positions of special teachers and specialised staff are also to be drawn from the budget of the Ministry of Education.

3. EDUCATION IN PRACTICE

There remains a chronic lack of resources needed to promote effective education of children with intellectual disabilities, in both mainstream and special schools. Adapted textbooks and curricula are extremely limited, and many of the texts that are available are out of date. General teacher training does not include a component on working with children with intellectual disabilities; current pilot projects aim to train "resource teachers" to support integration in the classroom, a promising initiative that should be rapidly implemented and expanded to meet needs across the country. Resource centres, which would provide support to integrated mainstream schools, are also called for in new legislation, but further regulations must be elaborated to ensure that these structures are established in line with the goals of the Salamanca Declaration.

Since August 2002, parents of children with intellectual disabilities can choose whether to send their children to mainstream or special schools regardless of their diagnosis. To date, however, resources to make this policy effective, including adequate preparation of teachers, students, and communities as well as financial support, have not been made available. Mainstreaming is taking place only on an extremely small scale, and most children with mild to moderate intellectual disabilities remain in segregated schools, where generally the facilities are poor, materials scarce, textbooks out-of-date or unavailable, and teachers poorly trained and motivated. The declining birth rate in Bulgaria has increased competition for students among schools reluctant to cut staff, a phenomenon that has exacerbated the over-representation of Roma in special schools, arising from the poorly controlled assessment procedures that too often are discriminatory.

Very few children with intellectual disabilities receive home schooling; although this option is available by law, the resources to implement it are not available, and parents are not aware that home schooling is possible for children with intellectual disabilities. Children in residential institutions generally have no access to education whatsoever. As most children in institutions have been abandoned by their parents, there are few advocates for their integration into education, and gradual improvements in institutional care have not yet extended to the provision of appropriate educational programmes either in the institutions or in local schools.

¹³⁵ National Disability Strategy, Objective 5.

3.1 Resources and support

The Ministry of Education has reported that it recently distributed a Ministry order to all Regional Inspectorates on Education, obliging them to appoint a special education expert with appropriate qualifications. Most Inspectorates replied that they would appoint a full-time expert and wherever this is not possible, a part-time expert will be appointed. Teams were to have been established in all Inspectorates as of February 2004, composed of NGO representatives, parents, and experts from the Inspectorate, which are responsible for directing children with special needs to mainstream schools by working with the mainstream teachers, special teachers and other specialists in the region as needed.¹³⁶

3.1.1 Curriculum and support

The Ministry of Education should issue all curricula and textbooks for use in the special schools, as the special school system is directly supervised and administered by the ministry.

The Ministry of Education has elaborated a model curriculum for special schools. However, this determines only the number of classes for each grade and subjects. Subjects are taught on curricula adapted by the Ministry of Education and teachers in special schools from the mainstream educational system, except foreign languages and physics courses, which are not available at all. Only four or five model curricula for vocational programmes have been prepared for special schools. The teachers in special schools select the teaching materials and teaching plans or create them themselves and receive almost no support or instructions regarding this issue from the Regional Educational Inspectorates or the Ministry of Education.

In particular, the shortage of textbooks has been highlighted as a serious obstacle to effective teaching: for some subjects no text is available at all, while in other subjects the books are so out of date as to be useless.¹³⁷ Some newer textbooks, while praised by teachers as interesting and attractive, are not suitable for children with intellectual disabilities, and no effort appears to have been made to consult with special education experts before preparing the texts.¹³⁸

Only texts for use in the first through fourth grades have been adapted for use by children with intellectual disabilities and reissued between 1990 and 1993, but these books are not available in sufficient quantities in most schools. At the end of October 2003 experts from the Ministry of Education's Department on Integration of Students

¹³⁶ Information from Peshka Korkinova, head of the Integration of Children with Special Needs Department, Ministry of Education and Science, Sofia, 8 April 2004; Law for Integration of People with Disabilities, art. 16, par 1.

¹³⁷ BHC, *Special Schools*, p. 18.

¹³⁸ BHC, *Special Schools*, p. 18.

with Special Educational Needs reported that the curricula for subjects taught in second to eighth grades would be redesigned in the next two years, while new texts would be available in 2004. Another ministry expert indicated that 2,000 copies of each existing textbook would be re-issued at the beginning of 2004.¹³⁹ In February 2004 experts from the Ministry of Education's Department on Integration of Students with Special Educational Needs stated that the funding of the ministry for 2004 appeared to be insufficient and the textbooks would not be re-issued in 2004.¹⁴⁰ When new textbooks are issued before an updated curriculum is available, it is difficult to organise classes effectively, as the books may rearrange the order in which the material must be taught during the course of the year.¹⁴¹

The new Law for the Integration of People with Disabilities provides for certain additional responsibilities for the Ministry of Education, which is obliged to provide textbooks, teaching materials, and a supportive environment for children with disabilities who are integrated in mainstream schools and kindergartens.¹⁴² In the legislation which was in force before 1 January 2005, there was no specific provision on resources for mainstreamed students, and the adoption of this law would formally recognise these children's rights to appropriate support.

3.1.2 Teacher training

The National Plan for Equal Opportunities for People with Disabilities,¹⁴³ which was elaborated to ensure the implementation of the National Disability Strategy, calls for the Ministry of Education to ensure an appropriate number of specialists in the mainstream schools and to provide training of "resource teachers" by September 2004. To prepare mainstream schools for integration, the Ministry of Education organised training on education of children with special needs in April and June 2004 for teachers, staff, and psychologists as part of a Phare-funded pilot integration project in 28 mainstream schools and 84 kindergartens throughout Bulgaria.¹⁴⁴

¹³⁹ Fax from Nadezhda Todorova, Ministry of Education expert, 2 December 2003. See Annex 1.

¹⁴⁰ Telephone interview with Slavka Evlogieva-Valkina, senior expert at the Integration of Children with Special Needs Department, Ministry of Education and Science, Sofia, 18 February 2004.

¹⁴¹ BHC, *Special Schools*, p. 18.

¹⁴² Law for the Integration of People with Disabilities, art. 17, par.4, art. 18. "The Ministry of Education and Science ensures. [...] textbooks, teaching materials, modern technologies and technical devices for training of children with disabilities up to 18 years old or until they finish their high school education."; "The Ministry of Education and Science provides opportunities for training of children who have special educational needs and are not integrated in a mainstream education environment."

¹⁴³ National Plan for Equal Opportunities for People with Disabilities, <http://www.mlsp.government.bg/bg/docs/index.htm>, p.17, section 5 (accessed 4 March 2005).

¹⁴⁴ OSI Roundtable, Sofia, April 2004.

At present, no specific training is generally offered to teachers in mainstream schools to prepare them to work with children with intellectual disabilities, and the vast majority of children in mainstream schools are unprepared to work with children with intellectual disabilities. A special education teacher working in a mainstreaming project has reported that a university education did not give a practical view of the integration process, and that literature and resources for such information were scarce.¹⁴⁵ Article 22 of the new Law for Integration of People with Disabilities requires universities that teach specialists on special education and social work to prepare students to work with children with disabilities.

The teachers and psychologists working in special schools are required to have either a university degree in special pedagogy, or a college or university degree in pedagogy plus a course on “oligophrenia”. However, a teacher who has no qualifications for working with children with intellectual disabilities can be hired until another candidate with appropriate qualifications applies for the same position.¹⁴⁶

In 2003 the Pre-school and Primary School Education Department of Kliment Ohridski University in Sofia adopted a special master’s curriculum for “resource teachers”. Students with a bachelor’s degree in special pedagogy are eligible to enrol in this graduate programme. A job description for resource teachers was developed and approved by the Ministry of Education and made public in the internal periodic releases of the MES for the academic year 2004/2005.¹⁴⁷

3.2 Inclusive education

3.2.1 Mainstreaming

The most recent education legislation promotes the mainstreaming of children with intellectual disabilities into integrated classes with children without disabilities. In 2002, the legal regulations changed, permitting children with intellectual disabilities to study in mainstream schools regardless of diagnosis and their pre-school preparedness.¹⁴⁸ Prior to 2002, the number of children who were assessed as capable of mainstream study was very low.¹⁴⁹ As the Ministry of Education has not monitored the implementation of legislative amendments regarding the enrolment and placement of children in special schools, it is highly possible that children with intellectual disabilities continue to be primarily referred to special rather than mainstream schools.

¹⁴⁵ Interview with Maria Damyanova, special education teacher, Pazardzhik, 4 December 2003.

¹⁴⁶ Interview with Peshka Korkinova, Head of the Integration of Students with Special Educational Needs Department at the Ministry of Education and Science, Sofia, 31 October 2003.

¹⁴⁷ OSI Roundtable, Sofia, April 2004.

¹⁴⁸ According to art. 27 of the Law on Public Education students with special educational needs and/or chronic diseases are to be educated in the mainstream schools.

¹⁴⁹ BHC, *Special Schools*, p. 11.

The 2002 amendments oblige mainstream schools to enrol children with intellectual disabilities, and mandates that children with intellectual disabilities can only be transferred to special schools after all other opportunities for education in the mainstream system have been exhausted.¹⁵⁰ However, the law does not explain what would constitute the “exhaustion of all other opportunities”. According to the head of the Ministry of Education’s Department for Integration of Children with Special Needs, it is the responsibility of the school director to request resources and special education teachers when a child with intellectual disabilities is transferred into a mainstream school.¹⁵¹ Even where children from special schools are placed in mainstream schools, the directors and the teachers there may not know how to examine the children and to find an appropriate placement for them.¹⁵²

Mainstream schools are not prepared for educating children with intellectual disabilities, lacking qualified teachers, curricula, textbooks and resources to adjust the school environment. Parents and child psychiatrists agree that inclusive education of children with intellectual disabilities should be combined with treatment, rehabilitation and socialisation in addition to academic elements. Experts note that mainstream schools lack the funding and equipment to meet the needs and interests of children without disabilities, leaving much to be desired for the education of children with intellectual disabilities, which would require an entirely new approach to education.¹⁵³

Since August 2002, a child’s parents make the decision about whether a child is enrolled in a mainstream or a special school by filing an application either to a mainstream or a special school. However, many parents do not have enough information about the different educational options to make an informed decision. Some parents are not familiar with the structure and aim of the special schools; some parents chose the special school because they were not satisfied with the development of their child in a mainstream school.¹⁵⁴ Parents of children with intellectual disabilities have reported that their children were unable to learn how to write the letters of the alphabet or to count to 20 in a period of three or four years at a mainstream school, because the teachers lacked the skills and qualifications for working with children who have special needs.¹⁵⁵ Parents also cited concerns that classes in mainstream schools are too large for the teacher to give each child individual attention, so that a child’s difficulties might not be observed. Other parents whose children already study at a special school expressed the opinion that the mainstream school is the best option for

¹⁵⁰ Public Education Act, art. 27(4).

¹⁵¹ Interview with Peshka Korkinova, 31 October 2003.

¹⁵² OSI Roundtable, Sofia, April 2004.

¹⁵³ OSI Roundtable, Sofia, April 2004.

¹⁵⁴ Bulgarian Helsinki Committee interview with parents at the diagnostic commissions in Plovdiv, 16 May 2002, and Stara Zagora, 9 and 10 September 2002.

