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National Study on Domestic and Gender-Based Violence (DGBV) and Elaboration of a Victims Support Model (VSM)

Legal, Institutional and Policy Analysis



August 2015

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NATIONAL STUDY ON DOMESTIC AND GENDER BASED VIOLENCE (DGBV) AND ELABORATION OF VICTIMS SUPPORT MODEL (VSM)

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Partners Bulgaria Foundation (PBF) is an independent, non-governmental organisation (NGO). PBF's mission is to facilitate the process for democratic development in Bulgaria by supporting institutions, NGOs and specialists to improve policies and practices in areas like judicial law, social care, child protection, education, economic development and ecology. The organisation works to improve the dialogue between the citizen body, the government and the business sector, while encouraging various underrepresented organisations, groups and ethnic communities to participate in the decision-making processes.



Center for the Study of Democracy (CSD) is an interdisciplinary public policy institute dedicated to the values of democracy and market economy. CSD is a non-partisan, independent organization fostering the reform process in Bulgaria through impact on policy and civil society. CSD objectives are: to provide an enhanced institutional and policy capacity for a successful European integration process, especially in the area of justice and home affairs to promote institutional reform and the practical implementation of democratic values in legal and economic practice; to monitor public attitudes and serve as a watchdog of the institutional reform process.



The Human Rights Academy is a non-governmental organization that works to strengthen the respect for the international human rights in Norway and abroad. We offer lectures, workshops and courses on a variety of topics on human rights, multicultural understanding and peaceful conflict resolution.

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INTRODUCTION

Although throughout the last decade the Bulgarian authorities have adopted a number of acts and subsidiary legislation, as well as improved the existing ones, related to domestic and gender-based violence (DGBV), the country still has a long way to go to bring its legislation and practices in full compliance with EU and Council of Europe standards.

The present analysis will attempt to show that Bulgaria has a fairly comprehensive legal framework for counteracting violence, affecting disproportionately women and girls. It includes, *inter alia*, the Law on Protection against Domestic Violence and the Regulation for its implementation, stipulating a civil law procedure for protecting those harmed; relevant provisions in the Criminal Code, criminalising bodily injury and other forms of violence against the person, plus a provision on punishing non-compliance with a domestic violence protection order; a body of legislation for protection and (financial) assistance of victims of crime, including a dedicated law, relevant provisions in the Criminal Procedure Code.

In addition, a number of policy documents guide the work of institutions in co-ordinating their efforts to combat violence and protect groups of persons harmed, especially those with multiple vulnerabilities, such as Roma women and girls.

The objective of this analysis is to study the current situation in terms of legislation, institutional and policy framework, to outline key lacunae and to develop recommendations for further improvements.

ABBREVIATION LIST

AIS	Automated Information System
ASA	Agency for Social Assistance
CC	Criminal Code
CEDAW	Committee on the Elimination of Discrimination against Women
CoE	Council of Europe
CM	Coordination Mechanism
CPC	Criminal Procedure Code
DGBV	Domestic and Gender Based Violence
DV	Domestic Violence
EFA	Education for All Movement
EPO	European Protection Order
FGM	Female Genital Mutilation
LAFVCV	Law on Assistance and Financial Compensation to Victims of Crime
LEPO	Law on the European Protection Order
LPDV	Law on Protection against Domestic Violence
MES	Ministry of Education and Science
MFA	Ministry of Foreign Affairs
MH	Ministry of Health
MJ	Ministry of Justice
Moi	Ministry of Interior
MLSP	Ministry of Labour and Social Policy
MYS	Ministry of Youth and Sports
NAMRB	National Association of Municipalities in the Republic of Bulgaria
NIJ	National Institute of Justice
NKVTS	National Center of Competence on Violence and Traumatic Stress (Norway)
NPPPDV	National Program for Prevention and Protection from Domestic Violence
RILPDV	Regulation for Implementation of the Law on Protection against Domestic Violence
SACP	State Agency for Child Protection
VSM	Victims Support Model
UNGEI	UN Girl's Education Initiative

ANALYSIS OF THE NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK

PROTECTION BY CIVIL LAW - THE LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE

In Bulgaria, the law offers direct remedies against domestic violence acts by means of a civil law procedure before civil courts within relatively short timeframes. Authorities cannot act *ex officio* and the launch of the proceedings is very much dependent on the will of the victim to submit a complaint. The civil nature of the procedure for protection against domestic violence also poses certain evidentiary challenges, which will be looked at in the relevant sections below.

The Bulgarian *Law on Protection against Domestic Violence* (LPDV)¹ was adopted in 2005 and is considered a breakthrough in countering this growing phenomenon.

All victims of domestic violence may seek protection under the Law from the regional court at their permanent or current address. Domestic violence includes each act of physical, sexual, psychological, emotional or economic violence, as well as the attempt thereto, the coercive limitation of personal life, personal freedom and rights, committed against relatives, or persons, who are currently or have been in a familial relationship or co-habitation (Art. 2, par. 1, LPDV). For children, domestic violence also includes any act of domestic violence, committed in their presence (Art. 2, par. 2, LPDV). Affected persons can also submit complaints to the police for adopting measures within the police powers (Art. 4, par. 2, LPDV).

Court proceedings can be initiated by the victim, but also by his/her siblings or relatives in the straight line, his/her guardian or the director of the local Social Assistance Directorate, if the victim is underage, is under limited legal capacity or has disabilities (Art. 8, LPDV).

The motion is submitted in writing and contains, *inter alia*, a declaration by the victim on the violence committed, if he/she submits the motion himself/herself (Art. 9, par. 3, LPDV). The motion is submitted within one month of the domestic violence act (Art. 10, par. 1, LPDV) and on the day of submission the court schedules an open hearing within one month at the latest (Art. 12, par. 1, LPDV).

Admissible evidence during the proceedings includes acts of Social Assistance Directorates, consulting doctors and psychologists, documents from social service providers, certified copies of written evidence from police and other authorities (Art. 13-14, LPDV). In case of lack of other evidence, the court issues a protection order only based on the declaration of the victim (Art. 13, par. 3, LPDV).

If the court honours the motion, it issues a protection order with one or more of the following protection measures (Art. 5, LPDV):

¹ National Assembly of the Republic of Bulgaria (2005): Закон за защита от домашното насилие [Law on Protection against Domestic Violence] (State Gazette 27/29.03.2005), Sofia: National Assembly of the Republic of Bulgaria

- obliging the perpetrator to abstain from committing domestic violence;
- removing the perpetrator from the co-habited home for a term, determined by court;
- prohibiting the perpetrator to approach the victim, his/her place of living, work of social contacts and recreation under conditions and term, determined by court;
- temporary placement of the child with the victimised parent or the parent not having committed the violence under terms and conditions, determined by court, if that does not contradict the interests of the child;
- obliging the perpetrator of violence to take part in specialised programmes;
- referring victims to rehabilitation programmes.

A fine of 200 to 1000 BG Leva is also imposed (Art. 5, par. 4, LPDV).

The decision, issuing a protection order, can be appealed before the district court within 7 days of its service (Art. 17, LPDV).

Bulgarian law also recognises the order for immediate protection, issued within 24 hours of submitting the motion, if it contains data on direct, immediate or subsequent danger for the life or limb of the victim (Art. 18, LPDV). It is not subject to appeal and is in force until a protection order is issued or denied (Art. 19, LPDV).

Most victims take part in proceedings in person, but, if they meet the income criteria of the *Law on Legal Aid*,² they can receive both primary legal aid and procedural representation.

In 2015, Bulgaria undertook long-awaited steps towards implementation of Regulation 606/2013 on mutual recognition of protection measures in civil matters by introducing a special chapter in the LPDV (Art. 23 and following, LPDV). Thus, a person benefiting from a protection measure, ordered in another Member State, may request a protection order for the Bulgarian territory from the Sofia City Court. The court holds a closed session and decides within 2 weeks based only on a certified copy of the measure and on the certificate under the Regulation. The court checks whether the measure can be implemented by the means known to Bulgarian law and, if not, adopts a substitute measure, notifying the person, causing the risk, about it. The substitute measure is subject to appeal by the protected person or the person causing the risk before the Sofia Appellate Court. The Sofia City Court can refuse recognition or enforcement of a protection measure upon request of the person, causing the risk.

In case of a protection measure on domestic level, the first instance court, having heard the domestic violence case, issues upon written request of the protected person, the certificate under the Regulation and notifies the person, causing the risk, about the issuance and its consequences. The act, rectifying or withdrawing the certificate, is subject to appeal before the respective district court within 2 weeks.

