



PULSE Foundation

OVERVIEW

**of the Legal, Strategic and
Institutional Framework Related to
Domestic and Gender-Based Violence
in Bulgaria**

2020

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I. INTRODUCTION AND OBJECTIVES

This publication reviews the national legal framework related to domestic and gender-based violence. It is an integral part of the process of developing a monitoring methodology and conducting a national monitoring of policy and institutional practice in relation to domestic and gender-based violence in Bulgaria, with an emphasis on identifying the necessary changes in legislation and practice, which ought to minimize these forms of violence and ensure the protection of the rights of women and girls.

Article 21 of the EU Charter of Fundamental Rights prohibits all forms of discrimination, including gender-based discrimination.

Violence is a type of crime that infringes the dignity and interests of the individual. Any action or behavior directed against another person or against one's own person that causes physical, mental and/or emotional suffering may be called violence. In its essence, violence is an inhumane and, in most cases, antisocial act. It has many varieties and manifestations, depending on both the perpetrators and the victims of the violent act, as well as the relationship between them.

Domestic and gender-based violence is an indisputable violation of human rights, and a serious problem on a global, European and national scale.

II. LEGAL DEFINITIONS

Bulgarian legislation contains legal framework and legal definitions of domestic and gender-based violence. As a Member State, the country implements the transposed EU directives guaranteeing human rights.

The Protection Against Domestic Violence Act (PADVA) provides a legal definition of the term “domestic violence”.

Domestic violence¹

Domestic violence shall denote any act of physical, sexual, mental, emotional or economic violence, as well as attempts of such violence, coercive restriction of personal life, personal liberty and personal rights committed against individuals, who are related, who are or have been in a family relationship or in de-facto conjugal co-habitation.

Any domestic violence committed in the presence of a child shall be considered mental and emotional violence against said child.

Since 2019, the term “domestic violence” has been introduced in the Penal Code as a hypothesis in committing a crime. The weakness of this definition is the requirement for “systematic” violence.

Crime “in the conditions of domestic violence”²

A crime is committed “in the conditions of domestic violence” if it was preceded by systematic physical, sexual or mental violence, economic dependence, forced restriction of privacy, personal liberty and personal rights, and was committed against an ascendant, descendant, spouse or former spouse, a person, who has fathered her child, a person, with whom he/she is or has been in de-facto conjugal co-habitation, or a person, with whom he/she lives or has lived in the same household.

Following the rejection of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) by the Constitutional Court, there is still no legal definition in Bulgaria for the general term “gender-based violence” and for another broad term from international law and practice “violence against women and girls”.

1 [Protection Against Domestic Violence Act](#), Art. 2, Promulgated SG No. 27/29.03.2005, last amended SG No. 24/22.03.2019. (in Bulgarian)

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2 [Criminal Code](#), Promulgated SG No. 26/22.04.1968, last amended SG No. 44/13.05.2020, General Part, Additional Provision, Art. 93, item 31. (in Bulgarian)

III. SCOPE OF THE LEGAL AND STRATEGIC FRAMEWORK

1. Elimination of Domestic and Gender-Based Violence - a Positive Obligation of the State:

All human beings are born free and equal in dignity and rights. (Article 1, Universal Declaration of Human Rights)

According to Art. 5, para. 4 of the Constitution of the Republic of Bulgaria, International treaties which have been ratified in accordance with the constitutional procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be part of the legislation of the State. They shall have primacy over any conflicting provision of the domestic legislation.

The positive legal obligations of our country to eliminate “domestic and gender-based violence” are objectified in international UN and EU treaties and conventions, which have become part of our domestic legislation, namely:

- ▶ UN Universal Declaration of Human Rights, adopted in 1948 - Art. 1, 2, 3, 5, 7 and 12;
- ▶ United Nations International Covenant on Civil and Political Rights (ICCPR) - Art. 2, 3, 6, 7, 9, 17 and 26;
- ▶ United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR);
- ▶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- ▶ Convention on the Rights of the Child (CRC) - Art. 19;
- ▶ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- ▶ United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- ▶ The European Convention on Human Rights;
- ▶ Other binding international acts: EU directives, regulations and decisions, UN Security Council Resolutions, customary international law, decisions of international courts, etc.