¹⁵⁵ Bulgarian Helsinki Committee interview with parents at the diagnostic commissions in Plovdiv, 16 May 2002, and Stara Zagora, 9 and 10 September 2002.

education and were already in the process of enrolling their child.¹⁵⁶ Some parents whose children have more severe intellectual disabilities indicated that the mainstream schools provide a better quality education with greater opportunities for employment after graduation.¹⁵⁷

Reportedly, as of 1 April 2004, 280 children with various types of disabilities (primarily sensory and speech disabilities) have been integrated in mainstream schools.¹⁵⁸ However, only very small numbers of children with intellectual disabilities are currently attending mainstream schools in Gomotarci near Vidin, Pazardzhik, Bansko, Razlog, Sofia, Mihalci, Kjustendil and at the vocational high school in Russe; all of these examples are the result of advocacy by local parents groups and NGOs.

The largest number of children with intellectual disabilities in a mainstream programme is in Pazardzhik. There, the local parents' NGO Egida carried out an EU-financed project in cooperation with EASPD – Brussels.¹⁵⁹ The aim of the project was to demonstrate to the local community and policy makers that mainstreaming in education is possible, by establishing and developing a resource centre as a pilot site for mainstream education. The project also gathered information on existing models of mainstream education that can be used by parents, teachers, and volunteers in their work with people with intellectual disabilities.¹⁶⁰

During the 2002–2003 academic year, nine children with intellectual disabilities were enrolled in the Lyuben Karavelov primary school in Pazardzhik – five pupils in the first grade, three in the fifth and one in the eighth grade. With support from the Regional Education Inspectorate, the municipality provided a speech therapist, and a special teacher was assigned on a directive from the Deputy Minister of Education. Preparatory work with teachers, parents and children was carried out two to three years prior to the mainstreaming itself. During the 2001–2002 school year, children from the Day Centre for Children with Mental Disabilities in Pazardzhik attended art and music classes in the mainstream school so that other children could become familiar with them and the response of the children with intellectual disabilities could be explored. During the first three months of the mainstreaming project, the children with intellectual disabilities were observed and a psychologist tested their potential and development.

¹⁵⁶ Bulgarian Helsinki Committee interview with parents at the diagnostic commissions in Plovdiv, 16 May 2002, and Stara Zagora, 9 and 10 September 2002.

¹⁵⁷ Interviews with: parents in Vidin, 11 December 2003; parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

¹⁵⁸ OSI Roundtable, Sofia, April 2004.

¹⁵⁹ European Association of Service Providers for Persons with Disabilities, see their website at <http://www.easpd.org> (accessed 3 November 2004).

¹⁶⁰ Brochure on the project, issued by the NGO Egida, p. 4.

The NGO members, teachers, and principals at the school held many meetings and discussions about the mainstreamed students, and in January 2003 the team finished its elaboration of the individual programmes for the children.

In cooperation with the mainstream teacher, the special education teacher prepares the individual tasks each day for the children with intellectual disabilities. The deputy director of the Lyuben Karavelov school has reported that the academic results of the children are encouraging: in the 2003–2004 school year, 16 children with intellectual disabilities enrolled in the school, which now needs more special teachers to meet the needs of the students. One of the special education teachers has suggested that the diagnoses of some of the children are not accurate, and that the children are much more capable than their diagnoses indicate. A parent of one of the mainstreamed children expressed great gratitude to the teachers and the team at the school for the constant improvements in her daughter's self-esteem and knowledge.¹⁶¹

According to the school's deputy director, the Ministry of Education has not provided any financial resources for this project except for the salary of one of the special teachers, so the NGO is covering the salary of the other teacher.¹⁶² The parents' NGO also provides drawing and teaching materials. Some of the special schools in the country have shown interest in this model, and expressed interest in learning from their experience. However, the lack of resources available to the school and NGO partner limits the extent to which they can disseminate this model themselves; the support and involvement of the ministry itself is essential in duplicating models of good practice in mainstreaming.

In the last three years, the regional parents' organisation in Russe lobbied for and achieved mainstreaming of 140 children with intellectual disabilities in the vocational high school for machine building. According to the Regional Association of People with Intellectual Disabilities in Russe, the vocational high school in the town has now set up two professional classes, one for cooking and one for locksmiths, for students with intellectual disabilities.¹⁶³ Approximately 140 students with intellectual disabilities have graduated so far. However, only four young persons with intellectual disabilities out of 30 who keep in touch with the association have found jobs; two of them are working part-time at the vocational school after being hired by the director.¹⁶⁴

Some mainstream schools have requested help and guidance from the special schools in their region when enrolling children with intellectual disabilities.¹⁶⁵ Local parents'

¹⁶¹ Interview with Zlatka Grudeva, parent, Pazardzhik, 4 December 2003.

¹⁶² Interview with Rumjana Parnareva, Deputy Principal of the Lyuben Karavelov school, Pazardzhik, 4 December 2003.

¹⁶³ Email from Bisserka Ivanova, 11 January 2004.

¹⁶⁴ Email from Bisserka Ivanova, 11 January 2004.

¹⁶⁵ Including the 23rd High School and the 6th Special School in Sofia, and the special schools and Mechanics High School in Russe. OSI Roundtable, Sofia, April 2004.

organisations have also provided training and teaching materials to mainstream teachers, such as at the Nayden Gerov high school in Varna and the Regional Society for Support for People with Intellectual Disabilities, also in Varna. In several cases, good communication and coordination has been achieved between the schools, but generally the directors and teachers in mainstream schools do not receive sufficient guidance from the Regional Inspectorates on Education that are responsible for providing such instruction.

The Law for Integration of People with Disabilities provides for “resource centres” to be established under the authority of Ministry of Education to support the integration of children with special needs. Teams for inclusive education are also provided for, to be based in the Regional Inspectorates on Education, although there is no further elaboration as to the composition and responsibilities of these teams.¹⁶⁶

3.2.2 Special schools

At present, special schools remain the most widespread educational option for children with intellectual disabilities. Even so, many of the schools are not operating at capacity. The Ministry of Education’s records of the number of children studying in special schools for children with intellectual disabilities indicate that 8,957 children were studying in 74 special schools in the academic year 2003–2004.¹⁶⁷ The quality of education available in the special schools is generally very low, the facilities are in disrepair, materials are out of date, and the staff are both poorly trained and motivated. According to an NGO report published in 2004, “[m]ost Special Schools are institutional in their essence: the children are permanently separated from their families, have reduced life opportunities and limited access to quality education.”¹⁶⁸

Special schools are generally poorly furnished, often with little more than desks, cabinets, and chalkboards. Equipment for vocational training, such as workshops for woodworking or sewing, is frequently 30 years old.¹⁶⁹ Teaching supplies such as maps, science models and supplies are out of date, and in some cases even the most basic materials such as notebooks are in short supply.¹⁷⁰ The lack of resources also extends to the materials available for enrichment activities such as drawing, music, or crafts projects. Extracurricular projects are of special significance for children with intellectual disabilities, who gain important social and communication skills through these

¹⁶⁶ Law for Integration of People with Disabilities, art. 16, par. 2 “For supporting integrated education of children with disabilities resource centers for integrated training at the Ministry of Education and Science are to be established.”

¹⁶⁷ Telephone interview with Slavka Evlogieva-Valkina, senior expert at the Integration of Children with Special Needs Department, Ministry of Education and Science, Sofia, 18 February 2004.

¹⁶⁸ *NGO Alternative Report 2004*, p. 9.

¹⁶⁹ BHC, *Special Schools*, p. 16.

¹⁷⁰ BHC, *Special Schools*, p. 18.

activities, yet, financial and bureaucratic requirements make it difficult for teachers to organise them.¹⁷¹

The lack of sufficiently qualified personnel and the lack of motivation among current staff to improve their qualifications remains a serious problem in special schools. These schools tend to hire under-qualified teachers on temporary contracts, as the positions are considered to offer low prestige and limited career development opportunities. In some special schools located farthest from urban centres, poor working conditions make it very difficult to attract any teachers at all.¹⁷²

NGO research has revealed a wide range of problems in the special schools, although the situation in these schools has gone largely unattended by the Regional Educational Inspectorates that are legally responsible for monitoring the operation of local schools. Very few of these State bodies have experts with relevant qualifications to carry out inspections of special schools, and generally an expert in another field, such as biology or literature, inspects the schools. As these experts have little knowledge of the legislative framework or policy governing the special schools, they can rarely offer recommendations to help administrators address their problems. In any case, the inspections take place only rarely as the Regional Inspectorates seldom visit the special schools, which appear to be their lowest priority.¹⁷³

A cause for serious concern noted by NGOs is the disproportionately high number of Roma enrolled in special schools, more than 50 per cent of the student body in all special schools according to one estimate.¹⁷⁴ In some cases, a misdiagnosis of intellectual disability is made due to a language or cultural barrier, while other families with financial problems are simply attracted by the conditions that special schools offer, including beds, food, clothes and textbooks.¹⁷⁵ However, prejudice and discrimination are also factors contributing to the high percentage of Roma students.¹⁷⁶ There is evidence that special schools have taken to actively seeking out Roma students in order to keep their enrolment levels high.¹⁷⁷

In recent years, many schools have been forced to cut staff as the number of children enrolled has dropped due to Bulgaria's low birth rate. To keep their enrolment at a sufficient level, some mainstream schools have been reluctant to call attention to students who may be eligible for transfer to special schools, allowing these students to

¹⁷¹ BHC, *Special Schools*, p. 19.

¹⁷² BHC, *Special Schools*, p. 19.

¹⁷³ BHC, *Special Schools*, p. 21. Article 27(4) of the Public Education Act regulates transfers to special schools.

¹⁷⁴ BHC, *Special Schools*, p. 7.

¹⁷⁵ Bulgarian Helsinki Committee interview with parents at the diagnostic commissions in Plovdiv, 16 May 2002; and Stara Zagora, 9 and 10 September 2002.

¹⁷⁶ ERRC, *Stigmata*, pp. 34–53.

¹⁷⁷ BHC, *Special Schools*, pp. 299, 432.

advance even though they do not meet the requirements for each grade.¹⁷⁸ To compensate for the decline in enrolment at special schools, some schools have taken to “recruiting” Roma from the surrounding areas. Some schools have circulated brochures promoting their educational programmes, or have advertised on television and radio. Special school staff have sought out the families of children who were considered potential candidates for special education, encouraging them to have the child diagnosed.¹⁷⁹

Both current legislation and the superseded 1977 Instruction No. 6 require the transfer of children to special education only if the child failed to meet the educational standards in a mainstream school. Nevertheless, NGO research has established that many Roma children were placed in special schools without having ever attended mainstream school, or having been given the opportunity to meet State academic standards.¹⁸⁰ Research suggests that this practice continues even after the entry into force of the Decree No. 6 in August 2002 and the amendments to the Public Education Act reiterating that children should be placed in special schools only after all options in the mainstream schools have been exhausted.¹⁸¹ In some schools, administrators openly acknowledge that they have deliberately recruited children from Roma neighbourhoods, where a large number of children who have never attended school can be found.¹⁸²

A high proportion of children in special schools identify themselves as Roma, and many believe their ethnic origin was a deciding factor in their assignment to a special school.¹⁸³ NGO researchers who were able to review the children’s records found that Roma origins were in fact noted in children’s files, and in many cases at least one of their parents or siblings had also studied in a special school.¹⁸⁴ According to the school directors, neither the Ministry of Education nor the Regional Educational Inspectorates systematically collect information about the pupils’ ethnic origin.¹⁸⁵

Most of the Roma parents interviewed who brought their children to be evaluated for placement in a special education programme in Stara Zagora were former pupils in the special schools. Apparently, their decision to have their children diagnosed and placed

¹⁷⁸ BHC, *Special Schools*, p. 10.