² National Assembly of the Republic of Bulgaria (2005): Закон за правната помощ [Law on Legal Aid] (State Gazette 79/4.10.2005), Sofia: National Assembly of the Republic of Bulgaria

EXECUTION OF PROTECTION ORDERS

The execution of protection orders does not have legally regulated stages or detailed legislative regulation and concerns to a large extent the practical capacity of institutions to ensure smooth operation of the orders. The initiative to notify and prove a potential violation of an order lies wholly with the protected persons.

Protection orders are subject to immediate execution (Art. 20, LPDV).

The control over the execution of the prohibition of commission of domestic violence, removing the perpetrator from the co-habited home and the prohibition of approaching the victim and the places he/she visits is entrusted with police authorities (Art. 21, par. 1-2, LPDV). In case of a violation, the police detains the perpetrator and notifies immediately the prosecutor's office (Art. 21, par. 3, LPDV). The violation of domestic violence protection orders is criminalised.

The development of specialised programmes, related to two of the protection measures, namely those for perpetrators and victims, is entrusted with the executive or the relevant non-for-profit legal entities (Art. 6, par. 4, LPDV). The social assistance directorates are supervising the placements of children with victim or non-guilty parents and referral to victim rehabilitation programmes for juveniles, people with limited legal capacity and people with disabilities (Art. 9, Regulation on the Implementation of the Law on Protection against Domestic Violence).³

PROTECTION BY CRIMINAL LAW

Protection by criminal law against domestic and gender based violence acts is only secondary – i.e. when the specific acts have reached the gravity to be classified as crimes, e.g. murder, bodily injury, etc. A substantial number of crimes in Bulgaria are of general nature – the prosecutor's office acts *ex officio* in opening proceedings, directing investigation and submitting an indictment to court. However, a number of crimes among persons in close relationships are of private nature – for proceedings to be opened, the victim has to submit a complaint directly to court. This is considered a serious problem in countering domestic violence by criminal law means.

Criminalisation of Acts of Domestic and Gender Based Violence

Domestic violence as such is not criminalised under Bulgarian Criminal Code (CC).⁴

The Code criminalises the violation of domestic violence protection orders and European Protection Orders (Art. 296, CC), but criminal proceedings under this provision are rarely opened.

³ Council of Ministers of the Republic of Bulgaria (2010): Правилник за прилагане на Закона за защита от домашното насилие [Regulation on the Implementation of the Law on Protection against Domestic Violence] (State Gazette 45/15.06.2010), Sofia: Council of Ministers of the Republic of Bulgaria

⁴ National Assembly of the Republic of Bulgaria (1968): Наказателен кодекс [Criminal Code] (State Gazette 26/2.04.1968), Sofia: National Assembly of the Republic of Bulgaria

Some other Criminal Code provisions may also be relevant to the criminal law sanctioning of domestic violence:

The CC treats the murder of a mother, or father, or biological child, or a pregnant woman or a minor person, as an aggravated case of murder (Art. 116, par. 1, items 3-4, CC).

Any bodily injury of a mother or father, or a pregnant woman or minor person, and such in a manner especially torturous for the victim, is also an aggravated case (Art. 131, par. 1, items 3-5, CC). However, light bodily injuries, plus their specific aggravated cases just mentioned, as well as light and medium bodily injuries in a state of vexation, caused by the victim, are tried only upon a complaint by the victim. The same is valid for

- medium bodily injuries,
- bodily injuries in a state of vexation, caused by the victim,
- grave or medium bodily injuries by negligence or negligent execution of a profession or another legally regulated activity

when all those are committed against a relative in the ascending or descending line, spouse or sibling (Art. 161, CC).

Coercion, i.e. making someone do, not do or endure something contrary to his/her will, using force, threat or abusing power, is also strongly relevant to domestic violence acts (Art. 143, CC). Another crime, which is very often encountered in domestic violence context, is threatening someone with a crime against his/her person, or property, or against the person or property of relatives, where the threat may invoke justified fear of it materializing (Art. 144, CC). It is, however, if not against an official, again a crime of private nature (Art. 161, CC).

Sexual crimes (Art. 149 and following, CC), stemming from domestic violence acts, can in principle also be prosecuted and tried, but authorities are considered reluctant to investigate and sanction matters, considered 'family affair'.

Some crimes against marriage, family and youth, as classified by the Bulgarian Criminal Code, can also be related to domestic violence acts. CC criminalises the torture of a minor or juvenile by the person, under whose care he/she is placed, if the act does not constitute a graver crime (Art. 187, CC). The coercion of a minor or juvenile towards committing a crime or prostitution is also criminalised (Art. 188, CC).

Probation

Under Bulgarian criminal law some probation measures also carry protection elements (Art. 42a-42b, CC). This is the measure of limitation of freedom of movement, consisting of one or several of the following prohibitions:

- to visit specifically defined in the sentence locations, areas or establishments;
- to leave place of residence for more than 24 hours without the permission of the probation officer or the prosecutor;
- to leave home for a specifically determined period of day or night.

As phrased in the law, however, those probation measures are not centred on the victim and their potential to protect him/her is not comprehensively studied.

The Law on the European Protection Order

In 2015, Bulgaria also transposed, with a small delay as to the deadline, prescribed by the document, Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order by adopting the Law on the European Protection Order (LEPO).⁵ This is a new decisive step in the country's implementation of its obligations as EU Member State in criminal matters, including for domestic and gender-based violence-related crimes.

The Law regulates the recognition and execution of the EPO, issued in another Member State, as well as the issuance in Bulgaria of an EPO and its transmission for recognition and execution in another Member State (Art. 1, LEPO). It defines the concept of EPO in accordance with the Directive (Art. 2, LEPO) and gives a list of protection measures, based on which an EPO is issued, i.e. prohibitions or restrictions for the person, causing danger (Art. 3, LEPO):

- prohibition to visit certain localities, areas or establishments, where the protected person resides or visits;
- prohibition or restriction of contact with the protected person in any form, including telephone, electronic or ordinary mail, fax or other means;
- prohibition or restriction of approaching the protected person at less than a certain distance.

An EPO, issued in another Member State, is recognised in Bulgaria by the district court at the place, where the protected person lives, or the Sofia City Court, if the person does not have residence in Bulgaria (Art. 5, LEPO). It rules in a closed session within three days after receiving an EPO by recognising it and determining a protection measure under Bulgarian law, corresponding to the greatest extent to the measure, taken in the issuing state, and not more serious than it. The person, causing danger, the competent authority of the issuing state and the protected person are notified about the ruling (Art. 6, LEPO). The court may refuse the recognition of the EPO, *inter alia*, if the order is not complete; if it contains measures, different from the ones in the LEPO; if the act, in relation to which the measure is adopted, is not a crime under Bulgarian law or the case is under the jurisdiction of Bulgarian courts; if the execution of the order would contravene the *ne bis in idem* principle (Art. 7, LEPO).

The execution of the protection measure under the EPO is entrusted with the Ministry of Interior at the location of the protected person. In case of a violation, police authorities notify immediately the prosecutor's office and the court and the court notifies the competent authority in the issuing state (Art. 8, LEPO). The court terminates the execution of the protection measure after the competent authority of the issuing state notifies it about

⁵ National Assembly of the Republic of Bulgaria (2015): Закон за Европейската заповед за защита [Law on the European Protection Order] (State Gazette 41/5.06.2015), Sofia: National Assembly of the Republic of Bulgaria

the revocation or withdrawal of the EPO, or may discontinue the execution if, *inter alia*, the protected person no longer resides on Bulgarian territory or the term of the measure has expired, in the latter case with the option to request from the competent authority of the issuing state information about the necessity to prolong the measure (Art. 10, LEPO).

In Bulgaria, EPOs can be issued by competent courts under cases, where a protection measure under the Criminal Procedure Code is taken. In case of a protection measure as part of probation, the EPO is issued by the district court at the place probation is executed (Art. 13, LEPO). EPOs are issued upon written or oral request of the protected person or his/her legal guardian, when the person intends to reside or already resides on the territory of another Member State and the request can be made in Bulgaria or in the other Member State. The court rules upon the request in an open session, within three days after receiving it, with the participation of the prosecutor and the protected person (Art. 14, LEPO). The protected person can challenge the ruling, refusing an EPO, within three days after it is announced (Art. 15, LEPO).