In addition to obligations under international treaties, states also have political obligations, which are divided into two categories. The first category arises upon the signing of an international convention and covers the period until its ratification:

- ▶ The most recent significant international act is the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence**, which was opened for ratification on 11 May 2011 in Istanbul at the meeting of the

Ministers of Foreign Affairs of the 47 Member States of the Council of Europe, and has been in force since 1 August 2014. Bulgaria has signed but not ratified this Convention. On 27 July 2018, the Bulgarian Constitutional Court with decision №13 in constitutional case №3/2018 ruled that “the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, drawn up on 11 May 2011 in the city of Istanbul, signed by the Republic of Bulgaria on 21 April 2016 does not comply with the Constitution of the Republic of Bulgaria”³.

Втората група политически задължения произлизат от групи вюгове международни документи:

- ▶ UN General Assembly resolutions, recommendations and comments of EU institutions;
- ▶ Guidelines, comments and recommendations of other international organizations, e.g. General Recommendation №19 and General Recommendation №35 of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW);
- ▶ Voluntary pledges, as well as non-binding agreements.

Politically binding international acts play an essential role in the formation of the strategic framework specified in the annual plans and programs of the State.

2. Review of National Legislation

*All human beings are born free and equal in dignity and rights.
(Article 6, paragraph 1 of the Constitution of the Republic of Bulgaria)*

Promotion, protection and respect for human rights are part of the key underlying principles of Bulgaria’s legislative system. The preamble of the Bulgarian Constitution pledges loyalty to the universal human values of freedom, peace, humanism, equality, justice and tolerance, and the rights, dignity and security of the individual are held as the highest principle.

For the purposes of this overview, the key laws, provisions and strategic documents that construct the legal-strategic framework in relation to domestic and gender-based violence in Bulgaria are identified below, including recognition of the fundamental rights and freedoms of citizens, equality between men and women, protection against discrimination of all vulnerable groups, stereotypes about the role of women and men, etc.

After Bulgaria’s accession to the EU, the national legislation has undergone development in terms of counteracting and protecting against violence in its various forms. A harmonization of the Bulgarian legislation with the principles and provisions of the international acts has been initiated, as a number of legislative amendments and additions have been introduced, and new normative acts have been adopted, set in various strategic documents, plans and programs aimed at respecting fundamental human rights.

Since 2003, a principle of non-discrimination exists in Bulgarian legislation but the list of groups vulnerable to discrimination is non-exhaustive, similar to the list of groups vulnerable to violence

³ Constitutional Court of the Republic of Bulgaria, [Decision in case № 3/2018](#), 27 July 2018. (in Bulgarian)

Constitution of the Republic of Bulgaria ⁴

The Constitution regulates the fundamental rights and freedoms of Bulgarian citizens. Art. 6 proclaims the right to freedom from discrimination (including gender-based), and equality:

(1) All persons are born free and equal in dignity and rights.

(2) All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status.

Protection Against Discrimination Act ⁵

The Protection Against Discrimination Act (PDA) regulates the protection against all forms of discrimination and assists in its prevention. Chapter three describes the powers of the Commission for Protection against Discrimination (CPD) - an independent specialized state body established to prevent discrimination, protect against discrimination, and ensure equality of opportunity. In its additional provisions, the Act gives interpretations of the terms harassment, sexual harassment, persecution, racial segregation, unfavorable treatment, sexual orientation, multiple discrimination, specific circumstances.

Art. 4, para. 1 prohibits “Any direct or indirect discrimination on grounds of gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or belief, education, convictions, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status, or on any other grounds established by law or by an international treaty to which the Republic of Bulgaria is a party”. It is important to note that the non-exhaustive list of discrimination grounds allows for the addition of new (or new for Bulgaria) categories in the future, thus expanding the scope of the legal provisions. The terms “direct” and “indirect” discrimination are also defined (Art. 4, para. 2 and 3). The list of the different manifestations of discrimination, along with unequal treatment, includes harassment on each of the listed grounds, sexual harassment, incitement to discrimination, persecution, racial segregation and inaccessible architectural environment (Art. 5).