¹⁷⁹ BHC, *Special Schools*, p. 11.

¹⁸⁰ ERRC, *Stigmata*, p. 39.

¹⁸¹ BHC, *Special Schools*, p. 7.

¹⁸² The director of the special school in Carkva neighbourhood near Pernik told BHC’s researcher that 82 out of 107 children in the school are Roma. Only 22 children had ever studied in a mainstream school prior to enrolling in the special school. BHC, *Special Schools*, p. 312. The director of the special school in Petrich stated that 84 of the 109 children are Roma. About 55 children had not attended a mainstream school previously. BHC, *Special Schools*, p. 320.

¹⁸³ BHC, *Special Schools*, p. 7.

¹⁸⁴ BHC, *Special Schools*, pp. 7, 8.

¹⁸⁵ BHC, *Special Schools*, p. 8.

in the schools had been influenced by their own experience. Another group of parents who brought their children before the commission for diagnoses were Roma who had never attended school at all, and did not speak Bulgarian. In general, these parents praise the special schools as effective and useful.¹⁸⁶

In NGO interviews, teachers in special schools have called attention to the benefits of the special schools, such as free meals, free textbooks, dormitories, and the low pupil-teacher ratio. They also emphasise that many children who had studied in a mainstream school come to the special school without elementary literacy and basic skills.¹⁸⁷ The teachers in special schools claim that they are the only qualified teachers in the education system able to educate children with intellectual disabilities. Nevertheless, they raised concerns about the poor working conditions in the special education system.¹⁸⁸

Most policymakers and activists agree that the number of special schools should be reduced and they should be transformed into resource centres. To accommodate students with intellectual disabilities, mainstream schools should be supplied with teaching materials, plans, programmes, and methodologies. Staff should be given additional training to prepare them for integration of children with special needs.¹⁸⁹

In order to determine which special schools should be transformed into resource centres and which should be closed down, the Ministry of Education elaborated criteria for the assessment of the special schools. The assessment is to be completed by the end of 2005.¹⁹⁰

3.3 Education outside the school system

3.3.1 Home schooling

According to the Regulations for the Implementation of the Public Education Act, schools may provide education at home for students who are not able to attend regular or special classes because of a recognised disability.¹⁹¹ Students are declared eligible for home schooling by an order issued by the director of the school. However, parents of

¹⁸⁶ ERRC, *Stigmata*, p. 47.

¹⁸⁷ BHC, *Special Schools*, p. 14.

¹⁸⁸ BHC, *Special Schools*, see the report on each school.

¹⁸⁹ Interviews with: Peshka Korkinova, Sofia, 31 October 2003; Ekaterina Marinova, project manager at Care International – Bulgaria, Sofia, 17 February 2004.

¹⁹⁰ Information was provided by Peshka Korkinova, Sofia, 8 April 2004.

¹⁹¹ Regulations for the Implementation of the Public Education Act, art. 6, para. 2; art. 84, para. 2.

children with intellectual disabilities generally are not aware of this option, and many believed it is available only for children with physical disabilities.¹⁹²

Officials at the Ministry of Education indicate that children with intellectual disabilities are entitled by law to home schooling, but that the State and municipalities are not obliged to set aside funding to implement such an option.¹⁹³ Parents choosing to home-school their children must apply to one of the local schools for support. If parents have chosen a mainstream school, the school director must adjust the schedule of a teacher who will educate the child at home. If no teacher has time available for off-site teaching, the director must offer extra compensation to the teacher who takes on the additional workload of home schooling. School directors generally do not have the necessary resources on hand to compensate the teacher for this additional work, as they operate from a fixed budget from the municipality.

In addition, no mainstream teachers have been trained in educating children with intellectual disabilities, or on how to design individual plans. If parents choose a special teacher from the local special school to educate their children, the same procedure applies, and the same problems of allocating resources result, although special schools draw their budget directly from the Ministry of Education. For these reasons, most parents are of the opinion that home schooling is not a viable option,¹⁹⁴ and the number of children with intellectual disabilities studying at home is minute.

3.3.2 Education of children in institutions

There are 30 institutions for children with intellectual disabilities in Bulgaria. Conditions in these institutions deteriorated significantly in the 1990s, and only in the past several years has the situation begun to improve in terms of material conditions, providing sufficient quantities of food, clothes, toys, rehabilitation devices, more State funding and donations.¹⁹⁵ The majority of children in these institutions have *moderate* to *profound* intellectual disabilities, and have been abandoned by their parents on the basis of their disability. Many people with intellectual disabilities have spent their entire lives in institutions, never receiving a reassessment or adequate diagnosis of their disability.¹⁹⁶

Until August 2002, the law provided that children with *moderate*, *severe* or *profound* intellectual disabilities living in institutions were regarded as “uneducable”. A parent or the guardian must initiate a medical assessment of children, by filing an application to

¹⁹² Interviews with: parents in Vidin, 11 December 2003, parents in Pazardzhik, 4 December 2003, questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

¹⁹³ Telephone interview with Slavka Evlogieva-Valkina, Sofia, 18 February 2004.

¹⁹⁴ Interviews with: parents in Vidin, 11 December 2003; with parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

¹⁹⁵ BHC, *Homes for Children*, p. 14.

¹⁹⁶ BHC, *Homes for Children*, p. 14.

the Regional Medical Expert Committee,¹⁹⁷ but children who have been abandoned by their parents are by law wards of the directors of the institution where they are placed. Therefore only the directors may apply for the initial diagnosis or reassessment of institutionalised children. However, most directors are not aware of this obligation, and have not initiated reassessments. However, after an international NGO brought in a child psychiatrist to re-examine and diagnose the children in ten institutions in 2001, some children have been able to study in these facilities.

In 1997, the Ministry of Labour and Social Policy established special programmes for the education and care of children in institutions.¹⁹⁸ These programmes include speech development, mathematics, reading and writing, job training, physical education, and art projects.¹⁹⁹ There are no distinctions made between grade levels in these programmes, and only a few institutions have programmes that address the specific needs and abilities of different groups of children with disabilities.²⁰⁰

As of January 2005 there are still many children with intellectual disabilities who do not study at all. A report on the situation in 18 homes for children with intellectual disabilities issued by the State Agency for Child Protection (SACP) on 5 January 2005 states that few children from the homes had been enrolled in schools for the academic year 2003–2004 – only 39 children (out of more than 1000) from five homes attend special schools and 32 children from seven homes attend mainstream schools.²⁰¹ Few children from these homes were presented to the diagnostic commissions for assessment. No source of funding for textbooks and teaching materials for children integrated into mainstream schools, or for transforming special schools into resource and support centres is identified in the Action Plan.

In some larger cities, with the support of NGOs, residential institutions have established groups of eight or more children who were able to study, and hired teachers from the local special school to teach them according to individual programmes using funds from their own budget.²⁰²

3.3.3 Day services

In larger cities throughout Bulgaria, day centres have been established to provide services to children up to the age of 18. Unlike many children in social care homes

¹⁹⁷ Decree 19, art. 9.

¹⁹⁸ Programmes for activities, corrective compensation, and care of children aged between three and 18 with moderate/severe mental retardation in social care institutions.

¹⁹⁹ BHC, *Homes for Children*, p. 21.

²⁰⁰ BHC, *Homes for Children*, p. 22.

²⁰¹ State Agency for Child Protection, *Report on the situation of the specialized institutions for children with disabilities*, http://www.sacp.government.bg/index_bg.htm, in Bulgarian (accessed 4 March 2005) pp. 4–5, the monitoring was carried out in May 2004.

²⁰² For example, in Turnava, Mihalci, Petrovo, and Mezdra. BHC, *Homes for Children*, p. 22.

whose families have given up parental rights, children who attend day centres have parents who are motivated and active advocates for their health and welfare, and have proven to be a source of constant and effective pressure for the improvement of conditions in these facilities.²⁰³ The specialists employed in the centres include nurses, teachers, psychologists, speech therapists, and physical therapists, who generally have all the necessary qualifications.²⁰⁴ The structure and administration of treatment provide a high quality level of care for people with intellectual disabilities, including those with visual and hearing impairments. Everyday services in these facilities include sensory and physical therapy, art therapy, crafts activities, physical rehabilitation, regular examinations and medical care by dentists, neurologists and paediatric specialists.

These day centres, however, do not provide any educational services, and parents disagree on the extent to which day centres are a useful part of their child's development. Some parents, especially those of children with more severe disabilities, find the centres useful because their children acquire socialisation and communication skills through their interaction with others in the centres, and the parents themselves have the opportunity to work.²⁰⁵ Other parents are more critical, and note that the centres cannot help their children develop independent living skills and are not a substitute for educational services.²⁰⁶ Parents interviewed who live in towns where there is no day centre expressed strong preferences for such a centre as an alternative to caring for their children themselves at all times, and noted that mainstream kindergartens refuse to admit their children.²⁰⁷ Indeed, most parents indicated a preference for mainstream education for their children.²⁰⁸

A number of NGOs also carry out projects in the day centres. Some of the day centres for children are currently involved in a project implemented by Care International – Bulgaria, which is focused on the elaboration of individual educational programmes for children with intellectual disabilities. The project objective is to train the centres' staff and the teachers in the local mainstream schools how to develop individual educational plans for each child.²⁰⁹

²⁰³ BHC, *Homes for Children*, p. 21.

²⁰⁴ BHC, *Homes for Children*, p. 26.

²⁰⁵ Interviews with: parents in Vidin, 11 December 2003; with parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

²⁰⁶ Interviews with: parents in Vidin, 11 December 2003; with parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

²⁰⁷ Interviews with parents: in Vidin, 11 December 2003; with parents in Pazardzhik, 4 December 2003; questionnaires, completed by parents in Burgas, Varna, Russe and returned by email.

²⁰⁸ Interviews with: parents in Pazardzhik on 4 December 2003; in Vidin on 11 December 2003; opinions of parents in Plovdiv, Burgas, Varna, Razlog and Russe received by email, November and December 2003.

²⁰⁹ Telephone interview with Ekaterina Marinova, Sofia, 17 February 2004.

Some experts have suggested that the system of funding should be modified, since day centres are under the authority of the Ministry of Health Care and schools are under the Ministry of Education, although both work with children with intellectual disabilities. At present, neither the centres' funding nor the schools' is sufficient. One possible option would be for funding to be determined based on the number and types of activities, not on the number of children. Experts have also suggested that it would be more appropriate for all facilities offering educational services to be placed under the authority of the Ministry of Education.²¹⁰

4. TRANSITION FROM EDUCATION TO EMPLOYMENT

The education system does not adequately prepare people with intellectual disabilities to find employment on the open market. Education simply ends at the eighth grade for students with intellectual disabilities who do not live near an appropriate secondary school. Other students are able to continue their studies through vocational education at Social-Educational Boarding Schools (SEBS) and vocational classes in special schools, although the courses available are limited and for the most part do not offer training to develop marketable skills. Few students who complete these courses are able to find work outside sheltered environments.

4.1 Vocational education

Students with intellectual disabilities who wish to continue their education after completing the classes available at the special schools have two choices. They may either enter a SEBS or attend vocational classes that are offered in 33 of the special schools.

