



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

AGAINST DOMESTIC VIOLENCE CAMPAIGN OF THE OMBUDSMAN OF THE REPUBLIC OF BULGARIA

REVIEW OF EVENTS 2019 - 2024

CAMPAIGNS IN SUPPORT OF THE RIGHTS OF VULNERABLE GROUPS OF CITIZENS

Adoption of legislative measures for protection against domestic violence

Support for citizens in their disputes with monopolies

Support for children at risk and in conflict with the law

Support for migrants and refugees

AGAINST DOMESTIC VIOLENCE IN BULGARIA

– KEY CAMPAIGN OF THE OMBUDSMAN INSTITUTION 2019 - 2024

Campaign aims:

1. Adopt **amendments to the national legal framework in order to meet the UN, CoE and EU standards** for human rights protection of victims of domestic and gender based violence;
2. Adopt a **national policy and strategy for prevention and protection of victims of domestic and gender based violence in Bulgaria;**
3. **Raise public awareness about the damages of domestic and gender based violence on human beings, their families and society as a whole.**
4. Mobilize public resources in support of victims of domestic and gender base violence.



AGAINST DOMESTIC VIOLENCE IN BULGARIA – KEY CAMPAIGN OF THE OMBUDSMAN INSTITUTION 2019 - 2024

Campaign key steps:

On 14 October 2019, Ombudsman Diana Kovacheva discussed violence against women with the UN Special Rapporteur Dubravka Simonovic who was on a visit to Bulgaria in order to get acquainted with the Bulgarian system of preventing and combating violence against women and children.



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Campaign key steps:

In November 2019 the Ombudsman addressed a recommendation to all regional governors across the country who have the right to open crisis centers in consider to increase the number of crisis centers for women, victims of domestic violence.

Currently there are only 13 such centers in the country and they are always full.

There is only one crisis center with 8 seats for the almost 2-million capital Sofia.

The recommendation of the Ombudsman is for the establishment of sufficient number of centers for the accommodation of victims of violence, accessible and evenly distributed geographically throughout the country (at least one in every of the 28th regional centers).



AGAINST DOMESTIC VIOLENCE IN BULGARIA – KEY CAMPAIGN OF THE OMBUDSMAN INSTITUTION 2019 - 2024

Campaign key steps:

On 25 November 2019, the **UN International Day for the Elimination of Violence against Women**, the Ombudsman organised a thematic reception desk for women who are victims of violence and launched the Silence Kills! Campaign. The building of the institution was lit up in orange – the colour of the UN campaign against harassment against women.



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Campaign key steps:

27 November 2019: Ombudsman Diana Kovacheva and Council of Europe Commissioner for Human Rights Dunja Mijatovic discussed the fight against violence and discrimination in Bulgaria.



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Campaign key steps:

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.



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Campaign key steps:

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.

"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.

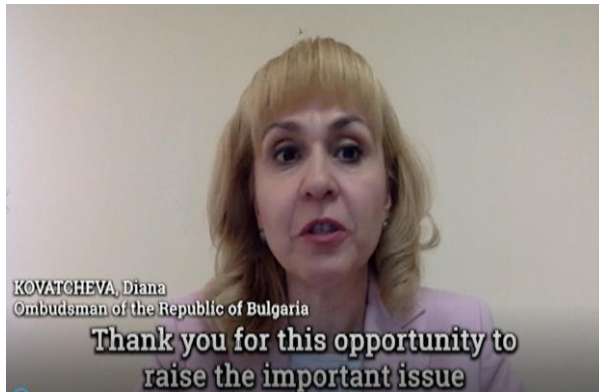


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Campaign key steps:

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 Kovatcheva 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.



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Campaign key messages 2020:

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 44th 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.



AGAINST DOMESTIC VIOLENCE IN BULGARIA – KEY CAMPAIGN OF THE OMBUDSMAN INSTITUTION 2019 - 2024

Campaign key steps:

An online discussion of the Protection against Domestic Violence Bill was organized and hosted by Ombudsman Diana Kovatcheva on 26 January 2021.