The court, having issued the EPO, transmits it immediately to the competent authority of the other Member State (Art. 16, LEPO). In case of dropping or revocation of a protection measure, or imposing a new one, the EPO can be revoked or a new one can be issued (Art. 17, LEPO).

The failure to comply with an EPO is equalled to the failure to comply with a domestic violence protection order in the Criminal Code (Art. 296, CC).

Measures under the Criminal Procedure Code

The adoption of the Law on the European Protection Order was accompanied by long-awaited amendments in the Bulgarian Criminal Procedure Code (CPC),⁶ enabling the practical implementation of victim protection measures. The previous regulation of those measures in the Code was largely criticised for the fact that their violation was not related to any sanction, practically making them dead norms. For the purposes of the present report, only victims of domestic and gender based violence-related criminal acts, for which proceedings have started, can benefit from them.

Currently, the CPC (Art. 67) provides for the following victim protection measures, i.e. prohibitions for the defendant, adopted by the first instance court upon request of the prosecutor with the consent or upon request of the victim:

- to approach the victim directly;
- to make contact with the victim in any form, including by phone, by electronic or ordinary mail or fax;
- to visit certain localities, areas or establishments, where the victim resides or visits.

The court also notifies the victim about the option to issue an EPO (Art. 67, par. 2, CPC).

⁶ National Assembly of the Republic of Bulgaria (2005): Наказателно-процесуален кодекс [Criminal Procedure Code] (State Gazette 86/28.10.2005), Sofia: National Assembly of the Republic of Bulgaria

The court rules on the request immediately in an open session, hearing the prosecutor, defendant and victim. The ruling is not subject to appeal (Art. 67, par. 3, CPC). The prohibitions expire after the case is closed with a sentence, having entered into force, or when proceedings are terminated on other grounds (Art. 67, par. 4, CPC). The victim may request the revocation of the prohibitions at any time (Art. 67, par. 5, CPC). If the defendant violates the measure, a coercive measure (obligatory periodic appearance before law enforcement, bail, house arrest, detention in custody) is imposed or the measure already imposed is converted into a more serious one (Art. 68a, CPC).

The regulation of protection measures in the Bulgarian Criminal Procedure Code is phrased in general terms and does not encompass particular gender specificities. Same is valid for the protection of participants in proceedings against possible re-victimisation, such as the specific measures regarding children witnesses (Art. 140 – presence of parents and specialists, Art. 263 – interviews in a closed session, Art. 280 – minimisation of interviews, etc.). As for the specifics of trying domestic and gender based violence-related criminal acts, the CPC allows for closed court hearings, if they may concern ‘facts from the intimate life of citizens’ (Art. 263, par. 2, CPC). Therefore, taking into account gender specificities in prosecuting and trying acts within the scope of the present analysis is mostly left to the sensitivity and professional expertise of individual magistrates.

ASSISTANCE, PROTECTION AND FINANCIAL COMPENSATION OF VICTIMS OF DOMESTIC AND GENDER BASED VIOLENCE – RELATED CRIMES

Due to the specificities of countering domestic violence via criminal law, assistance and compensation to victims of crime would only be a secondary avenue for aiding domestic violence survivors.

Victims of criminalised acts of domestic and gender based violence and their relatives, in case the victim has died, would most often fall within the scope of the Law on Assistance and Financial Compensation to Victims of Crime (LAFVCV)⁷ if they have been harmed by murder; intentional grave bodily injury; carnal abuse and rape, from which serious damage to health has ensued, as well as other serious intentional crimes, from which death or grave bodily injury have resulted.

The Law provides for psychological consultation and aid, offered primarily by NGOs (Art. 9, LAFVCV), and practical aid, as well as medical and legal aid, which are regulated in the special laws, governing those areas (Art. 8, LAFVCV).

LAFVCV is largely criticised for being restrictive in regulating the provision of financial compensation: it is only given after the entry into force of the sentence or the act for terminating/suspending proceedings and does not provide for any pre-payments for urgent expenses (Art. 12, LAFVCV). The financial compensation request (Art. 18, LAFVCV) is submitted to the regional governor at the place where the victim currently resides or to the National Council for Assistance and Compensation for Victims of Crime within two months of the entry into force of the acts, mentioned above. It is accompanied by supporting

⁷ National Assembly of the Republic of Bulgaria (2006): Закон за подпомагане и финансова компенсация на пострадали от престъпления [Law on Assistance and Financial Compensation to Victims of Crime] (State Gazette 105/22.12.2006), Sofia: National Assembly of the Republic of Bulgaria

documents, which often create evidentiary difficulties for the victims. It is reviewed by the Council's expert committee and the Council adopts a decision, which cannot be appealed.

INSTITUTIONAL FRAMEWORK OF COUNTERING DOMESTIC AND GENDER-BASED VIOLENCE, CO-OPERATION AND CO-ORDINATION AMONG STAKEHOLDERS

The main institutions, involved in countering domestic and gender-based violence, include:

- the Ministry of the Interior through the Prevention Directorate in the Security Police General Directorate, the regional directorates and district police departments;
- the Ministry of Justice through its legislative activity and the domestic violence-related project financing of NGOs;
- the courts, involved in adopting protection measures by their civil panels, as well as in trying domestic and gender-based violence-related criminal acts and violation of domestic violence protection orders by their criminal panels;
- the Prosecutor's Office, involved in prosecuting violations of domestic violence protection orders and domestic and gender-based violence-related criminal acts;
- the Social Assistance Agency and its local directorates;
- the State Agency for Child Protection, responsible for co-ordinating all child protection policies and actions.

The co-ordination and co-operation of authorities in the area of countering domestic and gender-based violence are regulated via different avenues.

Firstly, there are examples of secondary legislation, very important among them being the Instruction on the co-operation of the Ministry of the Interior and the Ministry of Labour and Social Policy in the protection against domestic violence, based on the RILPDV.⁸ The co-operation takes place via exchange of information on domestic violence protection requests, execution of protection measures and programmes on prevention and protection against domestic violence, as well as common actions (Art. 3, Instruction).

Mol and MLSP exchange information on the execution of protection measures each structure is responsible for (Art. 6, Instruction). Twice a year social assistance structures under the MLSP provide to police authorities information about registered social assistance providers, suitable for treating domestic violence victims, on the territory they are responsible for (Art. 7, par. 1, Instruction).

Under common actions, each local social assistance director notifies police authorities at the place of each act of domestic violence or violation of a domestic violence protection order.

⁸ Ministry of the Interior and Ministry of Labour and Social Policy (2010): Инструкция № Із-2673 от 10 ноември 2010 г. за реда за осъществяване на взаимодействието между органите на Министерството на вътрешните работи и на Министерството на труда и социалната политика при защита от домашно насилие [Instruction No Із-2673 of 10 November 2010 on the order of co-operation between the bodies of the Ministry of the Interior and the Ministry of Labour and Social Policy in the protection against domestic violence] (State Gazette 94/30.11.2010), Sofia: Ministry of the Interior and Ministry of Labour and Social Policy

Police authorities take the necessary action under the Criminal Procedure Code in case of violating a protection order or another crime (Art. 8, Instruction). On their end, police authorities notify the local social assistance director about each domestic violence signal, concerning a minor or juvenile, a person of limited legal capacity or a person with disabilities (Art. 9, Instruction). Further on (Art. 10 and following, Instruction), the Instruction delineates the specific steps of co-operation of police and social assistance authorities and the timelines for action.

The participation of the NGO sector in assisting domestic violence victims is substantial. Since 2009, the Ministry of Justice finances projects by NGOs, dealing with specialised programmes for perpetrators and victims, as well as for working with the judiciary and police, monitoring the implementation of the law, as well as publications (Art. 6, par. 7, LPDV).

NGOs involved in countering domestic violence take part in developing the National Programmes for Prevention and Protection against Domestic Violence (Art. 3, par. 2, RILPDV) and are listed as major partners in each of them. They also work with institutions in exchanging information and undertaking common action.

NGOs' main role in assisting domestic violence survivors is to provide social services - crisis centres and other specific services, such as social, legal and psychological aid and support.

NGOs are involved in the Prevention Centres, structures on local level, co-organised by the Mol, municipalities and civic organisations and tasked with countering a number of unlawful acts, including domestic violence.⁹

Civic organisations also participate in *ad hoc* inter-institutional structures on local level. Examples for such are the Expert Council against Domestic Violence in Silistra¹⁰ and consultative councils with the mayor and regional governor of Pernik.¹¹

The most prominent NGOs involved in countering domestic violence have formed an Alliance for Protection against Gender-Based Violence.¹²

Apart from secondary legislation, co-operation between institutions and non-governmental stakeholders is governed by documents, laying down inter-institutional co-operation mechanisms. They are not legislation in the strict sense, but still bind the entities involved, since they detail the modes of co-ordination among them.

