



**Human Rights Watch Submission
to the United Nations Committee on the Rights of the Child
Review of Bulgaria
95th Session
December 2023**

We write in advance of the 95th session of the Committee on the Rights of the Child (the “Committee”) and its review of Bulgaria. This submission focuses on the right to education, including the protection of education from attack, and pushback and mistreatment of migrant children by Bulgarian authorities.

The Right to Education (article 28)

The provision of free and compulsory education

The Constitution of Bulgaria establishes the right to education and determines that school attendance shall be compulsory until the age of 16.¹ It also provides that primary and secondary education shall be free of charge in municipal and state schools.² The law regulating preschool and school education stipulates that free pre-school starts at age 3 and shall be compulsory from age 4.³ Primary school begins at age 6 or 7, depending on the evaluation of the child's readiness.

In September 2022, the United Nations Children’s Fund (UNICEF) reported that one in every six children is not enrolled in school, and one in every five is not enrolled in kindergarten in Bulgaria.⁴ An estimated 120,000 school-aged children and adolescents are estimated to be at risk of

¹ Constitution of the Republic of Bulgaria, art. 53(2).

² Ibid., art. 53(3)

³ Pre-school and School Education Act, in force since August 1, 2016, art. 9(1). The Act on Amendment and Supplement to the Pre-school and School Education Act (promulgated SG No. 82/18 September 2020) lowered the compulsory preschool age from 5 to 4 and called for the latter’s implementation by the beginning of the academic year 2023-2024.

⁴ UNICEF Bulgaria, “Country Programme document for Bulgaria 2023– 2027,” <https://www.unicef.org/bulgaria/media/16086/file/BGR-CPD-Brochure-2023-ENG.pdf> (accessed November 20, 2023); see also “UNICEF: Only a third of 10-year-olds globally are estimated to be able to read and understand a simple written story,” September 19, 2022, <https://www.unicef.org/bulgaria/en/press-releases/unicef-only-third-10-year-olds-globally-are-estimated-be-able-read-and-understand> (accessed November 20, 2023).

dropping out, and approximately 10,000 children with disabilities are not attending school.⁵ The Ministry of Education and Science recently reported that dropout rates are declining through the Mechanism for Inter-institutional work on enrolment and inclusion.⁶ However, data by the National Statistical Institute still indicates that 11 percent of children aged 3-6 and almost 6 percent of children aged 7-10 are not enrolled in school.⁷

Human Rights Watch encourages the Committee to:

- Ask the government of Bulgaria how net enrolment rates in compulsory pre-primary education have evolved since 2016, and what barriers it sees to increasing enrolment rates in compulsory primary education.
- Encourage the Ministry of Education and Science to continue implementing policies aimed at reducing school dropout rates and promoting inclusive education, thereby ensuring an increase in school enrolment from pre-primary through secondary education.

Support for strengthening the explicit right to free education in international law

In June 2023, Bulgaria joined a joint statement,⁸ co-led by Luxembourg and the Dominican Republic and delivered during the interactive dialogue with the Special Rapporteur on the right to education at the UN Human Rights Council. Joined by 71 other countries, the statement expressed support for “efforts to strengthen the right to education, including the explicit right to full free secondary and at least one year of free pre-primary education.”

Human Rights Watch encourages the Committee to:

- Welcome Bulgaria’s spirit of international cooperation in support of strengthening the right to education, including an explicit right to full free secondary education for all children and at least one year of free pre-primary education.
- Encourage Bulgaria to share good practices in domestic legislation providing free pre-primary and free secondary education with other countries at the global level.

⁵ Ibid.

⁶ As cited in UNICEF, “Poor educational outcomes, dropping out of school, increasing incidences of violence and lack of basic knowledge and skills are among the main challenges facing students in Bulgaria,” September 14, 2023, <https://www.unicef.org/bulgaria/en/press-releases/poor-educational-outcomes-dropping-out-school-increasing-incidences-violence-and> (accessed September 15, 2023).

⁷ Ibid.

⁸ “Joint Statement on children’s education,” 53rd Session of the Human Rights Council, June 2023, available at https://geneve.mae.lu/content/dam/amb_geneve/actualite/C3%A9s/2023/hrc53-interventions/hrc53-jst-on-childrens-education.pdf (accessed July 6, 2023).

Protection of education from attack

The Safe Schools Declaration⁹ is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.¹⁰ Bulgaria endorsed the declaration in May 2015.¹¹

Human Rights Watch encourages the Committee to:

- Congratulate Bulgaria for endorsing the Safe Schools Declaration.
- Ask Bulgaria whether protections for schools from military use are included in any policies, rules, or trainings for its armed forces.
- Recommend that the government incorporate the declaration’s standards in domestic policy, military operational frameworks, and legislation, and share any good practices with other regional countries.