The Act also provides for proceedings for protection against discrimination - before the Commission, as well as before the court (Chapter Four).

Protection against Domestic Violence Act ⁶

PADVA provides a legal definition of the term “domestic violence”, regulates the rights of victims of domestic violence, and provides protection measures that ensure the prevention of further actions by the perpetrator through warning, use of certain social programs or through other mandatory measures.

⁴ [Constitution of the Republic of Bulgaria](#), Promulgated SG No. 56/13.07.1991, last amended and supplemented SG No. 100/18.12.2015. (in Bulgarian)

⁵ [Protection Against Discrimination Act](#), Promulgated SG No.86/30.09.2003, last amended SG No. 7/19/01/2018. (in Bulgarian)

⁶ [Protection against Domestic Violence Act](#), Promulgated SG No. 27/29.03.2005, last amended SG No. 24/22.03.2019. (in Bulgarian)

Art. 2. (1) Domestic violence shall denote any act of physical, sexual, mental, emotional or economic violence, as well as attempts of such violence, coercive restriction of personal life, personal liberty and personal rights committed against individuals, who are related, who are or have been in a family relationship or in de-facto conjugal co-habitation.

With the bill for amendment and supplement from December 2009 para. 2 of the same Article is introduced, stating that *“Any domestic violence committed in the presence of a child shall be considered mental and emotional violence against said child.”*

A key part of PADVA is the definition of the possible perpetrators of domestic violence, namely current or former spouse, person with whom the victim is or has been in a de-facto conjugal co-habitation, person from whom the victim has a child, ascendant or descendant, person with whom he/she is in a collateral relationship up to the fourth degree included, person with whom he/she is or was related by marriage up to the third degree included, ascendant or descendant of the person with whom the victim is in de-facto conjugal co-habitation, or a person, with whom the parent is or was in de-facto conjugal co-habitation. (Art. 3).

The measures for protection are listed in Art. 5, and Art. 6 contains provisions on the programs for prevention, protection and provision of support to the victims, including the responsibilities for developing, organizing and implementing a national program, national budget and determining the funds for financing projects of non-profit legal entities (additional explanations in PADVA, “Final provisions”).

On 15 June 2010 the Regulations for the Implementation of the Protection against Domestic Violence Act came into force, regulating the implementation of the measures for protection and the interaction of the state authorities and the legal entities working for protection from domestic violence, as well as the positive obligation of the State to finance projects implemented by non-profit legal entities, as well as the implementation of programs and trainings under PADVA⁷. In Art. 3 the content of the National Program is regulated: goals, priorities, prevention activities, responsible bodies and partners, financial provision of the activities, expected results.

Law on Asylum and Refugees ⁸

The Law on Asylum and Refugees (LAR) prohibits restrictions to the rights or privileges of aliens who seek or have been granted protection in the Republic of Bulgaria, based on race, nationality, ethnic origin, gender, descent, religion, education, convictions, political affiliation, personal, social, or property status (Art. 20). The Law contains an explicit provision on the special situation and special needs of aliens from a vulnerable group during the procedure for obtaining international protection, and defines “persons from a vulnerable group” as *minors or underage persons, unaccompanied minors and underage persons, elderly people, pregnant women, single parents with underage children, victims of human trafficking, people with serious health problems, people with mental disorders, and people who are victims of torture, rape or other serious forms of mental, physical or sexual violence* (Additional provisions, § 1, para. 17).

⁷ [Regulations for the Implementation](#) of the Protection against Domestic Violence Act, Promulgated SG No. 45/15.06.2010, last amended SG No. 100/05.12.2014. (in Bulgarian)

⁸ [Law on Asylum and Refugees](#). Promulgated SG No. 54/31.05.2002, last amended and supplemented SG No. 34/23.04.2019. (in Bulgarian)

Combating Trafficking in Human Beings Act ⁹

The Combating Trafficking in Human Beings Act (CTHBA) upholds the principle of non-discrimination with regard to all vulnerable groups, including on the grounds of “gender”. The CTHBA is intended to ensure cooperation and coordination between the state and municipal bodies, as well as between them and the non-governmental organizations, with a view of preventing and combating trafficking in human beings, and developing the national policy in that area. This Act provides for the establishment of shelters for temporary housing and centers for protection and support by the Local Commissions for combatting trafficking in human beings, with the victims often being women, which is why this Act defines them as part of the so-called “risk group” – a group of individuals who, due to their gender, are potential victims of “trafficking in human beings”.