Firstly, the co-operation in the specific cases of children victims of domestic violence is regulated in a co-ordination mechanism for work with children victims or at risk of violence.¹³ Processes under the mechanism include team review of the case, determination

⁹ For more information, please see the website of the Bourgas centre <http://www.centarzaprevencia.org/> and the relevant Mol documents.

¹⁰ Silistra regional administration (2014): В Силистра властта и институциите с Експертен съвет срещу домашното насилие [Silistra authorities and institutions create Expert Council against Domestic Violence], Silistra: Silistra Regional Administration <<http://silistra.government.bg/OA-SILISTRA/home.nsf/pages/bg/NT00008F82?OpenDocument>>

¹¹ Source: interview with representatives of P.U.L.S. Foundation - Pernik.

¹² Please see the website of the Alliance at <http://www.alliancedv.org/>.

¹³ Споразумение за сътрудничество и координиране на работата на териториалните структури на органите за закрила при случаи на деца, жертви или в риск от насилие и при кризисна интервенция [Agreement on co-operation and co-ordination of work of the territorial structures of protection bodies in

of specific actions, drafting of expert opinions, taking decisions and follow-up action in accordance with the competence of each of the members of the multidisciplinary teams formed.

Secondly, in a more recent step, an inter-institutional working group with the Ministry of Justice, supported by Animus Association Foundation, has developed a draft Co-ordination Mechanism for Aid and Support of Victims of Domestic Violence (Co-ordination Mechanism).¹⁴ Using the successful model of the National Referral Mechanism for victims of trafficking, the group involves representatives of the MoI, the MLSP, the Ministry of Education and Science, the Ministry of Youth and Sport, the Ministry of Health, the State Agency for Child Protection and the Agency for Social Assistance.

The Co-ordination Mechanism enlists standard operating procedures in two groups – in case of imminent danger and potential risk for the victim.¹⁵ It looks at:

- notification and referral,¹⁶ including identification of the victim, risk assessment and safe referral;
- protection measures,¹⁷ such as signalling the police and child protection departments, medical aid, crisis interventions, placement in crisis centres, etc. in case of direct and imminent danger and consultation on victims' rights, psychological aid and social advocacy in case of potential risk;
- social inclusion,¹⁸ i.e. long-term support after the termination of violence, including psycho-social consultation and psycho-therapeutic work, building skills for the labour market, social consultation, advocacy and active social work.

cases of children victims or at risk of violence and in crisis intervention], Sofia, 2010 <<http://sacp.government.bg/deinosti/sporazumenie-deistvia-deca-risk/>>

¹⁴ Inter-institutional working group with the Ministry of Justice: Координационен механизъм за помощ и подкрепа на пострадали от домашно насилие (проект) [Co-ordination mechanism for aid and support of victims of domestic violence (draft)]. Sofia: Interinstitutional working group with the Ministry of Justice. <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>

¹⁵ Inter-institutional working group with the Ministry of Justice: Координационен механизъм за помощ и подкрепа на пострадали от домашно насилие (проект) [Co-ordination mechanism for aid and support of victims of domestic violence (draft)]. Sofia: Interinstitutional working group with the Ministry of Justice. <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>, chapter III, p. 13 and following

¹⁶ Inter-institutional working group with the Ministry of Justice: Координационен механизъм за помощ и подкрепа на пострадали от домашно насилие (проект) [Co-ordination mechanism for aid and support of victims of domestic violence (draft)]. Sofia: Interinstitutional working group with the Ministry of Justice. <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>, p. 13 and following

¹⁷ Inter-institutional working group with the Ministry of Justice: Координационен механизъм за помощ и подкрепа на пострадали от домашно насилие (проект) [Co-ordination mechanism for aid and support of victims of domestic violence (draft)]. Sofia: Interinstitutional working group with the Ministry of Justice. <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>, p. 24 and following

¹⁸ Inter-institutional working group with the Ministry of Justice: Координационен механизъм за помощ и подкрепа на пострадали от домашно насилие (проект) [Co-ordination mechanism for aid and support of victims of domestic violence (draft)]. Sofia: Interinstitutional working group with the Ministry of Justice. <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>, p. 44 and following

CHALLENGES, CONCERNING LEGISLATIVE AND PRACTICAL FRAMEWORK TO COUNTER DOMESTIC AND GENDER-BASED VIOLENCE

As in other areas, challenges before Bulgaria, concerning its capacity to counter domestic and gender-based violence, come into light when the country's legislation, policies and practices are reviewed against internationally recognised standards.

Ratification of Istanbul Convention

Bulgaria's foremost legislative challenge in countering domestic violence is by far the signing and ratification of Convention No 210 of the Council of Europe on preventing and combating violence against women and domestic violence (Istanbul Convention).

In May 2014, in one of the latest public statements on the matter, the Ministry of Foreign Affairs (MFA) publicised its position on the ratification of the Istanbul Convention. In a written response to a parliamentary inquiry,¹⁹ the minister stated that the Ministry supports the goals of the Convention, but emphasised a number of arguments put forward during the preparatory works of the document and the allegedly controversial assessment it received by the CoE Committee of Ministers. The answer points to the low number of countries having ratified the document and the domestic and international instruments Bulgaria has to counter domestic violence. Among them are the LPDV and the CEDAW, to which Bulgaria is a state party. As a result, the MFA stated to have made no concrete steps to sign and ratify the Convention.

MLSP is considered the main domestic authority on the matter, while the Ministry of Justice is responsible for checking the correspondence of Bulgarian legislation with the Convention.

Weaknesses in Domestic Legislation

Regarding domestic legislation, prominent organisations involved in countering domestic violence and supporting victims have submitted numerous statements, regarding the gaps and weaknesses of the legislative framework in the area. The relevant provisions of the Criminal Code are a case of particular concern.

In 2014, the Alliance for Protection against Gender-Based Violence submitted a statement as part of the then heated discussion on a draft new Criminal Code, the work on which was later stayed.²⁰ The statement's main points are indicative of the systemic problems in the criminal law response to domestic and gender-based violence.

¹⁹ Ministry of Foreign Affairs (2014): Становище на МВНР, във връзка с присъединяването на РБ към Конвенция 210 на Съвета на Европа за превенция и борба с насилието над жени и домашното насилие (Истанбулската конвенция) [Statement of the Ministry of Foreign Affairs on the accession of Bulgaria to Convention No 210 of the Council of Europe on preventing and combating violence against women and domestic violence (Istanbul Convention)]. Sofia: Ministry of Foreign Affairs <<http://parliament.bg/pub/PK/151700otgovor454-05-46.doc>>.

²⁰ Alliance for Protection against Gender-Based Violence (2014): Предложения по Проекта на Наказателния кодекс свързани със сексуалното насилие и насилието, основано на пола [Proposals on the draft Criminal Code, related to sexual violence and gender-based violence]. Sofia: Alliance for Protection against Gender-Based Violence. <http://www.alliancedv.org/articles/>

The organisations re-iterate its long-standing appeal for Bulgaria to sign and ratify the Istanbul Convention and harmonise its criminal law provisions with the main principles and regulations of the document.

In particular, they insist that all forms of domestic violence, having led to bodily injury, be prosecuted as crimes of general nature, i.e. *ex officio*, in harmony with the Istanbul Convention and the CEDAW committee recommendations to Bulgaria of 2012. It is claimed that the inviolability of private and family life cannot have priority over the right to be protected against violence and victims in close relations with perpetrators are in much more vulnerable position and much more exposed by subsequent violent acts. Organisations state that cases of private nature for bodily injuries of spouses and close relatives, as stipulated by law, are practically not tried.

Moreover, the 6-month time limit for submitting a complaint to the criminal court is too short and it can hardly be complied with due to the close relations between the perpetrator and the victim.

Organisations propose that all bodily injuries and murders of protected persons under the LPDV become aggravated cases. The specific criminalisation of strangling and marital rape, as an aggravated case of rape, is also proposed. In the view of the activists, the criminal liability for non-compliance with domestic violence protection orders should be strengthened and the violations of the orders for immediate protection should be specifically included under the impugned acts.