NGO research indicates that most students in special schools offering vocational courses continue their studies at the same school.²¹¹ The vocational training available in special schools is offered in two-year courses, using curricula developed by the Ministry of Education.²¹² Since the ministry has adopted only a limited number of curricula, the available selection of different trades is quite low. More than half of the special schools offer only a single vocational training course, in subjects including sewing, upholstery, cooking, carpentry, floriculture, and decoration. In some special schools, such as those in Pazardzhik and Russe, the teachers and the director offer graduates assistance in finding employment by negotiating with the Employment Agency's regional departments or with certain employers on the open market. It is generally agreed among experts and parents that no vocational classes are needed in special schools, but rather vocational training for children with intellectual disabilities

²¹⁰ OSI Roundtable, Sofia, April 2004.

²¹¹ BHC, *Special Schools*, p. 19.

²¹² See generally, BHC, *Special Schools*.

should be offered in the mainstream high schools with guidance from a resource teacher.²¹³

Where special schools do not offer vocational classes, the majority of students who wish to continue their education generally choose to do so in a SEBS. If there is no SEBS in their area, most children with intellectual disabilities simply stop studying after the eighth grade. The Regulations for Implementation of the Law on Public Education now offer these children a new opportunity to continue their education in mainstream secondary vocational schools but there appears to be no information available on whether any students have successfully gone on to study in a mainstream vocational school to date.

The nine existing SEBS are the only institutions in Bulgaria that provide educational services outside the framework of the national educational system. The SEBS were established in 1991 as legal entities with Ministry of Labour and Social Policy, subordinated to the local municipal social welfare assistance services.²¹⁴ SEBS were established to qualify all categories of people with disabilities, including people with mild intellectual disabilities and impaired hearing from the ages of 14 to 35 in suitable professions.²¹⁵ SEBS enroll students who have completed their education at special schools for children with mild intellectual disabilities, children with hearing disabilities, and persons from the ages of 14 to 35 who were assessed by the Labour Expert Medical Commission and were directed to study one of the professions taught in the SEBS.²¹⁶

Funding for the schools' activities comes from the national budget and the budgets of the municipal councils. Municipalities provide the necessary material and technical facilities. In recent years, the Ministry of Labour and Social Policy has been considering proposals to restructure the SEBS including licensing and accreditation of existing SEBS. Such measures are likely to reduce the number of these institutions.

The conditions and procedure for placing people in SEBS are currently governed by the Ministry of Labour and Social Policy's Decree No. 4 of 16 March 1999²¹⁷ and Regulations for SEBS Activities 1992.²¹⁸ According to the Regulations for SEBS Activities, the SEBS determine which are the appropriate professions for all categories of people with disabilities, including people with intellectual disabilities and hearing impairments between the ages of 14 and 35. However, Decree No. 4 also authorises the SEBS to provide social services to children from socially disadvantaged families,

²¹³ OSI Roundtable, Sofia, April 2004.

²¹⁴ Council of Ministers' Ordinance 63 of 11 April 1991, for the training and re-training of the disabled and for providing social services and assisted living.

²¹⁵ Regulations for Activities in SEBS, SG 1, 3 January 1992, art. 3.

²¹⁶ Regulations for Activities in SEBS, SG 1, 3 January 1992, art. 14.

²¹⁷ Ministry of Labour and Social Policy, Decree No. 4 of 16 March 1999, SG 29, 30 March 1999.

²¹⁸ Regulations for SEBS Activities, SG 1, 3 January 1992.

which leaves open the possibility that children will receive this form of education based not upon their ability, but on their economic status.²¹⁹

Students are accepted into SEBS by order of the director, at their own request, or at the suggestion of another institution or organisation. Students who have finished their education at a special school are eligible to enrol, as are people between the ages of 14 and 35 who have been recommended by one of the assessment bodies responsible for evaluating disability.

The SEBS are residential institutions, providing full room and board. Children living in the town or village where the SEBS is located also have access to the boarding services of the SEBS if they wish. There are between six and eleven students in each class, and 12-22 students in each counselling group. Students who do not demonstrate progress towards learning a trade within three months of enrolment may be transferred to another class or speciality, or to another SEBS, following an examination by the SEBS Pedagogical Council. Students who successfully pass a final examination receive a certificate of professional qualification, while those who do not pass the examination are given a certificate stating what they studied and the work they are capable of doing within the profession that they studied. The LEMC must approve the latter type of certificate. While the type of certificate is significant as it specifies the type of qualification attained, in practice employers often do not consider any of the certificates of value.

The Ministry of Labour and Social Policy, in cooperation with the Ministry of Education and the Ministry of Health, approves and monitors the SEBS curricula, lesson plans, and training courses. The SEBS offer courses in carpentry, upholstery, gardening, sewing, and printing. Concerns have been raised that the training provided in the SEBS is below acceptable standards, and does not provide the necessary encouragement for children with mild intellectual disabilities to become integrated into society. As with special schools, supplies of textbooks and other teaching materials are inadequate. In 2002 the director of the SEBS in Varna organised the publication of the first set of textbooks on vocational training for the SEBS system, with the support of private donors.²²⁰

The SEBS' facilities for studying and production are generally in good condition, but the workshops are underused because the schools lack funds for raw materials and have been unable to find a market for their finished products. The State could assist the SEBS in marketing their products, by encouraging hospitals, military bases, and other social institutions to purchase these goods and services, which include products such as underwear and furniture, and services such as construction work.²²¹

²¹⁹ BHC, *Homes for Children*, p. 28.

²²⁰ BHC, *Homes for Children*, p. 29.

²²¹ BHC, *Homes for Children*, p. 29.

The morale of both students and teachers at the SEBS tends to be quite low, as residents have little opportunity to gain marketable skills or improve their chances of social integration, while the staff receive lower than average salaries for a longer than average workday. Moreover, there is an ongoing expectation that the system will be restructured, given that the current status of these institutions is poorly defined legally.²²² There is also a lack of qualified experts in the Ministry of Labour and Social Policy who could address and improve the situation of the SEBS, and State funding for these facilities is very low.

While some graduates of the SEBS system do find employment in their respective fields, the municipal services that are available to support graduates are generally unable to provide jobs or housing to former students. Under current conditions, the SEBS offer residents few opportunities to gain life skills, and many graduates find themselves homeless and unemployed. Although the State does offer incentives for employers to hire people from social care homes and SEBS, there is no data on whether employers have in fact employed people with intellectual disabilities, since the type of disability of employed people is not specified in the records maintained.²²³ Ultimately, the residential, segregated structure of the SEBS limits their role in promoting the social inclusion of people with disabilities, who remain cut off from mainstream society.

²²² BHC, *Homes for Children*, pp. 22–23.

²²³ Telephone interview with Diana Stamenova, Head of the Employment programmes and professional qualification, Department at the Employment Agency, Sofia, 18 November 2003.

IV. Access to Employment

1. LEGAL AND ADMINISTRATIVE FRAMEWORK

The Labour Code has been amended to specifically prohibit discrimination in employment on the grounds of disability, and the Protection Against Discrimination Act (2003) requires employers to adapt the workplace to accommodate workers with disabilities, in line with the EU Employment Directive. The assessment process to determine both eligibility for benefits and capacity for employment tends to categorise people with even mild intellectual disabilities as having a very low work capacity, which severely reduces their possibility of ever finding employment. Although disability benefits are reduced or withdrawn if an individual's income exceeds a certain figure, the level of benefits is so low that the incentive to work remains strong. However, guardianship status can be a serious impediment towards employment; in particular, people in institutions are often under the guardianship of the institutional director, without any effective oversight as to whether the wards' interests are respected.

1.1 Domestic legislation

The Constitution provides that citizens shall have the right to work, and furthermore, that the State shall provide conditions for the exercising of this right by the physically or mentally disabled.²²⁴

The Labour Code, the Law for the Protection of Disabled Persons, the Encouragement of Employment Act (2001), the new Law for Integration of People with Disabilities (2004) and the Regulations for their implementation (2004) comprise the legislative framework for the employment of people with disabilities. However none of these laws make a distinction between physical and intellectual disability or any other disability.

The amended Labour Code of 2001 provides for non-discrimination on the grounds of disability. It states that:

In exercising labour rights and duties no direct or indirect discrimination, privileges or restrictions shall be allowed on grounds of nationality, origin, sex, race, skin colour, political and religious convictions, affiliation to trade union and other public organisations and movements, marital status, social and material status and disability.²²⁵

According to an expert, the principles of the European Union's Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal

²²⁴ Constitution, art. 48.

²²⁵ Labour Code, SG 25/2001, art. 8.(3), (hereafter, Labour Code). "In exercising labour rights and duties no direct or indirect discrimination, privileges or restrictions shall be allowed on grounds of nationality, origin, sex, race, skin colour, political and religious convictions, affiliation to trade union and other public organisations and movements, marital status, social and material status and disability."

treatment in employment and occupation,²²⁶ (hereafter, the Employment Directive), will be considered in the drafting of the Regulations for Implementation of the Law for Integration of People with Disabilities,²²⁷ which contains a chapter that addresses the employment of people with disabilities.

The Law for Integration of People with Disabilities provides that “the employment of people with disabilities is to be done in an integrated work environment and in a specialised work environment”.²²⁸ The law further stipulates that “employers are obliged to adapt the workplace to the needs of the person with disabilities at his/her appointment to the job or when the person becomes impaired after hiring, unless the expenses are excessive and would be a serious burden for the employer”.²²⁹ Employers may apply with a project to the Agency for People with Disabilities for financial resources to ensure access to the workplace for a person with disability, to adapt a workplace or to equip a workplace for a person with disabilities,²³⁰ and the Agency must determine what financial resources are available annually for this purpose.²³¹ If an employer applies for financial resources and its project is approved, it should hire people with permanent disabilities for at least three years.²³² The law obliges the Ministry of Labour and Social Policy and its Employment Agency to elaborate and implement programmes for the financial stimulation of employers on the open market who hire people with disabilities.²³³

On 1 January 2002 the Encouragement of Employment Act came into force, and was amended in March 2003. It provides for a number of measures for encouraging employment among the most vulnerable groups in society, including people with disabilities. It calls for the provision of technical and information access to people seeking work, and introduces a more complex analysis of the reasons for unemployment.²³⁴

At present there are no specialised bodies for addressing cases of discrimination in employment, but the procedures set out under the Protection against Discrimination Act apply to the employment context. The act stipulates that “Upon recruitment, or where disability occurs during employment, an employer shall adapt the workplace to the needs of a person with disabilities, unless the cost is excessive and would seriously

²²⁶ European Union’s Council Directive 2000/78/EC, 27 November 2000 establishing a general framework for equal treatment in employment and occupation, (hereafter, Employment Directive).

²²⁷ OSI Roundtable, Sofia, April 2004.

²²⁸ Law for Integration of People with Disabilities, art. 22.

²²⁹ Law for Integration of People with Disabilities, art. 24.

²³⁰ Law for Integration of People with Disabilities, art. 25, par.1.

²³¹ Law for Integration of People with Disabilities, art.25, par.2.

²³² Law for Integration of People with Disabilities, art.25, par.4

²³³ Law for Integration of People with Disabilities, art. 23, par.1, par. 2.

²³⁴ Encouragement of Employment Act, art. 1, 17, 19.

burden the employer”,²³⁵ in line with the Employment Directive’s requirement for “reasonable accommodation”.²³⁶ The Act also sets out more specific provisions addressing discrimination in employment, which are generally in line with the Employment Directive.