The Act provides definitions of the terms trafficking in human beings, exploitation, victim, risk group and risk region:

Additional provisions

§ 1. For the purposes of this Act:

1. (amended, SG No. 84/2013) *“Trafficking in human beings” means the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, when it is carried out for the purpose of exploitation;*

2. (amended, SG No. 84/2013) *“Exploitation” means the illegal use of human beings for debauchery, removal of physical organs, tissue, cell or bodily fluid from the victim, forced labor, begging or servitude, slavery or practices similar to slavery; [...]*

5. *“Victim” means any person who has become a subject of trafficking in human beings;*

6. *“Risk group” means a group of individuals who due to their age, sex, social status or the geographical location of the region where they reside pose potential victims of the acts in § 1 above;*

7. *“Risk region” means a region inhabited by groups as in § 6 above.*

Law on Equality between Women and Men ¹⁰

The Law regulates the implementation of the state policy on equality between women and men, and aims to promote the achievement of equality between women and men by creating conditions for building an institutional environment and defining the bodies and mechanisms for conducting state policy on equality between women and men (Article 1). The principle of equal treatment of women and men, and prevention of gender-based discrimination and violence is of key importance to this review. (Article 2, item 3).

Art. 5 regulates the powers of the Council of Ministers to determine the state policy on equality of women and men, and to adopt a National Strategy in this area.

⁹ [Combating Trafficking in Human Beings Act](#), Promulgated SG No. 46/20.05.2003, last amended and supplemented SG No. 81/15.10.2019. (in Bulgarian)

¹⁰ [Law on Equality between Women and Men](#), Promulgated SG No. 33/26.04.2016. (in Bulgarian)

Criminal Code ¹¹

In 2019, in the Additional Provision of the General Part of the Criminal Code (CC) an explanation of the concept of “domestic violence” in connection with a crime committed in such conditions is introduced.

Art. 93, item 31 *The crime is committed “in the conditions of domestic violence” if it was preceded by systematic physical, sexual or mental violence, economic dependence, forced restriction of privacy, personal liberty and personal rights, and was committed against an ascendant, descendant, spouse or former spouse, a person, who has fathered her child, a person, with whom he/she is or has been in de-facto conjugal co-habitation, or a person, with whom he/she lives or has lived in the same household.*

There are new provisions and additions in Chapter Two - Crimes Against the Person, namely: Art. 116(1), item 6a (murder committed in the conditions of domestic violence); Art. 131(1), item 5a (bodily injury in the conditions of domestic violence); Art. 142(2), item 5a (kidnapping in the conditions of domestic violence); Art. 142a(4) (unlawful deprivation of liberty in the conditions of domestic violence); Art. 143(3) (coercion in the conditions of domestic violence); Art. 144(3) (threat of murder in the conditions of domestic violence); Art. 144a(3) (stalking in the conditions of domestic violence).

Art. 161 *has been amended, and the medium bodily injury under Art. 129 has been moved from para. 1 in para. 2, which orders that the criminal prosecution of a general nature shall be formed upon complaint of the victim to the relevant Prosecution Office and may not be terminated upon his/her request.*

One of the most criticized provisions in the Criminal Code, namely the termination of the criminal proceedings instituted for a sexual crime under Art. 149-151 and 153, in case of marriage of the victim and the perpetrator, was repealed in 2015, which shows a positive development in the legislation. Another repealed provision is para. 4 of Art. 191, which provided for the perpetrator not to be punished, and the imposed punishment not to be executed, in case of marriage between the perpetrator and the victim before the execution of the sentence.

The lack of the so-called marital rape in the provision of Art. 152 is considered to be an omission.