Weaknesses in domestic civil and criminal protection legislation enlisted by leading organisations point to a low level of gender sensitivity in regulating crimes against persons in close relations. Moreover, Bulgarian laws continue to treat unlawful acts between relatives, spouses and co-habitants as ‘family matter’ and the protection offered to such victims is largely insufficient.

CEDAW Committee Concluding Observations and cases against Bulgaria

Another avenue under which Bulgaria is working to improve its legislative and practical framework to counter domestic violence is the implementation of the CEDAW Committee Concluding Observations of 2012,²¹ for which the country adopted a specific action plan.²² They are also indicative of the systemic problems Bulgaria faces in countering this phenomenon.

Concerning domestic violence (par. 26), the Observations contain recommendations on, *inter alia*, specific criminalisation of domestic violence and marital rape and introduction of the possibility of *ex officio* prosecution for both offences; removing the one-month time limit to file petition for protection order and stricter application of the option to issue protection

²¹ Committee on the Elimination of Discrimination against Women (2012): Concluding observations of the Committee on the Elimination of Discrimination against Women, Bulgaria. New York: Committee on the Elimination of Discrimination against Women

²² План за действие за изпълнение на Заключениеите препоръки към Република България, отправени от Комитета на ООН за премахване на дискриминацията по отношение на жените (CEDAW) [National Action Plan on the Concluding observations of the Committee on the Elimination of Discrimination against Women] < http://sacp.government.bg/media/cms_page_media/21/Final-recommendations-regarding-discrimination-against-women.pdf>

orders only based on the victim's declaration; sufficient state-funded shelters for women victims of domestic violence and their children and providing support for NGO service providers; mandatory training for judiciary, lawyers and law enforcement and setting a timeframe for ratification of the Istanbul Convention.

A number of proceedings against Bulgaria before the CEDAW have also yielded recommendations and brought even more careful scrutiny upon the country's domestic violence protection system. In its 2011 Views concerning a 2008 Communication on a domestic violence case,²³ the Committee criticises Bulgarian courts, having ruled on the case in question, for stereotyped, preconceived and thus discriminatory interpretations of domestic violence as, *inter alia*, a private matter. The Committee recommends that the one-month time limit for petitioning the court for a protection order be removed and the burden of proof be eased in favour of the victim.²⁴ In its Views on another Communication concerning Bulgaria,²⁵ the Committee recommends that the state takes measures to ensure that women victims of domestic violence, in particular migrant women (such as the victim on the case), have effective access to, *inter alia*, justice, including interpretation or translation of documents and to ensure that, in the determination of custody and visitation rights of children, incidents of violence are taken into account.²⁶

Practical Challenges

Domestic and gender-based violence cases face a number of evidentiary difficulties due 'the nature of domestic violence as a phenomenon behind the walls of home and covered by the shame and guilt of those involved', which makes it 'invisible for the outside world'²⁷. As a result, there is often no written evidence about the violence committed, because of which the court can issue a protection order only based on the victim's declaration (Art. 13, par. 3, LPDV).

Relations with health authorities are mentioned as a specific difficulty victims face in obtaining evidence about domestic violence. The LPDV provides for a specific obligation for each physician, not only forensic ones, if requested, to certify in writing the physical damage and traces of violence found on the victim (Art. 4, par. 3, LPDV). However, most general practitioners are not aware of that obligation and refuse to issue such document, while forensic medical examination, which is given much more credit by courts, is more costly.²⁸

²³ Committee on the Elimination of Discrimination against Women, 'Views Communication No. 20/2008' (Forty-ninth session 11-29 July 2011) CEDAW/C/49/D/20/2008

²⁴ Committee on the Elimination of Discrimination against Women, 'Views Communication No. 20/2008' (Forty-ninth session 11-29 July 2011) CEDAW/C/49/D/20/2008 paras. 9.12., 9.16

²⁵ Committee on the Elimination of Discrimination against Women 'Communication No. 32/2011 Views adopted by the Committee at its fifty-second session, 9-27 July 2012' (Fifty-second session 9-27 July 2012) CEDAW/C/52/D/32/2011

²⁶ Committee on the Elimination of Discrimination against Women 'Communication No. 32/2011 Views adopted by the Committee at its fifty-second session, 9-27 July 2012' (Fifty-second session 9-27 July 2012) CEDAW/C/52/D/32/2011, par. 8.8.

²⁷ Interinstitutional working group with the Ministry of Justice: Координационен механизъм за помощ и подкрепа на пострадали от домашно насилие (проект) [Co-ordination mechanism for aid and support of victims of domestic violence (draft)]. Sofia: Interinstitutional working group with the Ministry of Justice. <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>, p. 3

²⁸ Alliance for Protection against Gender-Based Violence (2012): Проблемни области във взаимодействието между институции и доставчици на социални услуги в процеса на работа по случаи на домашно насилие

Social assistance authorities are also among the entities criticised for lack of initiative on the part of local directorates in instituting domestic violence protection proceedings and insufficient communication with victims when placing them in crisis centres.²⁹

The scope of domestic violence as regards children is considered poorly understood.³⁰

Psychological violence is deemed less severely punished in terms of length of protection measures.³¹

As regards the Co-ordination Mechanism, the procedures under the LPDV and the rights of victims in that respect are relatively summarily included in it. This could be seen as one of the Mechanism's potential weaknesses since it could be an appropriate tool for victims, judiciary and law enforcement to make better use of the measures under the Law.

[Problematic Areas in the co-operation between institutions and social service providers in the process of handling domestic violence cases]. Sofia: Alliance for Protection against Gender-Based Violence. <http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf>, p. 9-10. The document enlists a number of other practical difficulties victims and social service providers face in tackling such cases.

²⁹ Alliance for Protection against Gender-Based Violence (2012): Проблемни области във взаимодействието между институции и доставчици на социални услуги в процеса на работа по случаи на домашно насилие [Problematic Areas in the co-operation between institutions and social service providers in the process of handling domestic violence cases]. Sofia: Alliance for Protection against Gender-Based Violence. <http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf>, p. 9, 20.

³⁰ Alliance for Protection against Gender-Based Violence (2012): Проблемни области във взаимодействието между институции и доставчици на социални услуги в процеса на работа по случаи на домашно насилие [Problematic Areas in the co-operation between institutions and social service providers in the process of handling domestic violence cases]. Sofia: Alliance for Protection against Gender-Based Violence. <http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf>, p. 19.

³¹ Alliance for Protection against Gender-Based Violence (2012): Проблемни области във взаимодействието между институции и доставчици на социални услуги в процеса на работа по случаи на домашно насилие [Problematic Areas in the co-operation between institutions and social service providers in the process of handling domestic violence cases]. Sofia: Alliance for Protection against Gender-Based Violence. <http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf>, p. 21.

ANALYSIS AND EVALUATION OF THE NATIONAL STRATEGIC DOCUMENTS ON DOMESTIC AND GENDER-BASED VIOLENCE

NATIONAL PROGRAM FOR PREVENTION AND PROTECTION FROM DOMESTIC VIOLENCE

Each year the Council of Ministers adopts a National Program for Prevention and Protection from Domestic Violence based on article 6, paragraph 5 of the Law on Protection against Domestic Violence³². The program was initiated first in 2011. In 2015, the National Program was adopted under Resolution № 288 by the Council of Ministers on 30.04.2015.

The National Program is intended to ensure a focus across the public sector on the prevention and protection of victims of domestic and gender based violence and the support for those affected by such issues.

The Program consists of six sections as follows:

- Institutional and organizational arrangements related to establishing institutional mechanisms for coordination and monitoring of domestic violence prevention actions in order to standardize their implementation procedure;
- Raising society's awareness and sensitivity on issues of domestic violence to strengthen prevention mechanisms; expected result is easy recognition of the "domestic violence" phenomenon and lowering the public's tolerance level towards it;
- Increasing capacity of professionals and members of the institutions, responsible for implementing policy measures on prevention and protection from domestic violence; expected results include effectiveness and high standards in implementing actions on prevention and protection from domestic violence;
- Ensuring quality protection for victims and providing services to both victims and perpetrators; expected result is prevention of recurrences and providing quality service to victims;
- Improving existing policies on protection from domestic violence and providing social support to victims, and ensuring they are in sync with European policy practices; expected result is amendments to existing policies and regulatory acts towards a more timely and adequate protection and support for victims of domestic violence;
- Develop mechanisms for monitoring and evaluation of the results of implemented policies on prevention and protection from domestic violence; expected result is preparing a list of recommendations on prevention and protection from domestic violence;

³² By Art. 6, para 5 of DVPA, the Council of Ministers must adopt the National Program no later than March 31 each year; the official Internet sites of the institutions involved in implementing the National Program contain no published reports, analyses or independent monitoring reports on the implementation of the Program.

