



**MONITORING OF THE UN CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN IN BULGARIA
SUMMARY OF REPORT 2020**

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THE CONVENTION

The UN Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 and has been in force in Bulgaria since 1982. By accepting the Convention, our country undertakes to include the principle of equality of men and women in the Constitution of the Republic of Bulgaria or other relevant legislation; adopt appropriate legislative and other measures prohibiting any discrimination against women; to establish legal protection of the rights of women on an equal footing with men and to ensure, with the help of the courts and other state authorities, the effective protection of women against any act of discrimination, etc.

In the course of Bulgaria's reporting under the Convention, the CEDAW requires of the State information about the measures taken and progress achieved in the following areas: violence against women, participation of women in the political and public life, employment, education, role of Roma women and others.

CEDAW IMPLEMENTATION IN BULGARIA 2020

According to the Ombudsman, all institutions and participants in the process of prevention and protection against domestic violence need to consider applying a holistic approach of work which will address this enormous issue in our society in its entirety.

In 2018, the Constitutional Court ruled on the incompatibility of the Istanbul Convention with the Bulgarian Constitution which hampers its ratification. This has prompted amendments to the national legislation aimed at overcoming the problems in the protection of women against domestic violence. The changes made in the Criminal Code and the Protection against Domestic Violence Act related to combating domestic violence are an important step but the efforts most certainly need to continue.



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In this regard, in 2020 the Ombudsman took part in the MJ Working Group developing a Bill to Amend the Protection against Domestic Violence Act with specific proposals:

- Remove from the Criminal Code of the requirement to consider a crime to have been committed in the conditions of domestic violence only if it systemic;
- Incriminate all forms of domestic violence, including sexual and economic violence;
- Incriminate all forms of psychological violence and refining the existing definition of harassment;
- Incriminate rape in marriage;
- Amend Article 10, para 1 of the Protection against Domestic Violence Act pursuant to which a protection application to the court is submitted within one month as of the act of domestic violence and extend this term;
- Ensure better guarantees for access to justice and legal aid of women who are victims of domestic violence;
- Take effective measures to obligate perpetrators of domestic violence to comply with judicial rulings to take part in rehabilitation programs such anger management training and others.

In 2020, the Ombudsman continued to insist on the position that the said proposals for legislative amendments need to be complemented with other measures such as:

- Ensure integrated gathering of data and official statistics about the cases of domestic violence;
- Create an effective coordination mechanism to ensure better cooperation among the institutions in cases of domestic violence;
- Provide targeted training of professionals working with victims of domestic violence – police, prosecutors, judges, social workers, healthcare specialists;
- Hold campaigns for zero tolerance to domestic violence to increase the public awareness in order to overcome the social stereotypes and empower women not to be silent victims.

The Ombudsman recommends the creation of a sufficient number of centres for accommodation of victims of violence which are accessible and allocated even geographically throughout the country (with at least one in every regional centre) in accordance with the minimum standards of the Council of Europe to have at least one place for accommodation at a crisis centre for every 10,000 people.

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THE OMBUDSMAN IN DEFENCE OF VICTIMS OF DOMESTIC VIOLENCE



19 February 2020, Geneva – the Ombudsman takes part in the 75th session of the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW).

Under a new procedure, Assoc. Prof. Kovacheva was **the first National Ombudsman heard by CEDAW** and was officially commended by its Chairperson.

“I believe that last year’s changes to national laws related to combatting domestic violence were an important step. These efforts, however, must continue as this is a very serious problem. For example, a woman may be killed even in the first occurrence of domestic violence. Thus, the current requirement that a domestic violence offence has to be a repeat one prevents the courts from imposing harsher penalties”, Assoc. Prof. Kovacheva pointed out and insisted that domestic violence and child abuse offences should be punished even after the first occurrence.

16 April 2020 – the Ombudsman forwarded an opinion to the Ministry of Justice in connection with the Bill to Amend the *Protection Against Domestic Violence Act* (PDVA).

20 May 2020 – the Ombudsman took part in the online meeting of the working group established at the Ministry of Justice to draw up the amendments to the PDVA.

27 May 2020 – the Ombudsman submitted to the Ministry of Justice proposals for amendments to the *Criminal Code* and the *Protection Against Domestic Violence Act* aimed at protecting victims of domestic violence more effectively. The Ombudsman took part also in the online meeting of the working group at the Ministry of Justice tasked with drawing up legislative amendments relating to the subject.

25 November 2020 – the United Nations General Assembly has designated November 25 as the International Day for the Elimination of Violence Against Women. The Ombudsman put forward a recommendation to the Minister of Justice insisting that the bill drawn up to amend the PDVA should be transmitted to the Council of Ministers and then submitted to the National Assembly for debate and adoption.

18 December 2020 – the Ombudsman took part in the meeting of the Administrative Reform Council in connection with the discussions on the *Domestic Violence Bill*.