Pushback and Mistreatment of Migrant Children (articles 2, 6, 22, and 27)

Since 2014, Human Rights Watch and others have documented violence and abuse against migrants and asylum seekers by border officials in Bulgaria. Children, women, and men told us that Bulgarian border officials beat them and took their shoes, bags, money, phones, and even food.¹² Other reports from nongovernmental organizations corroborate our findings.¹³ In February 2022, the United Nations High Commissioner for Refugees, Filippo Grandi, cited a “disturbing pattern of threats, intimidation, violence, and humiliation” of “people being pushed back” on EU’s central and southeastern borders.¹⁴

⁹ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed May 12, 2023).

¹⁰ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed May 12, 2023).

¹¹ Global Coalition to Protect Education from Attack, “Safe Schools Declaration Endorsements” (webpage), 2023, <https://ssd.protectingeducation.org/endorsement/> (accessed November 13, 2023).

¹² Lydia Gall (Human Rights Watch), “EU Should Stop Illegal Migrant Pushbacks at its Borders,” Human Rights Watch dispatch, December 8, 2022, <https://www.hrw.org/news/2022/12/08/eu-should-stop-illegal-migrant-pushbacks-its-borders>.

¹³ See for example Bordermonitoring Bulgaria, “Asylum seekers say that they were tortured and beaten in Edirne’s detention center,” June 4, 2023, <https://bulgaria.bordermonitoring.eu/> (accessed November 13, 2023); Asylum Information Database (AIDA), *Country Report: Bulgaria*, 2021 update, https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update.pdf (accessed November 13, 2023).

¹⁴ UN, “Stop violence at European borders and protect refugees – UNHCR,” February 21, 2022, <https://news.un.org/en/story/2022/02/1112342> (accessed November 13, 2023).

In one case, a 14-year-old Afghan boy told Human Rights Watch Bulgarian police beat him and others in a group that was pushed back to Greece, and reported brutal treatment using police dogs:¹⁵

Four police and a dog [caught us]. Their uniform was blue and had POLICE written on it.... They beat me, but because I was a child, they only beat me with their fist and a stick three or four times; I was not beaten as badly as the men. The police released the dog to bite people. The dog ran toward me, but I hid behind the police. I saw the dog biting other people. It seemed worse than death to be bitten by a dog like that....

They did not ask me anything. They did not separate children ... in fact they broke one of their arms and didn't do anything to help.... They called for a car and continued to beat us in the car. They beat me on my head and hands, my fingers were injured. They took us to the Greek-Bulgarian border, took our clothes, made us lay down, and continued to beat us. They made us walk down a hill to Greece.

In another case, a 25-year-old man from Mazar-e Sharif Province, Afghanistan, told Human Rights Watch that 10 minutes after he and his group of 30 people, including children, were detained by Bulgarian police around February 16, 2022, two German Frontex officers arrived in a jeep. He said that these Frontex officers did not heed their pleas for asylum, or to keep them from being summarily expelled:¹⁶

The two German police were wearing a blue uniform.... I saw the German flag on their uniform.... I spoke to one of them in English. He told me he was a German officer and he asked me, "Why did you come illegally?" I told him there are problems in our countries, that we are refugees, and that Turkey isn't safe for us. When I told him all of that, he said, "It's illegal that you came this way." The German police stayed for one hour, and [while] the Bulgarian police [were preparing] to take us to the border, they left.... When [Bulgarian police] took us to the border, that's where they beat us ... and took our clothes.

Human Rights Watch recommends that the Committee ask the government of Bulgaria:

- What steps are being taken to halt pushbacks from Bulgarian territory and investigate all use of excessive force by border guards?
- What steps are being taken to ensure that there are age determination procedures in place when a migrant or asylum seeker claims to be a child?

¹⁵ Human Rights Watch, "Bulgaria: Migrants Brutally Pushed Back at Turkish Border," May 26, 2022, <https://www.hrw.org/news/2022/05/26/bulgaria-migrants-brutally-pushed-back-turkish-border>.

¹⁶ Ibid.

- What steps are being taken to ensure that migrants and asylum seekers who claim to be children are not detained with unrelated adults?

Human Rights Watch recommends that the Committee call on the government of Bulgaria to:

- Immediately halt all pushbacks from Bulgarian territory and at Bulgaria's borders.
- End mistreatment of child migrants and asylum seekers and conduct a transparent, thorough, and impartial investigation into allegations that Bulgarian authorities are involved in acts that put the lives and safety of child migrants and asylum seekers at risk, including beatings and other violence.
- Ensure that full and fair consideration is given to all claims for international protection, including age-appropriate examination of child asylum claims by specially trained adjudicators.