Penal Procedure Code ¹²

The relevant provisions of the Penal Procedure Code (PPC) are related to the measures for protection of the victim (Art. 67), as well as the provisions for informing the victim with specific protection needs in relation to the detention measures (Art. 67a). The protection measures under Art. 67 and the measures under Art. 67a include: in relation to the defendant - prohibition to approach the victim directly, to make contact with the victim, to visit certain locations, regions or sites; the court notifies the victim of the possibility of issuing a European protection order. The victim is notified in case of violation of the restraining measure by the defendant, or in case of cancellation or amendment of the restraining measure.

Emphasis is also placed on Art. 49, which provides for the following:

¹¹ [Criminal Code](#), Promulgated SG No. 26/02.04.1968, last amended and supplemented SG No. 28/24.03.2020, amended SG No. 44/13.05.2020. (in Bulgarian)

¹² [Penal Procedure Code](#), Promulgated SG No. 86/28/10/2005, last supplemented SG No 83/22.10.2019. (in Bulgarian)

(1) *In extraordinary cases, where the victim of a crime, prosecuted on a complaint of the victim, is not able to defend his/her rights and legitimate interest due to a helpless status or dependence on the perpetrator of the crime, the prosecutor may institute a penal procedure, if the period under Art. 81, Para. 3 has not elapsed and some of the obstacles for instituting of penal procedure envisaged in Art. 24, para. 1, Item 1-8a and 10 do not occur.*

(2) *The instituted penal procedure shall be preceded under the general order and may not be discontinued on the grounds provided by Art. 24, para. 5.*

(3) *The victim may participate in the penal procedure acting as a private prosecutor or a civil claimant.*

(4) *If the prosecutor withdraws his/her participation in the procedure, the victim may continue to maintain the accusation acting as a private prosecutor.*

Law on the European Protection Order ¹³

The Law on the European Protection Order (LEPO) transposes into national legislation the provisions of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order¹⁴. The directive is part of a package of measures proposed by the European Commission to ensure minimum rights, support and protection for victims of crime in the EU. The package also includes Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards for the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters ¹⁵

Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters is also part of the national legislation, and shall apply to protection measures ordered with a view to protecting a person where there exist serious grounds for considering that that person's life, physical or psychological integrity, personal liberty, security or sexual integrity is at risk, for example so as to prevent any form of gender-based violence or violence in close relationships such as physical violence, harassment, sexual aggression, stalking, intimidation or other forms of indirect coercion. It is important to underline that this Regulation applies to all victims, regardless of whether they are victims of gender-based violence.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of

¹³ [Law on the European Protection Order](#), 06 July 2015. (in Bulgarian)

¹⁴ [Directive 2011/99/EU](#) of the European Parliament and of the Council of 13 December 2011 on the European protection order.

¹⁵ [Regulation \(EU\) No 606/2013](#) of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

crime¹⁶ ensures that victims of crime receive appropriate information and support. Regulation No 606/2013 complements Directive 2012/29/EU as the fact that a person is the object of a protection measure ordered in civil matters does not necessarily preclude that person from being defined as a “victim” under that Directive.

National Program for Prevention and Protection against Domestic Violence¹⁷

The National Program for Prevention and Protection against Domestic Violence aims to build institutional mechanisms for coordination and monitoring of the activities for prevention and protection against domestic violence, increase public sensitivity to this problem, as well as the capacity of professionals and institutions responsible for the implementation of prevention and protection measures. The measures envisaged in the Program are grouped according to the goals set - prevention, training and qualification, protection, rehabilitation and reintegration of the victims of domestic violence, work with the perpetrators, institutional, organizational and legislative measures.

A key point in the review of the National Program is the identification of state priorities and goals in the field of prevention and protection against domestic violence, the activities set in the programming period, state institutions and partner non-governmental organizations involved in the preparation and implementation of various measures, as well as the monitoring and evaluation activities.

National Action Plan on Women, Peace and Security for the period 2020-2025¹⁸

The National Action Plan is the result of Bulgaria’s international commitments to implementing a number of UN Security Council resolutions, notably Resolution 1325, and contains four sections on the protection of women in conflict situations, as well as measures to ensure women’s participation in the maintaining of international peace and security. The Alliance for Protection against Gender-Based Violence, as well as the Bulgarian Gender Research Foundation play an active role in the development of the National Action Plan. In turn, the National Action Plan shows the normative categorization of domestic violence as a problem of national security.