The Employment Agency’s territorial branches subordinated to the Ministry of Labour and Social Policy are charged with ensuring equal opportunities for unemployed persons without regard to disability.²³⁷ In accordance with the Protection against Discrimination Act, individuals are entitled to equal conditions in access to a profession or occupation, as well as equal opportunities to practice and advance in a profession or occupation, without regard to disability.²³⁸ Employers are prohibited from conditioning hiring on ethnic, religious, or disability status, among other grounds, and may not enquire about this information in most circumstances.²³⁹ Employers are obliged to ensure equal working conditions without regard to disability, and to offer equal remuneration for work of equal value.²⁴⁰ Employers are required to provide employees with equal opportunities for vocational training and retraining, as well as for professional advancement and promotion in post or rank, applying the same assessment criteria, without regard to disability or other grounds.²⁴¹ Employers must take effective measures to prevent discrimination or harassment, and must address any cases of discrimination or harassment that are reported.²⁴²

1.2 Diagnosis and assessment for employment and benefits purposes

The Labour Experts Medical Commissions (LEMCs) under the Ministry of Health Care are the bodies primarily responsible for assessing capacity to work for people with intellectual disabilities. The local Medical Consultative Commission, based at the regional hospitals, staffed by doctors and supervised by the Ministry of Health Care make the initial evaluation. Their function is to assess temporary reduced working capacity and to prepare clinical examination documents for the LEMC if the person’s limited working capacity persists for more than six months.²⁴³ The LEMC then makes its assessment. Although the LEMC may consult other specialists such as psychologists, social workers, and specialists in labour medicine, only the medical doctors who make

²³⁵ Protection against Discrimination Act, art. 16.

²³⁶ Employment Directive, art. 5.

²³⁷ Protection against Discrimination Act, art. 25.

²³⁸ Protection against Discrimination Act, art. 26.

²³⁹ Protection against Discrimination Act, art. 12.

²⁴⁰ Protection against Discrimination Act, art. 13(1), art. 14(1).

²⁴¹ Protection against Discrimination Act, art. 15.

²⁴² Protection against Discrimination Act, art. 18, art. 23.

²⁴³ Decree for Working Capacity Assessment, chapter 2, art. 6–10.

up the LEMC actually perform the examination, making a diagnosis and determining the capacity of an individual to work.²⁴⁴

The person under evaluation must participate in the assessment, which includes a determination of the degree of lasting incapacity to work or permanent incapacity to work, expressed by a percentage comparison to a non-disabled person. The assessment also takes note of the need for assistance, the duration of the determined incapacity, the starting date of the incapacity, the date when the person should be re-examined, and any work conditions unsuitable for a person with that disability.²⁴⁵

An annex to the Decree for Working Capacity Assessment establishes the methodology for assessment of people with intellectual disabilities, and is divided into four levels of “limited intellectual ability”. The first and most mild level of intellectual disability is expressed as a ten percent reduced working capacity, the second level at 20 to 50 per cent, the third level at 60 to 80 per cent, and the fourth and highest level is expressed as 80 to 100 per cent reduced work capacity. People who are placed in the fourth category do not have the right to a reassessment but all other categories can request a reassessment.²⁴⁶

The diagnosis of the LEMC can be appealed to the National Employment Medical Commission within 14 days of the assessment. Experts at the regional health care centres of the National Social Security Institute technically and methodologically support and oversee the LEMC’s assessments. The reassessment is made periodically depending on the diagnosis; the most common case is every two years. The appeal of the assessment is made when the person diagnosed finds the diagnosis inadequate or incompetently assessed.

In practice, the LEMC overwhelmingly finds that people with even *mild* intellectual disabilities have a 70 per cent reduced capacity to work, or no capacity to work at all. According to the “National Programme for Employment and Professional Training of People with Permanent Disability for 2003”, the number of people with permanent disabilities, including intellectual disabilities, as of 2001 was 265,000.²⁴⁷ Of this figure, 90,000 have a 90 per cent reduced working capacity, 106,000 have 71 or more per cent reduced working capacity, and 69,000 people have between 50 and 70 per cent reduced working capacity. An assessment of 71 per cent or greater reduced working

²⁴⁴ Decree for Working Capacity Assessment, art. 16, para. 2.

²⁴⁵ Decree for Working Capacity Assessment, art. 91.

²⁴⁶ Decree for Working Capacity Assessment provides that the conditions marked in the Application 1 of the Decree with “*” should be diagnosed life-long (without opportunity for reassessment). The condition described above is marked with “*” in the Application 1 of the Decree.

²⁴⁷ National Programme for Employment and Professional Training for People with Permanent Disabilities for 2003, available at http://www.nsz.government.bg/elmnt1/e1_16/Frame_Uvrej.htm, in Bulgarian (hereafter, National Programme for Employment for People with Permanent Disabilities) (accessed 4 March 2004).

capacity makes it extremely difficult to find work, as most employers are unwilling to hire people with that degree of disability.²⁴⁸

The procedure to qualify for social welfare benefits is somewhat complicated. An applicant begins by making a request to the local social assistance department once a year, where a social worker initiates a means test to ensure the applicant meets the criteria for benefits in terms of income, property, marital status, state of health, employment, and age. This inquiry involves spot-checks, examination of documents, and collecting data. Following the social inquiry, the social worker draws up a report that evaluates the applicant's capacity for self-support, and which recommends either granting or declining the social benefit requested, and determining its type and amount. When necessary, the social worker may also propose drafting an individual proposal for providing certain social services for the individual's or the family's social integration. The Director of the Social Assistance Department has the authority to approve the applicant's benefits.

1.3 The role of the social welfare system

Bulgaria's social assistance programmes are set at a level to encourage participation in the labour market, while ensuring that basic needs are met. The level of social assistance corresponds to the concept of frugal transitional support for persons going through a difficult period while seeking employment; it differentiates between recipients' capacity and prospects for self-support, and provides protection when self-support is deemed impossible. Social assistance is granted monthly to persons unable to secure adequate resources by their own efforts, with their property or with the support of persons who have a legal responsibility to maintain them.²⁴⁹ Most people with intellectual disabilities fall into this group. The benefits received by a person with disabilities would be withdrawn if the person earns an income from legal employment that is sufficient to provide the guaranteed minimum monthly income for disabled people which could be BGN 60 (Bulgarian Leva, approximately €31) at the most.²⁵⁰ There are also "one-off" benefits for emergencies.

People with disabilities are exempt from certain provisions that would otherwise disqualify them for monthly benefits, for example they may own a flat, or refuse a job

²⁴⁸ Interview with parents in Vidin, 11 December 2003; and also National Programme for Employment and Professional Training for People with Permanent Disabilities for 2003, p. 2.

²⁴⁹ Social Support Act, art. 2, par. 2, 3.

²⁵⁰ The exchange is calculated at BGN 1.95 = €1. Interview with Elena Gyugyuleva, head of the Methodology of the Social Assistance Department at the Agency for Social Assistance, Sofia, 18 February 2004. Social workers are responsible for gathering the information about an applicant's income and applying the law, which provides that only that applicants unable to provide themselves with the guaranteed minimum income are eligible for benefits.

offered by the labour department.²⁵¹ People with permanent disabilities of over 71 per cent of working capacity are entitled to two free round trips annually. Families with a monthly income per capita less than BGN 120 (approximately €62) may also receive monthly travel aid for transportation, which amounts to 15 per cent of the guaranteed minimum income. Other funding for services available to people with disabilities, such as support for home care, has been described as “misguided and mis-targeted, demonstrating a continuing lack of understanding of the real needs of people with disabilities.”²⁵²

The stringent criteria applied for applicants to qualify for benefits, combined with the low level of benefit payments, give a strong incentive for those able to work to find employment. People with disabilities may lose all or part of their social assistance benefits if they are employed and earning an income greater than the guaranteed minimum income. As the minimum monthly wage in Bulgaria is BGN 110 (approximately €55), the motivation to work rather than to receive social assistance benefits is still strong among people with disabilities.

People with disabilities or without disabilities are eligible to receive unemployment benefits only if they or their employers have paid social security payments for nine of the last 15 months. Those who have never worked are not entitled to unemployment benefits. Unemployment benefits cannot be combined with social assistance benefits.

2. GOVERNMENT EMPLOYMENT POLICY

Bulgaria has introduced a number of ambitious programmes aimed at improving employment levels among various groups, including people with intellectual disabilities. As implementation of these programmes is still in its early stages at present, it is too soon to assess the extent to which they are meeting with success. The underlying principles of these programmes tend to emphasise a move away from dependence on benefits and towards self-reliance. While such an approach could be an important means of aiding people with intellectual disabilities in moving towards productive employment, without adequate support in a transition period the process could have a negative impact in the short term. Adults with intellectual disabilities, whose previous opportunities for education and training were extremely limited, will require greater help to succeed in supporting themselves, even in part, and benefits should be structured to reflect this situation. Government quota policies also appear to have been of only limited use in increasing the number of people with intellectual disabilities working in the open market, although new employer incentive programmes may have a greater effect in the future, especially as training is included in the budget.

²⁵¹ The labour office is the local department in each municipality under the authority of the Employment Agency responsible for registering jobless people and helping them find employment, and in the meantime paying their social benefits.

²⁵² *NGO Alternative Report 2004*, p. 13.

2.1 The EU and Government employment policy

The EU has made recommendations about the need to reduce the high levels of unemployment in Bulgaria in its Regular Reports,²⁵³ but has not offered specific remarks or recommendations regarding employment for people with intellectual disabilities.

In its 2004 Regular Report, the European Commission takes note of the adoption of the National Disability Strategy, and particularly the goal to develop more “alternative services” for people with mental and intellectual disabilities.²⁵⁴

2.2 National employment policy

2.2.1 Development of Government employment programmes

Bulgaria has developed a number of programmes designed to improve employment opportunities for vulnerable groups, including people with intellectual disabilities. These include:

- The National Disability Strategy
- The New Social Policy Strategy 2002–2005
- The National Employment Strategy
- The National Programme for Encouraging Entrepreneurship among Individuals with Disabilities
- The Employment Plan for People with Disabilities for the period 2003–2005
- The National Programme for the Employment and Professional Training of People with Disabilities

Many of these programmes were only recently adopted, and their impact cannot yet be fully evaluated. However, one shortcoming is already emerging: the public awareness about the existence of these programmes appears to be very low, even among those groups targeted by the programmes. Parents’ organisations have little information regarding government programmes, and are not aware that they apply to people with intellectual disabilities.²⁵⁵

²⁵³ European Commission, *Regular Report on Bulgaria’s Progress Towards Accession 2003*, Brussels, European Commission, p. 74.

²⁵⁴ European Commission, *Regular Report on Bulgaria’s Progress Towards Accession 2004*, Brussels, European Commission, p. 85.

²⁵⁵ Interviews with: Lyudmila Kezhova, chair of The Regional Society for Persons with Intellectual Disabilities in Vidin, 11 December 2003; parents in Pazardzhik, 4 December 2003; Rumiana Avramova, chair of the Regional Society for Persons with Intellectual Disabilities in Drianovo, 11 February 2004.

