

# POLICY BRIEF

## DOMESTIC AND GENDER-BASED VIOLENCE IN BULGARIA: CHALLENGES AND NEXT STEPS

### Key points

- ▶ *Clear, well-crafted, evidence- and data-based policies to counter domestic and gender-based violence (DGBV) that involve competent institutions and define their mandates, rights, and duties are urgently needed in Bulgaria.*
- ▶ The landmark Istanbul Convention was *declared unconstitutional* by the Bulgarian Constitutional Court in 2018, but the institutions need to take measures to tackle DGBV.
- ▶ There is *no official definition of gender-based violence* amidst widespread *misinformation, disinformation, and manipulation* regarding the term 'gender'.
- ▶ The current definition of domestic violence in the Criminal Code still contains the *highly contested* requirement for 'system' violence.
- ▶ Domestic violence, and *intimate partner violence* in particular, poses a serious challenge, especially during the COVID-19 pandemic. However, *accurate, detailed, and relevantly-disaggregated statistical and administrative data is not collected.*
- ▶ *Abuse of the elderly, sibling violence, dating violence, and violence in the digital sphere* are yet to be understood and addressed in detail.

The intensification of gender-based violence (GBV), and domestic violence (DV) in particular, in 2020 and 2021 is often called a 'shadow pandemic', developing alongside COVID-19.<sup>1</sup> Confined to their homes, many women find it even harder to seek help than previously. The same applies to other vulnerable persons – children, the elderly, and people with disabilities who fall victim to physical and psychological abuse. Violence in the digital sphere proliferates as people are forced to work, communicate, and seek entertainment online.

Bulgaria is no exception to these worrying trends. Whilst certain steps have been taken to tackle DV, more efforts are urgently needed. The Protection against Domestic Violence Act offers a legal definition of the term „domestic violence“ and regulates the rights of victims<sup>2</sup>.

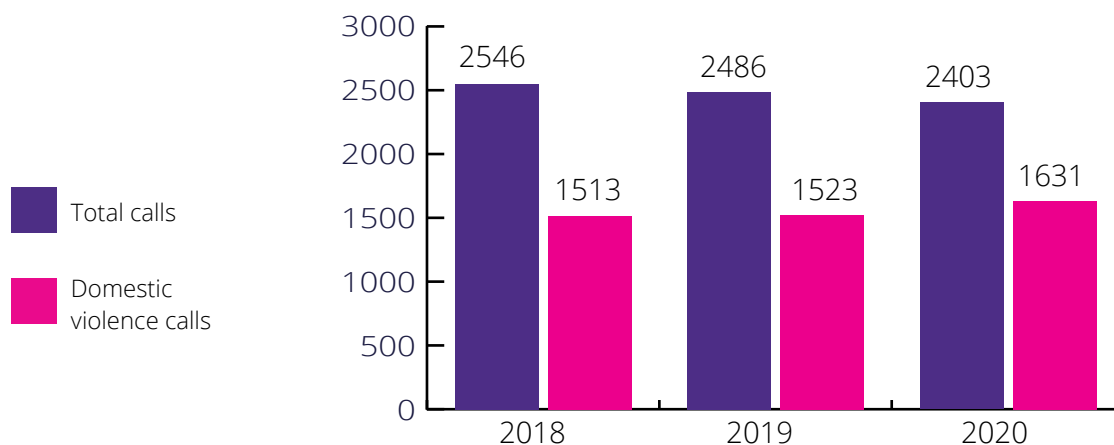
<sup>1</sup> UN Women, [Measuring the shadow pandemic: Violence against women during COVID-19, 2021.](#)

<sup>2</sup> [Protection against Domestic Violence Act](#), Promulgated SG No.102/22.12.2009, last amended SG No. 101/27/12/2019. (in Bulgarian)

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*Statistics from the hotline operated by Animus Association Foundation  
(number of calls recieved)*



Source: Animus Association Foundation, *Annual Reports*

Since 2019, the Bulgarian Criminal Code has included domestic violence as an aggravating circumstance for several crimes<sup>3</sup>, while the Council of Ministers annually adopts a National Program for Prevention and Protection against Domestic Violence, which sets certain basic benchmarks for combatting DV<sup>4</sup>. However, the landmark Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) remains unratified, as parts of it were declared unconstitutional by the Bulgarian Constitutional Court in 2018. This deprives victims of vital safeguards and obstructs the efforts of policymakers, experts, practitioners, and activists to tackle DGBV through integrated policies, protection and prevention. From January to November 2021, 15 victims of femicide and an increase in the brutality with which these victims were killed have been reported<sup>5</sup>.

This analysis is based on the monitoring of institutional practice and policies with respect to DGBV in Bulgaria<sup>6</sup> implemented by the Center for the Study of Democracy in 2021. It aims to demonstrate that clear, well-crafted, evidence- and data-based policies to counter domestic and gender-based violence are urgently needed.

<sup>3</sup> [Criminal Code](#), Promulgated SG No. 86/30.09.2003, last amended SG No. 84/08/10/2021. (in Bulgarian)

<sup>4</sup> [Strategy.bg](#), [National Program for Prevention and Protection against Domestic Violence](#), 2021

<sup>5</sup> [Darik News](#), [15 жертви на домашно насилие за годината, увеличава се жестокостта, с която са били убити](#), November 24, 2021.