¹⁶ [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

¹⁷ [Council of Ministers, National Program for Prevention and Protection](#) against Domestic Violence 2020 (draft), 23 March 2020. (in Bulgarian)

¹⁸ [Council of Ministers, National Action Plan on Women](#), Peace and Security for the period 2020-2025, 19 March 2020. (in Bulgarian)

IV. SCOPE OF THE INSTITUTIONAL FRAMEWORK

1. Objectives

The institutional framework for cases of domestic violence is regulated in the Protection Against Domestic Violence Act, the Regulations for the Implementation of PADVA¹⁹, Instruction № Із-2673 from 10 November 2010 on the procedure for implementation of the interaction between the bodies of the Ministry of Interior (MoI) and the Ministry of Labor and Social Policy (MLSP) in protection against domestic violence, the European legislation and the approved mechanisms for response and interaction, covering the areas: prevention; preparation of swift and quality risk assessment; crisis intervention; situation management and control; proper handling of post-traumatic stressful situations; avoidance of re-victimization; provision of social and other types of services, etc.

2. Specialized Bodies and Institutions Working with Individuals and Children Affected by Domestic Violence

The executive authorities, courts, municipalities and legal entities involved in the protection against domestic violence interact. The institutions involved in cases of domestic violence are: the court, the Public Prosecutor's Office, the MoI, the Social Assistance Agency (SAA), the State Agency for Child Protection to the Social Assistance Directorate (Child Protection Department), the mayors of municipalities/mayoralties, Emergency medical services, Forensic medicine, GPs, Regional Inspectorate of Education (RIE), National Legal Aid Bureau and Bar Associations, providers of social services for individuals and children affected by domestic violence, and other stakeholders.

3. Cooperation in Cases of Domestic Violence

Given the specifics of the phenomenon of “domestic violence”, the national and regional partnership of all bodies and institutions involved in the problem is aimed at:

- ▶ identification, assessment and management of safety in cases of domestic violence with a high risk of causing harm;
- ▶ coordinated discussion of specific cases by all regional institutions involved and working together on the specific case;
- ▶ identification, dissemination and application of good practices;
- ▶ identification, dissemination and implementation of guidelines for proper first steps;
- ▶ accurate and fair description of the cases, and using them to improve the overall efficiency of the process in the future.

¹⁹ [Regulations for Implementation of the Protection against Domestic Violence Act](#), Promulgated SG No. 45/15.06.2010, last amended SG No. 100/05.12.2014. (in Bulgarian)

The assessment of the situation of individuals at risk requires the consideration and adequate evaluation of the physical, mental and personal impact on the victim.

For example, cases with potential risk data require consideration and coordination of more than one institution, as well as a number of specialists. Mutual coordination and joint action of all institutions and entities involved in the specific case is the only possible way to effectively and quickly protect victims of domestic violence. It is important that all participants are familiar with the dynamics and impacts of domestic violence on the victim through a legally defined mechanism governing the relationship and coordination between representatives of the Regional Directorates of Interior, the court, the Public Prosecutor's Office, the municipalities, the Social Assistance Agency and its regional directorates, the Child Protection Department, representatives of school authorities, physicians, lawyers, and NGOs at national and regional level.

This interaction is carried out with the use of the information database created and maintained by:

1. **Ministry of Justice** – for the programs under Art. 6, para. 7 of PADVA, financed under Chapter Three of PADVA;
2. **Ministry of Interior** – for the implementation of the imposed measures under Art. 5, para. 1, items 1, 2 and 3 of PADVA;
3. **Social Assistance Directorate** – for the implementation of the imposed measures under Art. 5, items 4 and 6 of PADVA;
4. **Legal entities**, which have received financing for the implementation of the imposed measures under Art. 5, item 5 of PADVA.

The information is published on the websites of the respective administrations and of the legal entities that have received funding.

