



**MONITORING OF THE UN CONVENTION ON THE ELIMINATION OF ALL  
FORMS OF DISCRIMINATION AGAINST WOMEN IN BULGARIA  
SUMMARY OF REPORT 2021**

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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 fulfillment of the international and European commitments undertaken, the principle of equality has been introduced in the Bulgarian legislation. Yet, differences still exist in women's and men's employment, in the amount of remuneration and pensions received, in decision-making, in the distribution of household duties and in caring for dependent family members.

Since 2016, the Equality between Women and Men Act has been in force, on the basis of which a National Strategy for the Promotion of Equality between Women and Men has been developed with a time frame for 2021-2030.

**CEDAW IMPLEMENTATION IN BULGARIA 2021**

For the Ombudsman, the current Equality between Women and Men Act is rather formal and does not propose new arrangements that correspond to the level of development of social relations and does not regulate the basic mechanisms for gender equality. It is rather declaratory in nature, with no significant practical effect.

A serious problem in the country is the uneven concentration of women and men in the various sectors of the labour market, for the regulation of which adequate measures have not been taken.



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It is still mostly women who are responsible for raising children, caring for the elderly and dependent family members, which directly reflects on the fact that women have less free time than men.

Serious targeted measures and actions are needed regarding the protection of women from multiple discrimination in various spheres, mainly in the administration of justice, but also in education, employment, health, housing policy and social services.

**The Ombudsman notes that the State is obliged to implement the policy of gender equality aimed at sustainable structural changes and that would lead to a sustainable improvement of women's rights and gender equality.**

Unfortunately, the principle of gender equality is also violated by public statements that are sexist, hateful, and lead most often to blocked actions in combatting gender-based violence and gender-based stereotypes.

### **THE OMBUDSMAN IN DEFENCE OF THE RIGHT OF ACCESS TO HEALTHCARE OF PREGNANT WOMEN**

For years in Bulgaria there is a problem with the right of access to healthcare for uninsured women, whose pregnancies are not monitored by specialists, they give birth without being monitored during their pregnancy and without the necessary tests. The data provided show that every tenth woman in childbearing age does not have health insurance. Over 105,000 women in Bulgaria do not have health insurance and 40% of them or about 60,000 women are of Roma ethnic origin. Based on data from the National Health Insurance Fund, 75% (78,750) of these women did not have any tests during pregnancy.

For the Ombudsman this data points to a serious problem, as uninsured women in Bulgaria cannot receive medical care and equal access to timely, quality and affordable healthcare.

It is worrying that a large number of diseases in prematurely born babies, which are due to preventable complications, are not diagnosed and not treated promptly during pregnancy.

In view of the problems identified and to protect the right of pregnant women to access quality healthcare, the Ombudsman recommends:

- taking action to provide for a possibility for conducting more examinations and tests during pregnancy, including at the beginning of pregnancy, which would be very useful for the prevention of complications, their timely diagnosis and treatment;
- discussing different options for ensuring access for uninsured pregnant women to medical care, including at least four examinations and basic tests in their package.

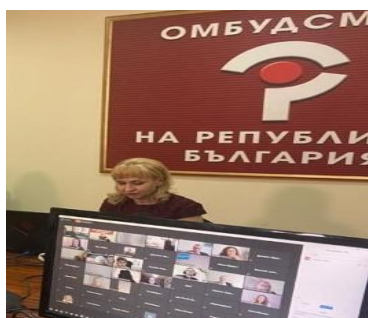
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### THE OMBUDSMAN IN DEFENCE OF VICTIMS OF DOMESTIC VIOLENCE

The Ombudsman has repeatedly brought this subject to the public's attention. The problem has been further aggravated in the context of the COVID-19 pandemic. According to data from civic monitoring, 25 women were killed within an intimate relationship in 2020. The two latest female homicide victims were killed in the period between April 5 and April 12, 2021. According to Ministry of Interior data, Bulgarian courts issued 3,057 domestic violence restraining orders. 349 of those were issued for violence against males and 898 – for violence perpetrated against children. These disturbing data show that 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. Such measures are even more necessary now to address the growing problem. Even though a bill was drawn up to amend the *Protection Against Domestic Violence Act* to reflect new realities, it was never submitted for consideration to the 44<sup>th</sup> National Assembly.

- The current requirement that an occurrence of domestic violence has to be a repeat offence to be classified as aggravated ought to be abolished. As of today, at least three cases of domestic or intimate partner violence must have been reported to the police for a court to impose a harsher penalty on an abuser. This, however, is not always possible since sometimes even the first occurrence of violence may result in death or in the victim's crippling or disablement;
- All forms of domestic violence ought to be criminalised. Clear and uniform definitions of economic and psychological violence ought to be adopted since the current lack of definitions makes it practically impossible to prosecute and punish the perpetrators of these forms of domestic abuse;
- Stalking also ought to be criminalised. Stalking may cause justified fear for the victim's sexual freedom, sexual inviolability, and honour, and not just fear for her or his life and health.

An **online discussion of the Protection against Domestic Violence Bill** was held on 26 January 2021. The Ombudsman insists that the Bill should be reviewed by the National Assembly (NA) in the course of this mandate.

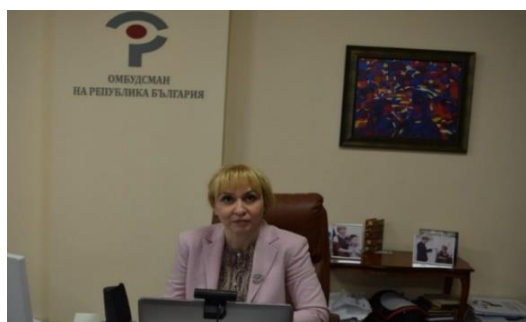


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On 31 May, the Ombudsman met with the British Ambassador to Bulgaria H.E. Rob Dixon and one of the topics discussed was domestic violence.

On 10 December, the Ombudsman took part in the online discussion **Taking Real Action and Finding Appropriate Tools to Support Women Victims of Violence. Violence and Harassment against Women in the Area of Work.** The forum was organised by the Economic and Social Council.



The Ombudsman has repeatedly raised the issue of domestic violence, which is exacerbated by the global COVID-19 pandemic. However, this should not be seen as inevitable, on the contrary, more efforts should be made to understand why and how violence occurs and to take the necessary measures to overcome it. There is an urgent need to adopt legislative proposals to amend the Protection Against Domestic Violence Act and the Criminal Code.

The specific proposals for amendments to the legislation, which the Ombudsman believes would contribute to more effective protection of victims and effective prevention of domestic violence, are:

- removing from the Criminal Code of the requirement to consider a crime to have been committed in the conditions of domestic violence only if it is a systemic violence;
- incriminating all forms of domestic violence;
- incriminating the persecution, which could arouse a well-founded fear for the freedom, sexual integrity and honour of the victim, not just fear for the life or health of the victim.

In addition to the above proposals for legislative changes, according to the Ombudsman, other measures are needed, such as:

- ensure integrated gathering of data and official statistics about the cases of domestic violence;



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- create an effective coordination mechanism to ensure better cooperation among the institutions in cases of domestic violence;
- establish a body responsible for defining, applying and assessing the policies and for coordinating actions related to violence prevention and tackling;
- provide targeted training of professionals working with victims of domestic violence – police, prosecutors, judges, social workers, healthcare specialists;
- organise 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;
- set up a sufficient number of services, including centers for accommodation of victims of violence, accessible and evenly distributed geographically throughout the country.