Institutions responsible for the implementation of the NPPDV are as follows: National Institute of Justice (NIJ), Ministry of Justice (MJ), Ministry of Interior (Mol), Agency for Social Assistance (ASA), Ministry of Labour and Social Policy (MLSP), National Association of Municipalities in the Republic of Bulgaria (NAMRB), Council of Europe, Ministry of Health (MH), Ministry of Youth and Sports (MYS), State Agency for Child Protection (SACP), Ministry of Education and Science (MES) and non-governmental organizations.

Financing for the Program's actions is provided by: relevant ministries' budgets, the Norwegian Financial Mechanism, targeted funds from the Ministry of Justice's budget, funds mandated by the State (budget line designated to finance registered social service providers based on article 18, paragraphs 2 and 3 of the Law on Social Assistance), and external programs.

PLANNED ACTIVITIES IN THE NATIONAL PROGRAM FOR PREVENTION AND PROTECTION FROM DOMESTIC VIOLENCE BETWEEN 2011-2014: PRIMARY AREAS OF ACTION, GOALS, RESULTS, FINANCING

Chapter I – Institutional and Organizational Actions 2011 - 2015:

Develop a National coordination mechanism for support of domestic violence victims:

Developing the mechanism has been a primary goal since the Program's inception in 2011 and the adoption date has been postponed multiple times – from June 2013 to December 2015.

At present time, a Coordination Mechanism (CM) project for support of domestic violence victims has been drafted. Its authors are an interdepartmental workgroup from the Ministry of Justice, strengthened by the "Animus Association" Foundation within the *Development of a National Mechanism for Guidance and Identification, Protection and Support of Women Victims of Domestic Violence* program, funded by the OAK Foundation.

The CM's text was drafted in 2011 and 2012.

During the CM's development stage and to this date, Bulgaria has not ratified the Council of Europe's convention on *Action against Violence against Women and Domestic Violence*. As a result, the CM's text reflects only the current policy in Bulgaria and the responsible institutions have not taken on any "additional responsibilities" in relation to domestic violence.

The Coordination Mechanism suggests a framework for cooperation between state institution professionals, NGOs and municipalities in order to combine and harmonize the work and effort put toward timely intervention and effective support for victims of domestic violence. The aim is to aid and improve the national policy on support of women victims of domestic violence, taking into account EU policies, requiring member-states to provide access to adequately financed, standardized support services and resources.

The CM's main goal is to provide effective coordination and communication, stable partnership and cooperation between institutions responsible for supporting domestic violence crime victims. Those institutions are: MI, MLSP, MJ, MES, MYS, SACP, ASA.

Leading principles:

- Emergency support and protection;
- Freedom of choice for the victim;
- Protection in the best interest of the victim;
- Timely and coordinated action from the interdepartmental team of experts;
- Professional confidentiality;
- Protect the child's best interest in cases of conflict between the child's and parents' interests;
- Respect and uphold the victim's dignity, avoiding stigmatization;

Chief operating procedures:

- Provide targeted reports; identify cases of violence; risk assessment; guidance;
- Provide timely protection where immediate danger is present: alert the relevant authorities and services; provide medical aid; crisis intervention or mental/social support; crisis centre accommodation; legal aid; take action according to the Law on Protection against Domestic Violence (LPDV) and/or refer the case to the Prosecutor's Office and Police authorities; social advocacy;
- Action in cases of risk or potential risk: guidance and information about the victim's rights; psychological support and social advocacy, legal aid and taking into account the LPDV; alert Child Social Services; consult with relatives and friends of the victim;
- Social inclusion and long-term support after violence has ceased: physical and mental health care, social and psychiatric help; consultations with friends and relatives; provide knowledge and understanding of the labour market and develop/improve social skills of the victim; personalized social development guidance; advocacy;

Elaboration of CM is significant step in policy response of domestic and gender based violence, but the document still is not signed by the Ministers of the responsible institutions. In drafting the Mechanism, the Ministry of Health insists on removing text related to the responsibility of medical specialists for: risk assessment; alert of any DV victims; filling in the DV report form, or taking concrete action when witnessing domestic violence;

According to World Health Organization (WHO) domestic violence has been recognized as an important public health issue with significant implications for health service delivery in accident and emergency units, primary care, maternity services and mental health services. A medical specialist is the first professional contact for victims of intimate partner violence or sexual assault. Evidence suggests that women who have been subjected to violence seek health care and identify medical specialists as the professionals they would most trust with disclosure of abuse.

Improvement of existing policies can be achieved only if Ministry of Health become a significant part in the process of supporting domestic violence victims.

A. *Developing and establishing a methodology for providing Crisis Center services;*

The methodology is developed by an interdepartmental workgroup and is approved by Order № РД 01 – 39/ 29.03.2012 by the Executive director of the Agency for Social Assistance.

According to the legal definition in the *Regulation for Implementation of the Law on Social Assistance*³³ (RILSA), “Crisis Center” constitutes a social service package for victims of violence, trafficking or other form of exploitation. The service is provided for a period of 6 months and focuses on individual support, meeting everyday needs, legal consultation, and socio-psychological help when immediate intervention is required, including mobile expert teams trained in crisis intervention.

Current state policies show that social services in the country are decentralized and municipalities’ mayors are charged with their management. Municipalities are the authority which initiates development of specific types of social services at local level and based on prior research and analysis of the communities’ needs.

Crisis centres in Bulgaria possess no specific profiles according to the different types of violence or trafficking. In practice, Centres are distinguished based on the type of target group they service. Thus, there are 15 Child Crisis Centres and 5 general Crisis Centres, which also accommodate mothers with children.

The services which the Centres provide to victims are mainly individual, and reflect the specific needs of each person in each case. The services are provided free of charge.

The regulations in RILSA (art. 40, par. 5-7)³⁴, provide for mandatory immediate support to domestic violence victims who seek help.

By the end of August 2015, there are 21 State funded Crisis Centres operating in the country for victims of violence and trafficking³⁵, with total capacity of 214 slots in 15 areas: Burgas, Varna, Veliko Tarnovo, Vidin, Montana, Pazardjik, Pernik, Pleven, Plovdiv, Ruse, Silistra, Stara Zagora, Sofia, Sofia proper, Shumen. Funds are delegated annually – for 2013 the standard amount of funding is 7931 lv.; for 2014 it was raised to 8251 lv, and in 2016 – 8260 lv³⁶.

³³ Publ. SG 133 from 11.03.1998 newest amendment SG 63 from 18.08.2015.

³⁴ (Para 5) (New - SG 45 from 2010, in effect from 15.06.2010) When a person who is a victim of domestic violence requests crisis center accommodation, it is provided immediately regardless of their current address. When the person is accompanied by a child and is their parent or guardian, the child is accommodated as well. (Para 6) (New - SG 45 from 2010, in effect from 15.06.2010) When a victim of domestic violence is a pregnant woman or a mother with child younger than 3 years old and is at risk of abandoning the child, she is immediately provided shelter. IF she is accompanied by a child older than 3 years, then the child also stays with her.

(Para 7) (New - SG 45 from 2010 in effect from 15.06.2010) When accommodation to persons based on Para 5 and 6 is given by social service providers based on Para 1, point 3, they immediately notify the Social Assistance Directorate;

(Para 8) (New SG 45 from 2010 in effect from 15.06.2010) In the presence of immediate danger for the life of persons (Para 5 and 6) and their children, the social service provider notifies Police authorities in the area or “Mother and Infant” emergency response unit.

³⁵Data from http://www.asp.government.bg/asp_client/

³⁶ By order of the Council of Ministers № 633/08.09.2014: adoption of standards mandated by the state with natural values and indicators in 2015.

It is essential that under the regulations Crisis Centres provide only social services. The best practices in Europe and United States recommend this kind of Centres to provide 24/7 emergency care to women, children and men who have been sexually assaulted or who are victims or survivors of domestic violence (intimate partner) abuse. Services include: emergency medical and nursing care, crisis intervention, collection of forensic evidence, medical follow-up and counseling and referral to community resources.

Recognizing that the effects of sexual and domestic violence are complex and cannot be met by any one agency, the centers also work with community agencies to provide a continuum of care for survivors.