The Ombudsman insists that the draft Bill, prepared by the MoJ in co-operation with civil society should be finally discussed by the National Assembly (NA) until the end of its mandate (March 2021).



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Campaign key steps:

On 31 May 2021, 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 2021, 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.



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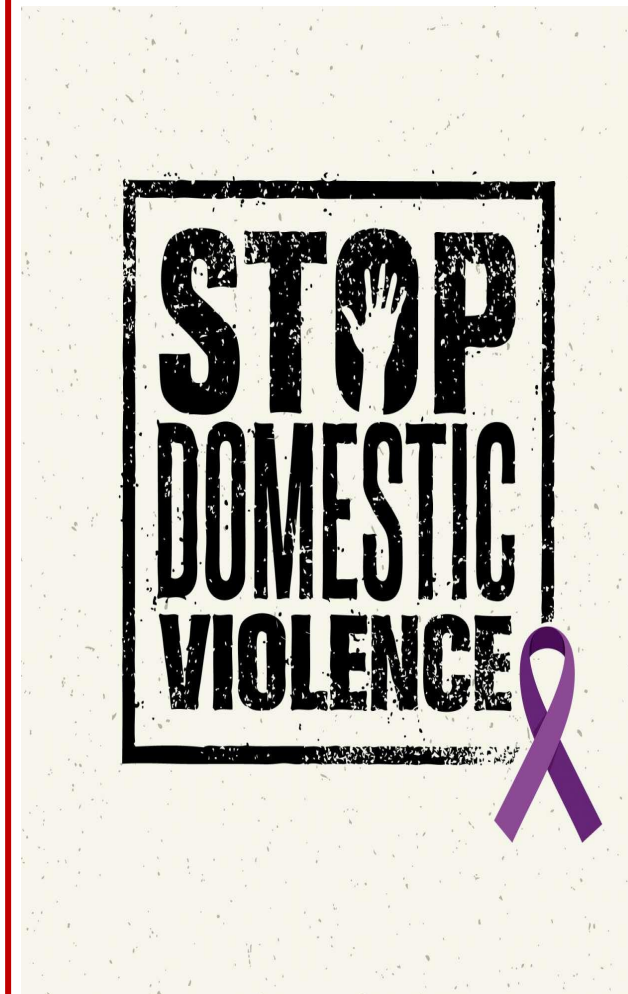
Campaign key messages 2021:

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;
- 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.



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Campaign key steps:

In 2022, the efforts of the Ombudsman Diana Kovacheva continued to be focused on adopting the Protection against Domestic Violence Act (PDVA) so that victims can receive more efficient protection. In Bulgaria, this problem has been systematic for years, but deteriorated especially during the pandemic, although there is no official statistics – in the three years of COVID, about 60 women were killed in our country, and domestic violence does not only affect women, but also men, disabled, elderly parents, children, anyone who finds themselves locked up with an abuser at home.

Meeting of the Ombudsman Diana Kovacheva with the Minister of Justice Nadezhda Yordanova on 11 January to discuss the need for urgent legislative changes in the Criminal Code and the PDVA to ensure more effective protection of victims.

Prof. Kovacheva emphasized that in 2020 the Ministry of Justice prepared a draft for amendment of the PDVA, which was not submitted for consideration in the 44th National Assembly and is pending approval of the Ministry of Justice.



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Campaign key steps:

A week later, on 17 January, the Ombudsman insisted on the immediate submission to the National Assembly of the finalised draft of the PDVA. This took place at a meeting organised by the Minister of Justice, Nadezhda Yordanova, with the institutions and non-governmental organisations that worked on its preparation.



The Ombudsman and her team participated in all the meetings of the parliamentary committees in which domestic violence protection bills were discussed, insisted and supported the adoption of the Act, but the problem remained unresolved due to the short life of the 48th National Assembly.