The National Disability Strategy includes provisions addressing employment for people with disabilities. A specific programme related to the Strategy, the “National Programme for Employment and Professional Training for People with Permanent Disabilities”, was also adopted in 2003. Its funding for 2003 was BGN 3,237,300 (approximately €1.7 million) of which BGN 1,024,650 (approximately €525,462) was spent on promoting the employment of people with permanent disabilities.²⁵⁶ In 2004, BGN 1,972,400 (approximately €1,011,487) was available, of which BGN 1,504,800 (approximately €771,692) is earmarked for professional qualification and employment of people with permanent disabilities.²⁵⁷

The programme notes that the percentage of people with mental and intellectual disabilities seeking jobs is only 11 per cent of all registered unemployed people with permanent disabilities, a total of approximately 12,233 people per month in 2002.²⁵⁸ According to the programme objectives, its focus is on persons with 71 per cent and greater reduced working capacity, who have received social benefits. However, an official of the Employment Agency reported that it does not collect information on the number of people employed under this programme according to the type of disability, so no information regarding the involvement of people with intellectual disabilities is readily available. Notably, however, the programme for 2004 specifically indicates that 50 people with mental disabilities should be involved in the professional qualification module.²⁵⁹

At the end of 2002 the Government adopted a “New Social Policy Strategy” for the years 2002-2005 (hereafter, new Social Policy Strategy).²⁶⁰ One of its main principles is the introduction of a differentiated approach to social assistance, and more specifically, it includes the shift from providing social assistance to providing employment assistance. According to the Strategy document, one of the Strategy’s objectives is to “make the transition from the philosophy of ‘assistance’ to a philosophy of ‘assistance for self-assistance’.”²⁶¹ In order to encourage employment and reduce dependence on social assistance, the new Strategy calls for a shift from direct social assistance payments to expenditures on real wages, social security and participation.²⁶²

The “National Employment Strategy” adopted on 6 November 2003, emphasises the fact that for the last ten years unemployment has been consistently high among people

²⁵⁶ National Programme for Employment for People with Permanent Disabilities for 2003, annex 2.

²⁵⁷ National Programme for Employment for People with Permanent Disabilities for 2004, p. 13.

²⁵⁸ National Programme for Employment for People with Permanent Disabilities for 2004, p. 1.

²⁵⁹ National Programme for Employment for People with Permanent Disabilities for 2004, p. 5.

²⁶⁰ New Social Policy Strategy document, available at <http://www.mlsp.government.bg/en/docs/strategy/index.htm> in English, (hereafter, New Social Policy Strategy) (accessed 4 March 2005).

²⁶¹ New Social Policy Strategy, Objective 3.

²⁶² New Social Policy Strategy, Objective 3.

with reduced working capacity.²⁶³ The Strategy accordingly provides for the following measures to reduce unemployment among people with disabilities and equalise opportunities on the open market:

- increasing employment and creating adapted workplaces for people with disabilities;
- encouraging and supporting business start-ups;
- training and improving the professional qualifications of people with disabilities.²⁶⁴

Implementation of the “National Programme for Encouraging Entrepreneurship among Individuals with Disabilities” began in 2002. The main goal of this programme is to provide equal opportunities for people with disabilities, by increasing their competitiveness and supporting the growth of entrepreneurial attitudes for establishing and developing businesses.²⁶⁵ The beneficiaries of this programme are unemployed people with disabilities, who have drawn up a business proposal and received a credit from the State Guarantee Fund for Microcredits; the programme subsidizes the interest on these credits. In 2002 BGN 1,681 (approximately €862) was paid in interest on credits to people with disabilities.²⁶⁶

The Ministry of Labour and Social Policy adopted an Employment Plan for People with Disabilities for the period 2003–2005 at the end of 2003.²⁶⁷ Its aims include clarifying the objectives, the deadlines, the financial resources and the responsible State bodies for the employment of people with disabilities. One of the objectives is to elaborate a special programme for training and employment in integrated working environments of people with mental disabilities during 2004. The 2004 funding for this purpose is BGN 250,000 (approximately €128,205) and for 2005 it is BGN 270,000 (approximately €138,461). Another objective is the elaboration of a “Programme for Employment of People with Mental Disabilities in Specialised Enterprises”. The funding for that activity is BGN 50,000 (approximately €25,641) for 2004 and BGN 70,000 (approximately €35,897) for 2005.

²⁶³ The National Employment Strategy is available in Bulgarian at http://www.mlsp.government.bg/bg/docs/strategy/employment_strategy.htm (accessed 4 March 2005).

²⁶⁴ National Employment Strategy.

²⁶⁵ Second report on the implementation of the Revised European Social Charter, submitted by Bulgaria to the Council of Europe on 26 June 2003, p. 17.

²⁶⁶ Second report on the implementation of the Revised European Social Charter, submitted by Bulgaria to the Council of Europe on 26 June 2003, p. 14.

²⁶⁷ Employment Plan for People with Disabilities for the period 2003–2005, available at <http://www.mlsp.government.bg> (accessed 4 March 2005).

2.2.2 Government requirements and incentives

A quota system requiring companies and State agencies of a certain size to hire people with disabilities has been the main mechanism the Government has put into place for encouraging employment of people with disabilities on the open market. However, the quota requirement is not enforced and the sanctions for violators are symbolic.

The Labour Code offers only one provision regarding the legal protection of people with disabilities, which obliges “an employer with more than 50 employees to provide jobs on an annual basis, suitable for reassignment of persons with reduced working capacity, from four to ten per cent of the total number of jobs depending on the economic sector”.²⁶⁸ The penalty for not adhering to the quota requirement (a fine of between BGN 250 and 1,000 (approximately €128–€513) is stipulated in another article,²⁶⁹ while the quotas are set out in a separate decree.²⁷⁰ However, the National Disability Strategy makes a critical analysis of the implementation of this provision, noting that the oversight of its implementation is not effective and neither are the sanctions imposed.²⁷¹ Both employers and NGOs working in the field have expressed concern that no data on the oversight and implementation of the quota requirement is available at the local Labour Departments or the local branches of the Chief Labour Inspectorate. It has been suggested that the employers that do not comply with this requirement should be obliged to support sheltered workplaces.²⁷²

The Government provides financial incentives to employers if the workforce is composed of a certain percentage of people with disabilities. Specific measures to encourage employers to hire people with disabilities are included in the Encouragement of Employment Act; a separate State-funded programme was adopted to encourage the implementation of each legislative measure. One measure covers the salaries and social contributions of young people with disabilities for up to one year where employers contract to hire people with disabilities for at least two years.²⁷³ In 2002, 44 young people with disabilities and ten people from social care institutions started to work under this measure for either employers on the open market or sheltered workplaces.²⁷⁴

Employers who hire people over the age of 29 with permanent disabilities for a period of not less than 24 months receive the funding for salaries and contributions for health

²⁶⁸ Labour Code, art. 315.

²⁶⁹ Labour Code, art. 414.

²⁷⁰ Decree No. 8 from 22 June 1987 for determination of working positions, suitable for employment of people with reduced working capacity (SG 52, 7 July 1987).

²⁷¹ National Strategy for Equal Opportunities for People with Disabilities, p. 9.

²⁷² OSI Round table, Sofia, April 2004.

²⁷³ Encouragement of Employment Act, art. 36, para. 2.

²⁷⁴ Second Bulgarian report on the Implementation of the Revised European Social Charter, 26 June 2003, p. 14.

and social insurance for each person for a period of up to 12 months.²⁷⁵ Under this measure, 523 people with permanent disabilities were employed in 2002, and it is estimated that 969 people with disabilities were employed under this measure in 2003. In 2003, BGN 1,480,000 (approximately €758,974) was allocated from the State budget for implementing this measure,²⁷⁶ although there is no data on the number of people with intellectual disability who were actually hired.

For temporary or part-time employment of people with disabilities, employers are eligible to receive support for salaries and contributions for each person for up to six months.²⁷⁷ Funding for this measure in 2003 totalled BGN 317, 000 (approximately €163,564), and 300 people were employed.²⁷⁸

Funding for employment and social integration of people with disabilities is available through the Rehabilitation and Social Integration Fund (hereafter, RSI Fund), which was established in 2001. The RSI Fund's resources are available for:

- support to people with disabilities for the purchase and repair of technical devices and equipment;
- monthly subsidies for young people with disabilities;
- subsidies for specialised enterprises, cooperatives and workshops for people with disabilities;
- ensuring accessible living and access to the natural environment for people with disabilities;
- financing projects and programmes for vocational education and re-qualification of people with disabilities;
- culture, sport and tourism;
- financing projects and programmes for rehabilitation and social integration;
- support for the maintenance of the fund.

Since June 2003, the “National Programme for the Employment and Professional Training of People with Disabilities” has given employers an opportunity to apply for direct funding from the RSI Fund to make the workplace accessible, or to adapt a

²⁷⁵ Encouragement of Employment Act, art. 52, para. 1.

²⁷⁶ National Action Plan on Employment for 2003, p. 59, available in Bulgarian at <http://www.mlsp.government.bg/bg/docs/plan/index1.htm> (accessed 4 March 2005).

²⁷⁷ Encouragement of Employment Act, art. 52, para. 2.

²⁷⁸ National Action Plan on Employment for 2003, p. 59.

workplace for people with permanent disabilities.²⁷⁹ To be eligible, an employer must sign a contract with an employee with disabilities for a 30-month period; the RSI Fund covers the salaries and social welfare fund contributions of each of these employees for 12 months. The employers whose projects for access to the workplace are approved could receive one payment up to BGN 1,500 (approximately €769). Projects for adapting the workplace can receive up to BGN 1000 (approximately €513), and the RSI Fund will pay up to BGN 3,000 (approximately €1,538) for equipping the workplace to improve access for people with disabilities. The total budget for this module of the programme in 2003 was BGN 1,500,000 (approximately €769,231). For 2004, the Employment Plan for People with Disabilities calls for BGN 200,000 (approximately €102,564) to be allocated for projects improving access to workplaces, and BGN 250,000 (approximately €128,205) for the adaptation and equipping of workplaces.²⁸⁰

3. EMPLOYMENT IN PRACTICE

No official statistics on the number of people with intellectual disabilities who are employed are available, but all indicators point to an extremely high level of unemployment in this group. Work in sheltered employment has been available to people with intellectual disabilities, but even this type of segregated employment, which does not enhance social inclusion, has been on the decline in recent years. The types of work that are offered in these workshops tend to be of limited marketability, and therefore do not serve to prepare people for employment on the open market. The proportion of people with intellectual disabilities working in these specialised enterprises tends to be quite small, but smaller still is the number of people with intellectual disabilities working on the open market. Supported employment services are available on a very small scale through NGOs, but there is no legal or policy framework to develop such initiatives at the national level.

3.1 Statistical information

The National Statistical Institute and the Employment Agency collect data on employment and unemployment rates in the country, but only record the sex, age, and education level of the unemployed population. Therefore, no official data on the employment level of people with intellectual disabilities is available. NGOs have indicated that there is a “huge discrepancy” between the data on people with disabilities made available from different official sources.²⁸¹

²⁷⁹ Methodology for distributing funds from the Rehabilitation and Social Integration Fund at the Ministry of Labour and Social Policy for the National Programme for the Employment and Professional Training of People with Disabilities, available at <http://www.nsz.government.bg> in Bulgarian (accessed 4 March 2005).

²⁸⁰ Methodology for distributing funds from the Rehabilitation and Social Integration Fund.

²⁸¹ *NGO Alternative Report, 2004*, p. 13.