Victims' needs are much more than a roof over a head. Their lives are transformed – and the specialists in these Centers must support women to stay safe, to have access health services, legal advocacy and advice.

B. Develop a mechanism for financial compensation in cases of rights violation based on the UN Convention on the Elimination of All Forms of Discrimination against Women.

The action was included in the National Program for 2012, 2013 and 2014 and stems from several cases against Bulgaria under the Optional Protocol to the Convention on the Elimination of Discrimination against Women, pointing to systematic failures in the Bulgarian system for protection and recommending such mechanism. There was no publicly available evidence pointing to the completion of this task during 2012 and 2013. In 2014, the government finally allotted one-off compensation to several citizens, having brought successful cases against the country before UN human rights bodies, among them being *Jallow v. Bulgaria*.³⁷

C. Form a national structure (committee) for coordinating domestic violence and gender-based violence prevention and protection policies.

The action is included in the National Program for 2012, 2013, 2014 - no publicly available evidence of completion.

D. Develop a national strategy for reducing domestic violence occurrences.

The action is included in the NPPPDV for 2014, but again there is no evidence in the public space pointing to its successful completion.

E. In 2015 the NPPPDV incorporates the formation of a workgroup tasked with drafting amendments to the methodological instruction set in the Law on Protection against Domestic Violence given to police authorities. The goal is to introduce a unifying approach to the work of police officers in applying the law and regulations according to the RILPDV.

³⁷ Council of Ministers of the Republic of Bulgaria (2014): Решение № 766 от 13 ноември 2014 година за изплащане на еднократни обезщетения за нарушени права по уважени жалби от договорните органи на ООН по универсалните международни инструменти в областта на правата на човека [Decision N 766 of 13 November 2014 on payment of one-off compensations for violations of rights under successful claims before the UN treaty bodies under universal human rights instruments], Sofia: Council of Ministers of the Republic of Bulgaria

Overall, domestic violence requires the engagement of numerous agencies at national and local level. Nevertheless, the strategy or response to violence should not be approached as a “one size fits all system”, as “different institutions speak different languages”, therefore a multi approach, if working effectively, is desirable.

Despite many improvements in the domestic violence policy in Bulgaria observed over the last few years, it is difficult to measure the quality of these initiatives. Lack of full scale evaluation of existing policies and strategies hinders a reasonable assessment of the policies mentioned above. Further, it seems that domestic violence policy is not only differentiated between national and local parties but is also differentiated geographically. Fragmented and uneven services, regional discrepancies result in varying levels and quality of the response/service for domestic violence victims. Undoubtedly, family policy in Bulgaria needs to be more firmly integrated with the domestic violence policy as contact between children and abusive men/women might further endanger the victims. The government policies on crime reduction have been contradicted by the approach to the family.

Chapter II – Prevention: Planned Actions between 2011 and 2015:

A. Develop and introduce prevention programs among children of various age groups.

The action has been included in the NPPPDV since 2011. It aims to identify violence against children in a timely fashion as well as teach victims models of communication and behaviour different from violence. There is no evidence in the public space pointing to the action’s implementation.

B. Actively promote the National mobile expert team for psychological support and introduce mechanisms to counteract school bullying.

Based on data from the National Network for Children, a union of 125 civic organizations and supporters working with children and families throughout the country³⁸, the Ministry of Education and Science has made significant strides toward developing ways to counteract and tackle the negative tendencies observed in schools such as aggression and bullying.³⁹ The mechanism to counter bullying in school was created to answer the increasing need for more targeted effort in building a comprehensive education policy, which engages and supports children in school, and fosters a more positive atmosphere in the presence of adults, respectful of the needs of today’s youth.

The mechanism is backed up by a national group for psychological intervention in crisis situations in school, including support for school guidance counsellors in their work with young people and children, who are in a state of turmoil, aggression and violent behaviour.

In 2014, however, the National mobile team ceases to provide psychological support to school psychologists. The National Network for Children reports this as a serious issue due to the fact that in some areas schools lack resident psychologists and guidance counsellors, while the school faculty lacks the necessary skills and knowledge to deal with cases of aggression and violence.

³⁸ Source: <http://nmd.bg/stanovishte-na-natsionalna-mrezha-za-detsata-po-izrabotvane-na-algoritam-za-prilagane-na-mehanizma-za-protivodeystvie-na-utchilishtniya-tormoz/>

³⁹ Mechanism to combat school bullying between children and students in schools approved by the Minister of Education and Science № РД 611/ 11.05.2012.

C. *Run a campaign under the slogan “I Participate and Change!” dedicated to increasing social and civic capacities of children and students.*

The National campaign was conducted during the 2011/2012 school year. The aim was to broaden and promote democratic citizenship education and national pride; to place a focus on healthy lifestyle and constructive behaviour of children and students; to support the role of adults in providing child care; to strengthen the cooperation between institutions, families and other agencies and services in the community in their joint care for adolescents.

The campaign ran under different forms: during homeroom, club activities, competitions, art exhibitions, sporting events, games, raffles, school trips, volunteering, training sessions, group sessions and others under titles such as “Physical Health”, “Mental Health”, “Social Well-being”.

The Campaign was endorsed by the Ombudsman of the Republic of Bulgaria⁴⁰.

D. *Research and data collection on domestic violence, aiming to draft a concept note for developing and building an automated information system (AIS) for collecting data on domestic violence.*

The action is in the 2012-2013 draft of the Program: financing was planned under the Norwegian Financial Mechanism to develop the AIS and incorporate it within the Ministry of Interior⁴¹.

E. *Raise awareness of initiatives, good practices and social service providers and protection mechanisms for domestic violence victims via online social media and websites of the relevant institutions.*

The action has been a part of the Program since 2012. The goal is to provide easy access to information for crime victims.⁴² In relation to the implementation of this action for the aforementioned period of time, information is being regularly updated mainly on the MI, SACP and ASA websites.

It’s worth noting that NGOs who work with domestic violence issues keep well updated databases of relevant information and advice for DV victims as well as current methodologies for use by professionals in the field⁴³.

Nevertheless, the conclusion is that information on the Internet about domestic violence, victims’ rights, available services and institutions providing support is insufficient and poorly organized.

⁴⁰ Source: <http://souiskar.com/news.php>

⁴¹ No publicly available information about the state of completion at this time.

⁴² After an overview of official institutional web sites, information on prevention and protection from domestic violence may be found at:

- MI: http://www.mvr.bg/Prevenция/prevenция_domashno_nasilie.htm;
- SACP: <http://sacp.government.bg/za-deca/nasilie/>;
- ASA: <http://www.asp.government.bg/ASP>, where providers of the service “Crisis Center” may be located as well as established methodologies;

⁴³ Animus Association Foundation: <http://animusassociation.org/za-fondaciata/partniori/sluzhbi-organizacii-programi/>; PULS Foundation: <http://pulsfoundation.org/preveniya-na-nasilie/>; Social Actions and Practices Institute: <http://www.sapibg.org/projects/seksualno-nasilie-nad-deca-v-institucij>; Alliance for Protection from Domestic Violence: <http://www.alliancedv.org/articles>; SOS Foundation – Families at Risk <http://www.sos-varna.org/index.php>; Gender Alternatives: <http://www.genderalternatives.org/index.php/bg/rechnik>., Imago Association and online outlet “Without Violence”: <http://nasilie.eu/vidove-nasilie/>

F. The following actions are included in the 2014 National Program for Prevention and Protection from Domestic Violence: research and data collection on domestic violence gender-based violence cases, among the Roma minority and other vulnerable groups; conducting awareness campaigns contributing to change in public attitude towards domestic violence.

Implementation is funded under Program BG 12 of the Norwegian Financial Mechanism and completion is expected in 2016.

G. Actions for 2015:

- Promote the National Help-Line for children (116 111) which provides 24/7 access to information, guidance, support and a platform to report cases of abuse. After securing a public procurement financed by SACP, the Animus Association Foundation maintains the Line.⁴⁴
- Conduct information campaigns raising public sensitivity with special emphasis on Roma communities and other vulnerable groups.
- Conduct a sociological study in cooperation with the Research Institute of Forensic Science and Criminology (Ministry of Interior) to collect data on registered cases of domestic violence, explore its dormancy and tendencies in order to ensure long-term stable results as part of the project for “Improving the national legal framework in accordance with the standards of the Council of Europe and strengthening the capacity of relevant institutions dealing with cases of domestic and gender-based violence” (Agreement № 812108-38/10.11.2014).
- Introduce children of different age groups to various programs and implement the “Judiciary – informed choice and civic trust” program.
- Monitor and control in schools where the mechanism to counteract bullying is introduced.
- Promote a favourable environment for spreading initiatives and practices in defence of domestic violence child and student victims.
- Organize national conferences on domestic violence and gender-based violence.