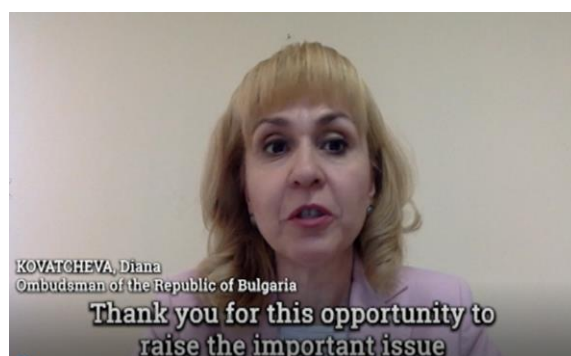
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"I have committed myself to combatting domestic violence because this is a very serious problem in Bulgaria. Last year statistics showed that at least two women lost their lives each month. Just within the two months of quarantine, nine women were killed by their partners in their homes. Anyone can become a victim of domestic violence irrespective of their gender, educational achievement, and socioeconomic status. This is exactly why the amendments to the regulatory environment concern a broad group of people", Assoc. Prof. Diana Kovacheva took a firm stand.

Participation in the Universal Periodic Review

The Ombudsman institution took part for the first time in the Universal Periodic Review of the human rights situation in Bulgaria – a mechanism of the United Nations Human Rights Council aimed at improving the human rights situation in all countries and addressing human rights violations wherever they occur.

The Ombudsman Assoc. Prof. Dr. Diana Kovacheva delivered **an opinion on July 27, 2020, regarding the measures needed to address the deficiencies in the legal framework and in the practices for preventing domestic violence.**



STATEMENT BY THE OMBUDSMAN OF THE REPUBLIC OF BULGARIA FOR THE UNIVERSAL PERIODIC REVIEW PRE-SESSIONS (JULY 2020)

The Ombudsman of the Republic of Bulgaria welcomes the opportunity to present this statement to the attention of the human rights community.

This statement complements the previous statement of the Bulgarian Ombudsman (deposited in October 2019), in which the implementation of the last reporting cycle recommendations is assessed.

I would like to focus this statement particularly on the important issue of domestic violence and violence against women.

Domestic violence is a violation of fundamental rights as regards dignity, equality and access to justice. Women are most often the victims of domestic violence, however everybody could become victim as well, especially most vulnerable groups like children, elderly people, people with mental disabilities, etc.



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Despite the fact that in Bulgaria a number of positive steps have been taken in the area of domestic violence prevention and criminalization (for example legislative changes in the Criminal Code and the Protection against Domestic Violence Act), as Ombudsman I find that further legislative and other measures are needed.

Unfortunately, the Covid - 19 pandemic has deepened the already existing problems with domestic violence and led to an increase in domestic violence against women. The statistics showing significant increase in the cases of domestic violence and violence against women during the state of emergency (between March and May) in the Republic of Bulgaria is extremely worrying. According to the data collected by the Ministry of Interior the total number of homicides committed against women for the period of two months is 9. The telephone hotline for victims of violence, which is managed by the Animus Association, reported an increase in calls by 12% compared to the same period of last year. The lockdown also had a serious negative impact on the access of the victims of domestic violence to justice, healthcare rehabilitation services and other supporting services in shelters.

In view of this as Ombudsman I proposed changes in both the Penal Code and the Act for Protection against Domestic Violence. I have issued a specific recommendation to all district governors across the country to increase the number of shelters and crisis centres – for instance there is only one crisis center with 8 seats for the 2-million inhabitants in the capital city Sofia, and that one had to close down temporarily because of COVID-19 infection.

It is an urgent need for the authorities to put in place better early warning tools and collection of disaggregated reliable data for domestic violence cases, to set up indicators for proper assessment of both prevention and rehabilitation services, and to organize more targeted trainings for professionals working with victims of domestic violence – police, prosecutors, judges, social workers, health care specialists.

In this regard the main recommendations of the Ombudsman in the area of domestic violence prevention, including violence against women, are the following:

- **In terms of the needed legislative amendments –**
 1. **Adopt amendments in the Criminal code regarding:**
 - The repealing of the term “systematic” in Article 93, item 1 of the Additional Provisions of the Criminal Code to allow that domestic violence is qualified as a graver punishable offence ,
 - provide an exact definition of “psychological violence” and “economic violence” ;
 - criminalize all forms of psychological violence and the sieging of women.
 2. **Adopt amendments in the Act for Protection against Domestic Violence to ensure:**
 - The obligation of medical practitioners to report domestic violence cases;



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- optimize the protection measures against domestic violence proceedings, namely as regards speed, effective enforcement and guarantees for the protection of victims interests, in particular of women and children;
- introduce the obligation for a perpetrator of domestic violence to attend the specialized programmes for anger and aggression management;
- **In terms of developing the necessary policy tools:**
 3. Establish a national body competent to coordinate policies in this area;
 4. Increase the number of crisis centres and other supporting services for victims of domestic violence,
 5. Launch awareness raising campaigns for zero tolerance to domestic violence.

As an Ombudsman I am deeply convinced of the importance of putting an emphasis on this serious issue in order to improve the situation of the victims of domestic violence in the country.