<sup>6</sup> This report references results from desk and field research in 10 locations in Bulgaria, carried out by the PULSE Foundation and the Centre for the Study of Democracy on the topic: „Development of a monitoring methodology and conducting a national monitoring of policy and institutional practice in relation to domestic and gender-based violence in Bulgaria“. The field study was carried out in June-November 2021 in these Bulgarian towns: Blagoevgrad, Burgas, Kardzhali, Pazardzhik, Pernik, Ruse, Samokov, Varna, Veliko Tarnovo, and Vidin.

## Main observations

*Better understanding of the magnitude and the 'many faces' of GBV is essential for devising resourceful counter-measures.* The lack of such understanding can be partially explained by the absence of a legal definition of GBV and the persistence of harmful gender stereotypes and biases. While abuse by an intimate partner is the most widespread type of DV, violence against the elderly, sibling violence, dating violence, and violence in the digital sphere should be explored and tackled as well. Adopting all provisions of the Istanbul Convention is indispensable to countering these phenomena.

*Periodic collection and analysis of accurate, detailed, and sex- and gender-disaggregated data is paramount to designing efficient policies and strategies.* This will improve cooperation among relevant institutions and bodies locally, nationally, and internationally. Having central registers of DGBV cases might amplify trust in the protection and support system, increase reporting by victims and witnesses, and improve the institutions' capacity to deal with the problem timely and efficiently.

*Engaging all societal actors is crucial for achieving sustainable results.* Efforts to combat DGBV should involve not only victims and the immediate institutions responsible for implementing counter-violence measures. The civil and private sectors, the media, and the society should be actively engaged during the entire process through public awareness campaigns, training, and education programs, including digital literacy.

## Best Practices and Challenges

Several good practices could be relied upon to formulate, and implement meaningful and comprehensive policies and practices to counter DGBV.

### Main challenges

- ▶ Absence of a legal definition of GBV and all its types
- ▶ Lack of data gathered through uniform criteria that will allow evidence-based policies
- ▶ Difficulties in adopting fully the victim-centered approach
- ▶ Weaknesses in existing prevention, prosecution, protection, compensation and cooperation policies and practices
- ▶ Persisting harmful gender stereotypes

### Good practices

- ▶ Civil society organizations (CSOs) collect data and are open to cooperation with other actors
- ▶ Support for victims of violence through various services and crisis centers
- ▶ Organizations for DV trainings for frontline professionals
- ▶ Good (formal and informal) structures of cooperation among institutions exist at local level

## What's Next?<sup>7</sup>

This analysis delineates the following main recommendations for tackling DGBV:

▶ **Ratification of the Istanbul Convention** and adoption of the **PDVA Draft Amendment Act**<sup>8</sup>.

▶ All relevant actors should **devise and implement** strategies, action plans, programs, or provisions that **defy harmful gender stereotypes** and **promote the principles** of equality, non-discrimination and respect for basic rights.

▶ Introduction of a **solid and comprehensive definition** of GBV, which acknowledges that GBV is a form of discrimination and a violation of basic rights.

▶ State, district, and municipal actors should carry out and support **targeted, tailor-made campaigns to raise public awareness** about the gravity of DGBV and the need to eradicate it.

▶ **Detailed and clear** policies, programs, and strategic documents to counter DGBV should be coined, **not only on national, but also on local level** (district and municipality).

▶ **Exchange** of know-how and best practices among various actors (including international and regional ones) should be encouraged.

▶ National and local actors should develop various protection, support, and prevention services and actions and improve the capacity and the quality of existing ones. These services must be **easily accessible, inclusive and victim-centered**.

▶ All programs, policies, and services should be **elaborated following consultations** with civil society (including victims' associations or individual victims), media, scholars, researchers, the private sector, but also and importantly, the professionals directly involved in the implementation of counter-DGBV actions and measures.

▶ Trainings and education programs intended for relevant institutions should continue to take place. These trainings should be **co-created, involving significant input** from the groups they are targeting in order to meet their specific needs.

▶ A detailed **centralized register** for cases, victims and perpetrators of DV should be established and available to all relevant institutions. It should offer **disaggregation** by relevant demographic indicators and consider **intersectional vulnerabilities**. It should be guaranteed that the register is used in compliance with all human rights principles and misuse, discrimination, and re-traumatization are prevented.

▶ Effective **prosecution, commensurate punishment, and mandatory rehabilitation** for perpetrators should be prioritized to counter re-offending.

▶ **Reporting services** for victims and individuals that have knowledge about victims should be established in law. Such services should be advanced technologically but also user-friendly and widely accessible, running round the clock.

▶ Lawmakers should perform a **comprehensive overhaul** of the legislation on the collection and admissibility of evidence of DGBV before the competent courts.

▶ The **dated condition** of „system violence“ requiring victims to present undisputable evidence of three and over acts of DV should be immediately repealed.

▶ Different **compensation and non-financial remedies** for victims ought to be effectively applied in every admissible case.

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<sup>7</sup> A more detailed version can be found in: Tzvetkova, G. et al., *From Victim Blaming to Victim Sensitivity: A State of the Art Analysis of Domestic and Gender-Based Violence in Bulgaria*, Center for the Study of Democracy and PULSE Foundation, 2022.

<sup>8</sup> Council of Ministers, [Public Consultations Portal](#), 2021.