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Campaign key steps:

“Today is the United Nations International Day for the Elimination of Violence against Women. In 2019, I was the first Ombudsman in the world to be heard before the Committee on the Elimination of All Forms of Discrimination against Women in Geneva. I spoke about domestic violence in Bulgaria. I made 10 recommendations for changes in our legislation and institutional practices, but absolutely nothing followed.” This was stated by the Ombudsman at the round table: “Active against violence against women. Love doesn't hurt! Speak up! Help!”, organised by the Animus Association Foundation on the occasion of 25 November 2022.



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Campaign key steps:

“Annually, about 380 men report domestic violence on the hotline, about 900 children, and during the pandemic these numbers jumped, which means that anyone can become a victim of domestic violence. The problem is that we can try to structure domestic violence with administrative measures, but the truth is that dissuasive penalties are needed.” This was stated by Ombudsman Diana Kovacheva on 12 December 2022 at the Forum on Policies and Actions to Combat Violence against Women, organised by the Bulgarian Fund for Women and the Bulgarian Platform of the European Women’s Lobby, with the participation of representatives of the institutions and the non-governmental sector.



The Ombudsman emphasised that in three years, about 60 women were murdered and this is the “official” statistics from the media, and there are many victims of violence who were not covered by these statistics. According to her, a significant percentage of the victims of violence are men, people with disabilities, elderly parents, people who are completely helpless and whose voices are not heard.



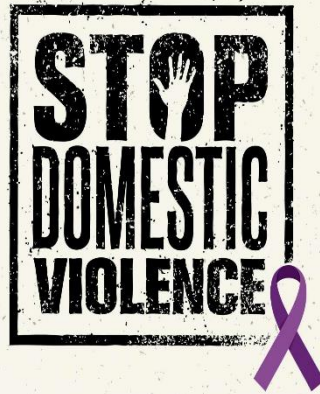
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Campaign recommendations:

National Ombudsman has repeatedly expressed support for the proposed amendments to the legal framework, which:

1. Broadens the range of victims of domestic violence who may seek protection under the Protection against Domestic Violence Act;
2. Facilitates access to justice;
3. Provides for new measures for protection from domestic violence, and introduces mechanisms to prevent abuse of the law;
4. Proposes the establishment of a national body to coordinate, monitor and evaluate policies and measures to prevent domestic violence and improve interaction between the various state bodies and organisations involved in the problem. Its functions, its composition, the institutions and persons who will be able to participate in its meetings are regulated;
5. Provides for the establishment of a coordination mechanism, which establishes rules of action and coordination between the competent authorities and organisations, thus ensuring reliable, timely and adequate protection of persons who suffered violence;
6. Provides for the establishment and maintenance of an information system and, as part of it, a national registry;
7. Sets forth prevention and protection programmes, as well as specialised services providing protection and support to victims of domestic violence;
8. Expands the range of persons who may initiate court proceedings for a protection order;
9. Regulates the possibility of providing free legal aid to victims, strengthening the court's duty of care, and introducing the requirement for the court to carry out a risk assessment;
10. Increases the time limit for applying for protection from domestic violence, which under current law is one month.



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Campaign key achievements:

The Ombudsman insisted that the condition of systematicity for the qualification of an act committed in the context of domestic violence should be abolished. The condition of systematicity means that the victim of domestic violence must, in at least three separate cases of domestic violence, take legal action and obtain protection from domestic violence. However, it is undeniable that domestic violence can manifest itself as a single act and that extremely serious harm to the victim can follow. This creates difficulties in protecting the rights of the victim, as she is in a vulnerable position, dependent on the perpetrator, and may not always be able to take action to protect herself.

The Ombudsman's opinion was taken into account during the deliberations on the bill for amendments and supplements to the Protection against Domestic Violence Act and in the latest amendments to the Criminal Code the condition of systematicity was removed, as the legislator gave due importance to the effective fight against all forms of domestic violence and a clear signal to society about the social importance of the problem and that it will not tolerate domestic violence.

It should be noted that after the adoption of the amendments to the Protection from Domestic Violence Act, promulgated in SG No. 66 of 2024, a specialised permanent collective and advisory body for the implementation of the state policy on prevention and protection from domestic violence, i.e. the National Council for Prevention and Protection from Domestic Violence (National Council) is created.





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