The National Employment Strategy adopted in late 2003 shows that approximately 14.61 per cent of the population was registered as being unemployed for the first nine months of 2003. The total number of the unemployed persons between the ages of 15 to 64 between April and June 2003 was 456,200.²⁸²

The number of people with permanent disabilities registered as unemployed throughout 2003 was 15,916.²⁸³ The proportion of people with disabilities among all unemployed people in 2002 was recorded at 1.9 per cent²⁸⁴ and for 2003 it was recorded at three per cent.²⁸⁵ According to this data, people with intellectual and mental disabilities registered as “searching for a job” comprised 11 per cent of the population of unemployed people with permanent disabilities, approximately 1,346 people.²⁸⁶ These numbers are not clearly indicative because they only count the people with disabilities who are “registered” with the labour departments, while the numbers of people with permanent disabilities who have not registered despite being unemployed are probably vastly higher.

NGOs have reported that negotiations were opened with the Social Assistance Agency for collecting data on the number of people with intellectual disabilities, their individual needs, their family and social environment, their age, and their vocational qualification.²⁸⁷

3.2 Employment on the open market

In line with the philosophy espoused in its New Social Policy Strategy, the Government has adopted an approach that calls for people with disabilities to take part in the labour market as far as possible. While people with disabilities should have every opportunity to develop their skills and potential to contribute to a productive economy, the encouraging provisions set out in recent policies and programmes have little substance without improved opportunities for training and real support for independent living. There are very few reported cases of people with intellectual disabilities who have found employment on the open market and without supported employment services these numbers are unlikely to increase. Experts agree that the main barrier for supported employment on the open market is the lack of qualifications among people with intellectual disabilities and available training.

²⁸² National Statistical Institute, *Employment and Unemployment*, volume 2, Sofia, 2003, p. 23.

²⁸³ National Programme for Employment for People with Permanent Disabilities for 2004.

²⁸⁴ National Programme for Employment for People with Permanent Disabilities for 2004.

²⁸⁵ National Programme for Employment for People with Permanent Disabilities for 2004, p. 1.

²⁸⁶ National Programme for Employment for People with Permanent Disabilities for 2004, p. 2.

²⁸⁷ OSI Roundtable, Sofia, April 2004.

3.2.1 Supported employment on the open market

While supported employment on the open market is a necessary and effective employment model for people with intellectual disabilities, there are no government resources allocated to its development in Bulgaria. Bulgarian legislation makes no provision for supported employment, and there are no NGOs in Bulgaria that provide supported employment services.

A member of the Regional Association of People with Intellectual Disabilities (RAPID) in Russe reported that of out of approximately 140 young people who completed vocational training at a secondary school in the city, only four are known to have found employment. Two have been hired part-time at the secondary school, and two are hired also part-time by the social assistance service to assist in providing food to a home for elderly people.²⁸⁸ According to RAPID, in Russe most of the young people with intellectual disabilities are assessed by the LEMC with over 70 per cent reduced working capacity, although their actual condition does not correspond to that assessment and employers are unwilling to employ them. There is also a very short internship of just two weeks at the enterprises in Russe for vocational students. Parents often do not report their children's health or behavioural problems to doctors, or employers, which makes it difficult to find an appropriate match between the person's capabilities and the available employment opportunities. In at least one reported case, a person with intellectual disabilities was refused a job because of a lack of previous work experience.²⁸⁹

The director of one of the special schools in Sofia stated that out of 46 students who had finished the upholstery course in the special school no one has found a job.²⁹⁰ The Regional Society for People with Intellectual Disabilities (RSPID) in Vidin reported the situation of three young people who completed vocational training and are presently living at a social care home for adults since they have no other place to live. They assist the staff at the home in caring for children, but receive no salary. RSPID has recommended that employment opportunities for people with intellectual disabilities must also take into account the accommodation needs of the employee.

3.2.2 Other models of inclusive employment

The National Programme for the Employment and Professional Training of People with Disabilities mentions that the number of people with disabilities who are searching for a job is dramatically increasing. Eleven per cent of all registered unemployed people with permanent disabilities seeking employment are people with mental and intellectual disabilities. According to the programme, as of 2001 there were

²⁸⁸ Email from Bisserka Ivanova, 11 January 2004.

²⁸⁹ OSI Roundtable, Sofia, April 2004.

²⁹⁰ OSI Roundtable, Sofia, April 2004.

“265,000 people registered with permanent disabilities, 90,000 of whom were assessed as having a 90 per cent reduced working capacity, 106,000 with over 71 per cent reduced working capacity, and 69,000 with from 50 to 70 per cent reduced working capacity”.²⁹¹ In 2002, 615 positions for people with reduced working capacity were opened under this programme and 462 were filled.²⁹² The programme observes that there are very few employment opportunities for people with over 71 per cent reduced working capacity, unless the workplaces are subsidised by the state.²⁹³

At the end of 2003 the Ministry of Labour and Social Policy and the Employment Agency awarded the employers that hired most people with disabilities using the special measures and programmes offered by the Government. More than 900 firms applied for financial incentives for employers who hire people with permanent disabilities and reduced working capacity in 2003, and 1,094 people were hired under these measures.²⁹⁴ However, the employer which won the award for hiring the highest number of unemployed from risk groups did not hire any people with intellectual or mental disabilities, but only people who have slight physical disabilities.²⁹⁵ The employer which won the second place award is a specialised enterprise where only one person with mild intellectual disabilities has been hired under the Government programme.²⁹⁶ The winner of the third prize has not hired any people with intellectual disabilities at all.²⁹⁷

3.3 The sheltered workplace

While Government employment policies are in theory promoting inclusive employment on the open market for people with disabilities, the main avenue for employment that the Government offers to people with disabilities to date consists of sheltered workplaces. Sheltered workplaces are segregated employment environments which only employ people with disabilities. Such segregated workplaces do not offer real opportunities for people with intellectual disabilities to make the transition to

²⁹¹ National Programme for the Employment of People with Permanent Disabilities, chapter 1, p. 1.

²⁹² National Programme for the Employment of People with Permanent Disabilities, p. 1.

²⁹³ National Programme for the Employment of People with Disabilities, p. 2. “The employment opportunities for unemployed people with reduced working capacity are scarce. Their chances to start work at unsubsidised working places are minimal, especially for people with over 70 per cent reduced working capacity.”

²⁹⁴ Employment Agency, news from 15 December 2003.

²⁹⁵ Telephone interview with Valentin Borisov, owner of a company “Sova – 7 – Valentin Borisov”, Vidin, 19 February 2004.

²⁹⁶ Telephone interview with human resources department officer of the “Rayna Knyaginya” cooperative, Pazagyurishte, 19 February 2004.

²⁹⁷ Telephone interview with Vencislav Buchvarov, executive director of “Naslada” company, Stara Zagora, 19 February 2004.

employment on the open market, nor do they promote the social inclusion of people with disabilities.

The Labour Code provides for the establishment of specialised enterprises and workshops for people with disabilities. The Law for the Protection of Disabled Persons defines “specialised enterprises” as commercial businesses that ensure employment at a defined ratio of fully able and disabled workers.²⁹⁸ The proportion is established by law and contingent upon the type of disability.²⁹⁹

The Government and municipalities are obliged to establish specialised enterprises and large employers with more than 300 workers are obliged to establish sheltered workplaces employing people with disabilities under conditions determined by the Government.³⁰⁰ The Labour Code does not provide for inclusion regarding employment, however. An NGO may also establish a specialised enterprise, and the three main organisations of visually and hearing impaired people and those with physical disabilities have indeed set up their own such facilities. The goods and services that specialised enterprises can produce are also set out in a decision by the Council of Ministers, which includes products ranging from pyjamas to furniture and lamps to food items.³⁰¹ Specialised enterprises are required to cover only 70 per cent of required national health and social insurance payments, and the state covers the remaining 30 per cent. Those enterprises where people with disabilities comprise at least 50 per cent of the workforce are exempt from corporate taxes.³⁰² Taxes are proportionally reduced for specialised enterprises where the percentage of employees with disabilities is lower than half.³⁰³

There are 91 specialised cooperatives and enterprises in Bulgaria, employing 14,573 people. The market share of their production has been reduced in recent years, and a significant number of workplaces have been closed because their products could not meet quality standards and the State could no longer support so many subsidised workplaces. Since 2002, in order to receive State subsidies these enterprises must apply for funding by presenting a project. This measure has improved the transparency of funding allocations, but the lower productivity of the people with disabilities restricts the enterprises’ ability to compete on the open market. Most of the employees in these enterprises are people whose reduced working capacity is the result of an accident or trauma, people with chronic diseases, and a few people with intellectual disabilities. They work on full-time contracts and are paid according to their productivity. The prevailing opinion of the employees regarding the role of these enterprises is that the

²⁹⁸ Law for the Protection of Disabled Persons, art. 21.

²⁹⁹ Law for the Protection of Disabled Persons, art. 20 para. 2.

³⁰⁰ Labour Code, art. 316.

³⁰¹ Decision of the Council of Ministers No 58, issued on 24 January 2003, SG 38, 23 April 2003.

³⁰² Labour Code, art. 59, para. 1 LTCT.

³⁰³ Labour Code, art. 59, para. 3 LTCT.

quality and quantity of their production is very low. The working conditions in specialised enterprises also do not comply with labour market requirements set out by law, and do not offer employees real opportunities to make the transition to the open market.³⁰⁴

There are no specialised enterprises specifically for people with intellectual disabilities, although in a few of the 60 specialised enterprises and firms for people with disabilities, people with intellectual disabilities are employed. The National Union of Specialised Cooperatives for Disabled Persons maintains figures for the number of people working in specialised cooperatives and specialised firms. According to the Union, in 2002 there were 996 people with disabilities working in the specialised cooperatives, of whom 234 were people with mental and intellectual disabilities; 704 people with disabilities were also working in the specialised firms, 85 of whom had mental disabilities.³⁰⁵

According to the Union's 2002 annual report, the cooperatives and firms that hired the largest number of people with mental disabilities are Lozana municipal firm in Sofia, Rodina-75 Ltd. in Botevgrad and Meresev Ltd. in Stara Zagora. At the Meresev company, 70 per cent of all 86 workers have a reduced working capacity, and 12 of them have intellectual disabilities, nine with mild intellectual disabilities, two with moderate intellectual disabilities, and one with severe intellectual disabilities. Their occupations include sewing, knitting, and bookbinding.³⁰⁶ At Rodina-75, no people with intellectual disabilities have been hired for 2004.³⁰⁷ The executive directors of several specialised cooperatives agreed that employing people with intellectual and mental disabilities is a real challenge to the working environment, and that it is difficult to train people with intellectual disabilities professionally, especially without adequate support from the State or the local community.³⁰⁸ According to these directors, no employers are willing to hire people with such disabilities.

³⁰⁴ National Disability Strategy, p. 10.

³⁰⁵ Telephone interview with Mrs. Todorova, officer at the National Union of the Specialized Cooperatives for Disabled Persons, Sofia, 19 February 2004.

³⁰⁶ Telephone interview with Dimitrinka Petrova, executive director of "Meresev" Ltd; Stara Zagora, 20 February 2004.

³⁰⁷ Telephone interview with Nikolay Cvetkov, executive director of "Rodina-75" Ltd; Botevgrad, 19 February 2004.

³⁰⁸ Telephone interview with Dimitrinka Petrova, 20 February 2004.