According to Instruction № I3-2673 of 10 November 2010 on the procedure for implementation of the interaction between the bodies of the MoI and the MLSP in protection against domestic violence²⁰, the guiding principles are the best interest of the victim and the mutual awareness. The cooperation is carried out through the exchange of information on: received requests for protection, implementation of protection measures, established programs for prevention and protection, and implementation of joint actions in protection against domestic violence. Section II lists the bodies of the MoI and the MLSP that interact.

In addition to the above instruments, there is a “Coordination Mechanism for Assistance and Support to Victims of Domestic Violence” (2011-2012)²¹, developed by the Interdepartmental Working Group at the Ministry of Justice, supported by the “Animus Association” Foundation within a project funded by the OAK Foundation. The Coordination Mechanism was signed by the Minister of Interior, the Minister of Labor and Social Policy, the Minister of Justice, the Minister of Education and Science, the Minister of Youth and Sports, the Minister of Health, the Chairman of the State Agency for Child Protection and the Executive Director of the Social Assistance Agency. The Mechanism includes a detailed path of interaction, coordination and guidance for the various stakeholders,

²⁰ [Instruction № I3-2673](#) of 10 November 2010 on the procedure for implementation of the cooperation between the bodies of the Ministry of Interior and the Ministry of Labor and Social Policy in protection against domestic violence, Promulgated SG No. 94/30.11.2010. (in Bulgarian)

²¹ “Animus Association” Foundation, [Coordination Mechanism for Assistance and Support to Victims of Domestic Violence](#), 2011. (in Bulgarian)

including notification and guidance, protection measures in case of direct and imminent danger, as well as in case of risk or potential risk and social inclusion, i.e. providing long-term support after the violence is brought to an end.

4. Performing Joint Actions

For the coordination of joint activities with the participation of representatives of Regional Directorates of Interior, the court, the Public Prosecutor's Office, the municipalities, the Social Assistance Agency and its regional directorates, the Child Protection Department, representatives of school authorities, physicians, lawyers, and NGOs in cases of domestic violence, a specialized body for coordination, monitoring and evaluation of the implementation of the policies and measures in the field of prevention and counteraction of domestic violence is required, as well as upgrading of the national legislation regulating the institutional framework in cases of domestic violence. The annual national programs indicate developments in this direction.

V. INSTEAD OF A CONCLUSION

The issues in the field of combating violence against women and domestic violence, on which this overview focuses, are relevant not only in their social aspect, but also as a question of national and international legal regulations, and subject to influence by various policies.

The criticism of Bulgaria by a number of international organizations is key to identifying potential gaps in the law, as well as deficits in the legal-strategic framework and institutional interaction:

- ▶ reports, observations and recommendations by the **CEDAW Committee** from the last few years;
- ▶ reports and recommendations by the **Council of Europe Commissioner for Human Rights** and/or the **Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)** and/or the **EU Agency for Fundamental Rights (FRA)** from the last few years;
- ▶ reports and recommendations by the **Office of the United Nations High Commissioner for Human Rights** and/or **UN Women** from the last few years;
- ▶ reports and recommendations by **other international organizations** (the European Institute for Gender Equality (EIGE), the World Bank, the Organization for Security and Co-operation in Europe (OSCE), the World Health Organization (WHO), the International Labor Organization (ILO)) from the last few years;
- ▶ reports and recommendations by **international and national non-governmental organizations** (Open Society Institute Foundation, “Animus Association” Foundation, Bulgarian Fund for Women, Bulgarian Helsinki Institute (BHC), Partners Bulgaria Foundation, Center for the Study of Democracy, Human Rights Academy (Norway), Bulgarian Gender Research Foundation, Alliance for Protection against Gender-Based Violence, etc.)

Other sources of support include:

- ▶ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of the Council of Europe (the Istanbul Convention);
- ▶ case law and advisory opinions of the European Court of Human Rights (ECtHR), the International Court of Justice, international specialized courts and judicial authorities, national courts, etc.;
- ▶ legal and strategic frameworks of countries with a high index of protection of women's rights;
- ▶ research on the topic of domestic and gender-based violence by statistical and research agencies in Bulgaria.



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OVERVIEW

of the Legal, Strategic and Institutional Framework Related to
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