V. Conclusions

Since its transition to democracy in the early 1990s, and particularly since entering accession negotiations with the European Union in 1999, Bulgaria has taken important steps towards increasing opportunities for people with intellectual disabilities. Comprehensive anti-discrimination legislation has been enacted that includes disability as one of the prohibited grounds of discrimination, and a number of wide-ranging policies and programmes have been adopted to address the situation of people with disabilities. These include the National Disability Strategy, the “National Programme for Employment and Professional Training for People with Disabilities”, and the “National Programme for Encouraging Entrepreneurship among Individuals with Disabilities”.

In practice, however, opportunities for people with intellectual disabilities to achieve autonomy and independence remain extremely limited, and even those measures that are intended to address the situation of people with disabilities generally fail to take into account the specific needs of people with intellectual disabilities. Available statistical data regarding people with intellectual disabilities cannot be considered reliable, as it is based on inconsistent definitions of what constitutes intellectual disability and on poorly controlled diagnosis procedures. The Government should begin by taking steps to adopt unified terminology for people with intellectual disabilities across all areas of legislation and policy. Outdated and negative terms such as “oligophrenia” should be replaced with current, internationally recognised standards that are used consistently in all relevant documents. Such a move would help to establish the context for specialists serving on diagnosis bodies to make more accurate assessments of intellectual disability in individual cases.

Until 2002, a large number of children with intellectual disabilities were considered uneducable, and no provision was made for their education at all. Important efforts to ensure that children with intellectual disabilities have equal access to education have been made in recent years, most notably through the promulgation of legislation that allows parents to choose whether to send their child to a special school or to a mainstream facility, regardless of the diagnosis of disability. While this is a critical step in improving access to education, its implementation is proceeding only slowly, and the number of children with intellectual disabilities who receive no education remains high. Moreover, without the elaboration of specific mechanisms to ensure that there is sufficient support for children with intellectual disabilities to integrate in mainstream schools there is little likelihood that such efforts will succeed.

At present, the Government appears to have made no provision for additional training for teachers working with children with intellectual disabilities in mainstream schools, no preparation of classrooms or communities, and minimal instruction as to how municipalities and schools should proceed with the actual integration process. Small-scale models established by civil society could provide a valuable model upon which the Government could begin to shift education policy towards a more inclusive approach,

expanding the successes of NGO initiatives to the national level. As a second vital component of improving access to quality education, the Government should initiate a campaign to inform and advise parents on the options available to their children, helping them to make an informed choice regarding their child's education.

As the change in policy allowing children with intellectual disabilities to study in mainstream schools was adopted only in 2002, the majority of children with intellectual disabilities remain segregated in special schools for students whose needs the mainstream system is not equipped to meet. An alarmingly high number of children in special schools identify themselves as Roma, again calling into question whether the assessment process actually identifies children with intellectual disabilities, or whether cultural barriers and even discrimination serve as the main factors in determining placement in a special school. While some teachers in the special schools are truly dedicated to working with children with special needs, few teachers are attracted by the low prestige and limited opportunities for professional advancement in the special school system. The Government has already recognised the problems inherent in the special schools in new regulations. Plans to transform these schools into expert resource centres to support the mainstreaming of children with intellectual disabilities must be followed by the resources, guidance, and political will to implement this conversion.

Those children who complete their primary education in special schools are at a real disadvantage regardless of whether they hope to continue their education, or practice a trade through a vocational programme. As graduates of special primary schools receive only a certificate and not a diploma, they must successfully pass an exam in order to continue their studies at the secondary level; the Government should carefully monitor this policy to ensure that special school graduates have a realistic possibility of passing the entrance examination, and that their needs are accommodated at the secondary and tertiary levels. For those students wishing to pursue a vocational route, the limited selection of trades offered in special vocational schools offers only a choice among poor options, which have proven unmarketable for most students who complete the courses.

While Bulgaria has demonstrated good intentions, through the adoption of policies addressing the education of children with disabilities, much remains to be done to ensure that people with intellectual disabilities leave school equipped with the skills to be productive, contributing members of society. The limited options available in education are matched by the even more restricted possibilities for people with intellectual disabilities to secure meaningful employment in Bulgaria. Recent policies that have been developed to support the employment of people with disabilities appear to offer little that is specifically tailored for the needs of people with intellectual disabilities.

The goal of the Government's policy to create an environment that encourages participation in the labour market is at odds with programmes that channel people with intellectual disabilities to sheltered workplaces and enterprises where their work neither meets market needs nor develops marketable skills. Even in these sheltered

workplaces, people with intellectual disabilities represent only a small percentage of the workers. The majority of people with intellectual disabilities appear not to have any occupation at all. Policies that offer incentives for companies to hire people with disabilities should be complemented with programmes that would give people with intellectual disabilities the support needed to enter the workforce. Government funding allocated for modifying and equipping the workplace to accommodate people with disabilities should also be made available to cover the costs of providing support for people with intellectual disabilities.

Again, a low level of awareness of Government programmes that could benefit people with intellectual disabilities limits their efficacy. Efforts to raise awareness of these policies among employers and employees alike should be a component of all further employment programmes targeting people with intellectual disabilities.

The Bulgarian Government has taken the initial steps towards better inclusion of people with intellectual disabilities, particularly in education. Ensuring that the policies adopted in recent years reach their potential will go far towards helping people with intellectual disabilities to reach their potential as well. Longstanding exclusionary attitudes must be overcome in order to begin the process of integration; the Government must take steps to ensure that its programmes for people with disabilities do not inadvertently support a hierarchy of disability, with intellectual disability receiving the least attention and resources. Consultation with groups representing families of people with intellectual disabilities is a step towards better inclusion of their perspectives; ongoing monitoring of these policies and their impact on people with intellectual disabilities should also be an inherent part of each programme adopted in these fields.

ANNEX 1. Tables

**Table A1. People with intellectual disabilities registered with dispensaries
(as of 31 December 2002)**

	Level of intellectual disability ³⁰⁹	Total number of people	Number per 100,000 population
Bulgaria	mild	30,285	386
	moderate	13,719	175
	severe and profound	4,851	62
	unspecified	159	2
	total (all levels)	49,173	627

Source: National Centre for Health Information (NCIH)

³⁰⁹ According to the diagnosis codes used in ICD-9, *mild* intellectual disability corresponds to code 317, *moderate* to code 318.0, and *severe* and *profound* to codes 318.1 and 318.

Table A2. People with all levels of intellectual disabilities registered with dispensaries – breakdown by region (as of 31 December 2002)

Breakdown by region	Total number of people	Number per 100,000 population
Blagoevgrad	1,823	541
Bourgas	5,090	1,209
Dobrich	1,298	616
Gabrovo	540	383
Haskovo	2,341	859
Kjustendil	1,035	652
Kurdzhali	1,087	670
Lovech	704	426
Montana	434	245
Pazardzhik	396	130
Pernik	1,307	893
Pleven	2,033	635
Plovdiv	4,526	635
Razgrad	1,140	797
Ruse	1 322	500
Shumen	1,651	818
Silistra	1 900	1,367
Sliven	2,155	1,000
Smolian	1,007	735
Sofia -city	3,174	266
Sofia -district	1,386	517
Stara Zagora	1,811	494
Turgovishte	1,236	885
Varna	2,232	485
Veliko Turnovo	1,625	562
Vidin	840	671
Vraca	2,890	1,315
Yambol	2,031	1,338

Source: National Centre for Health Information (NCIH).

Table A3. People with intellectual disabilities living in homes for adults with intellectual disabilities

Home for adults with intellectual disabilities	Number of residents						
	women	men	with intellectual disabilities	under plenary guardianship	under partial guardianship	with guardian – director or staff of the home	with guardian – relative
Banya	146	1	96	81	58	47	92
Batak	–	93	84	60	1	35	26
Batoshevo	–	98	67	85	12	42	55
Butan	75	–	35	50	0	39	11
Bulgarevo	98	16	99	101	13	around 80	17
Cerova Korja	25	35	59	53	5	47	11
Goren Chiflik	96	–	33	83	9	7	85
Gorno Vushilo	45	1	40	38	0	31	7
Draganovo	85	–	80	84	1	56	24
Kachilka	83	7	80	19	69	Some	at least 60
Kudelin	–	181	181	50	3	53	0
Lozevo	–	91	82	52	8	14	46
Lyaskovo	84	27	47	59	2	49	12
Malenovo	80	–	48	80	0	13	67
Malko Sharkovo	92	–	67	85	5	85	5
Oboroshte	–	109	60	104	0	54	14
Orsoya	17	31	47	47	1	38	10
Plovdiv	3	55	55	44	0	20	24
Podgumer	–	127	87	90	0	Nurse	no data
Prekolnica	61	1	60	61	0	46	15
Prisovo	–	56	33	50	6	50	6
Pchelishte	38	31	55	41	11	social worker	relatives
Rusokastro	–	144	110	140	3	94	49
Samuil	106	13	102	99	12	107	4
Trustika	70	–	62	67	3	57	13
Tvurdica	–	209	104	195	11	115	91
Total	2,530		1,873	1,918	233	approximately 1,179	approximately 744

Source: BHC, *Archipelago of the Forgotten*, p. 136.

Table A4. People with intellectual disabilities living in homes for adults with mental disorders

Home for adults with mental disorders	Number of residents						
	women	men	with intellectual disabilities	under plenary guardianship	under partial guardianship	with guardian – staff of the home	with guardian – a relative
Borilovec	57	–	17	53	1	54	0
Cherni vruh	108	–	31	103	2		a few
Govezhda	–	72	0	68	4	26	46
Lakatnik	101	–	34	7	4	0	11
Pastra	–	93	8	20	0	0	20
Petkovo	–	100	20	90	7	55	43
Pravda	–	67	0	58	7	65	0
Radovets	–	87	5	33	0	1	32
Radovtsi	114	–	12	101	8	84	
Razdol	112	–	56	20	0	0	20
Rovino	99	–	16	71	0	71	0
Svilengrad	88	–	35	28	60	28	0
Zabernovo	84	–	35	72	0	30	42
Total	1,182		269	724	93	414	Approx. 214

Source: BHC³¹⁰³¹⁰ BHC, *Archipelago of the Forgotten*, p. 136.

ANNEX 2. Legislation cited in the report

Constitution

Constitution of the Republic of Bulgaria, SG 56, 13 July 1991

Laws and Acts

Civil Procedure Code, SG 12, 8 February 1952

Law for Individuals and Families, as amended by SG 89/6, November 1953

Law for Normative Acts, SG 27, 3 April 1973

Public Education Act, SG 86, 18 October 1991, as amended by SG 36/98

Law for the Protection, Rehabilitation and Social Integration of Disabled Persons, SG 112, 27 December 1995

Labour Code, as amended by SG 25/2001

Law for the Protection of Disabled Persons and the Regulations for its Implementation, SG 97, 12 November 1996, amended 30 March 2001

Encouragement of Employment Act, SG 112, 29 December 2001

Social Support Act, SG 56, 19 May 1998, as amended by SG 120, 29 December 2002

Protection against Discrimination Act, SG 86, 30 September 2003

Supplementary regulations

Ministry of Education and Ministry of Health Care Instruction No. 6 of 18 March 1977, not published in the SG on the placement of children and pupils with physical or mental disabilities in special schools and special educational-disciplinary establishments,

Decree No. 8 of 22 June 1987 for determination of working positions, suitable for employment of people with reduced working capacity, SG 52, 7 July 1987

Council of Ministers' Ordinance 63 of 11 April 1991, for the training and re-training of the disabled and for providing social services and assisted living

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