It is obvious that policy responses to domestic violence have focused, to date, primarily on intervention after the problem has already been identified and harm has occurred. There are, however, new domestic violence prevention strategies emerging, and prevention approaches from the public health field can serve as models for further development of these strategies and models.

The first involves public health campaigns that identify and address the underlying causes of a problem.

The second model can be used to identify opportunities for domestic violence prevention along a continuum of possible harm: (1) primary prevention to reduce the incidence of the problem before it occurs; (2) secondary prevention to decrease the prevalence after early

⁴⁴ At the present time, Animus Association Foundation develops a project: National Help Line for support and guidance for victims of violence; It is implemented with a grant from the Ministry of Justice – Contract № 93-00-78 from 13.02.2015.

signs of the problem; and (3) tertiary prevention to intervene once the problem is already clearly evident and causing harm.

Examples of primary prevention include school-based programs that teach students about domestic violence and alternative conflict-resolution skills, and public education campaigns to increase awareness of the harms of domestic violence and of services available to victims.

Secondary prevention programs could include home visiting for high-risk families and community-based programs on dating violence for adolescents referred through child protective services (CPS).

Tertiary prevention includes the many targeted intervention programs already in place.

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Chapter III – Training and Qualification: Planned Actions 2011-2015:

A. Develop and pilot methodologies for training support specialists (teachers, medical practitioners, social workers, psychologists, etc.) to better identify warning signs of violence.

At the time of writing a Manual for training specialists working with domestic violence cases can be found online, published in 2013 by the NGO Center in Razgrad. The manual is part of a Ministry of Justice funded project “Partnership and Innovation in Domestic Violence Prevention in Razgrad”.

Between 2013-2014 there is official data for over 10 training seminars in Sofia and around the country aiming to help support specialists develop their skills to spot and recognize emotionally vulnerable people as a result of mental and/or physical abuse. The training seminars focus on topics related to providing adequate help to real or potential domestic violence victims; recognizing domestic violence signs; symptoms of experienced abuse or violence; Trainings were conducted by NGOs and Regional Health Inspectorates⁴⁵. The following training seminars have been conducted to date:

- Project “Dignity – life without violence”, realized by Nadja Association and financed within the NGO Support Program framework in Bulgaria under the Financial Mechanism of the European Economic Area 2009-2014;
- Project “Local Communities’ Joint Effort on Domestic Violence Prevention and Support of Vulnerable Groups” implemented in Montana municipality by the Bulgarian Fund for Women and financed according to art. 19, par. 3 of the RILPDV;
- Project “Targeted, Effective and Lasting Counteraction to Domestic Violence”, implemented by Maria Center – support service for women victims of violence; the training is a two-day workshop on Coordinated support for victims of domestic violence –

⁴⁵ NGOs who provide such training: Knowledge – Success – Change Association, Dupnitsa city; project: Coordinated institutional and community response for protection from domestic violence and effective execution of the Domestic Violence Protection Act, funded by the Ministry of Justice of the Republic of Bulgaria. Bulgarian Red Cross: project for training of trainers about “Violence against elderly women – identification and action; targeted at support personnel working in their homes: nurses, social assistances, social workers and home assistants; “Crime Prevention Fund – IGA – Pazardjik; project: Against the Invisible Violence, financed by the Ministry of Justice of the Republic of Bulgaria, art. 6, para 7 of DVPA. Regional Health Inspectorate – Targovishte: training of parents on: Being in Harmony with Your Child”, “Domestic Violence” and others;

current policy and good practice (District Court of Gorna Orjahovitsa, District Prosecutor's Office, RPD, Agency for Social Assistance, NGOs).

- Project “Justice for the Vulnerable”, implemented by the Gender Alternatives Foundation and financed within the NGO Support Program framework in Bulgaria under the Financial Mechanism of the European Economic Area 2009-2014;

B. Training magistrates in applying the Law on Protection against Domestic Violence and other acts relevant to domestic violence; DVPA training for members of local police departments to provide support/protection for victims of domestic violence:

Specialized seminars for magistrates are available at the National Institute of Justice on: Domestic Violence – family and criminal law aspects, persecution and violence against children; centralized and regional seminars on Domestic Violence – International Legal Framework; current practice of the European Court of Human Rights; practical issues in applying the DVPA;

Police officials have been trained mainly by NGOs on the aforementioned topics.

C. Training of social workers from Social Assistance Directorates in applying DVPA and working on DV cases; Training of service providers to work with victims of domestic violence:

According to information available online, the Alliance for Protection against Domestic Violence⁴⁶ provides such trainings since 2012 for social workers from Social Assistance Directorates mainly from the cities of Sofia, Plovdiv, Varna, Burgas, Lovech, Montana and Sliven.

The Animus Association Foundation in cooperation with Gender Alternatives Foundation conducts periodic training seminars for social workers from Community Support Centres. The Agency for Social Assistance is officially appointed responsible for conducting the training seminars, but in practice NGOs do the work instead.

D. Develop and publish a Training manual for social workers:

To date the Animus Association Foundation web page provides access to “Sample standards and methodological instructions for working with domestic violence cases within the boundaries of community social services”.⁴⁷

The Ministry of Labour and Social Policy's web site has no such information or documentation despite being a representation of an institution, responsible for implementing such actions.

⁴⁶ “Alliance for Protection from Domestic Violence” Association is a voluntary association of NGOs acting and providing services in the field of violence prevention and victim support. The Association was established by 9 NGOs in Varna in September 2008. Founding members are: Bulgarian Center for Gender Studies – Sofia; SOS – Families at Risk Foundation – Varna; Demetra Association Foundation – Burgas; Animus Association Foundation – Sofia; Bulgarian Women Foundation – Sofia; Open Door Center Association – Pleven; NAJA Association Foundation – Targovishte; Ekaterina Karavelova Women Association Foundation – Silistra; PULS Foundation – Pernik; Associate members of the Alliance are: Dinamika Center – Ruse; H&D Gender Perspectives Foundation; Honorary member is: Human Rights Defenders – Minnesota, US.

⁴⁷ Source: <http://www.animusassociation.org/wp-content/uploads/2014/03/Standarti.pdf>

The text is prepared in joint cooperation between the members of Alliance for Protection of Domestic Violence Association, with the financial aid of OAK Foundation. Contribution from: Open Door Center Association – Pleven; NAJA Association Foundation – Targovishte; Bulgarian Center for Gender Studies – Sofia; Ekaterina Karavelova Women Association Foundation – Silistra; Bulgarian Center for Gender Studies – Haskovo branch;

This action is part of the National Program since 2015.

E. Training of teachers and pedagogical advisors to work with children from vulnerable groups; deal with aggression and violence. Provide training to psychologists and advisors based on the National Program for raising qualifications of pedagogical specialists. Responsible institution is Ministry of Education and Science:

The official webpage of MES does not list any completed training seminars for teachers and pedagogical advisors. There is information about the Qualification National Program, which is adopted and updated each year by order of the Council of Ministers. Its focus is to provide suitable environment to support children with learning difficulties and deviant behaviour by training teachers from socio-educational and correctional boarding schools to recognize various types of violence indicators.

Over the last five years the Ministry of Education and Science develops a detailed framework for introducing modern methodologies in dealing with violence prevention and building a positive discipline in the classroom.

Human Resources Development projects for prevention of violence against children in educational institutions: the goal is to create and pilot comprehensive programs for prevention on a systemic and organizational level in schools.

The European training centre for innovation, education, science and culture hosts training seminars on popular pedagogical topics such as “recognizing violence and children at risk and taking adequate action”⁴⁸.

F. Training medical specialists in acquiring the necessary qualification to recognize signs of violence:

Currently, the bachelor’s degree “Nurse”, as a professional qualification in the field of health care and disease prevention, includes recognition of signs of violence or abandonment and taking appropriate action by notifying competent authorities.⁴⁹

The National Program for Prevention and Protection from Domestic Violence for 2015 includes various types of training for specialists from Social Assistance Directorates.

It seems that every professional group has its own trainings. There is no consolidated training program for building the capacity, skills and cooperation between different specialists on the topic of domestic and gender based violence.

One specialized general program must be developed with topics like: self-care and vicarious trauma, diversity considerations, risk management, multi-agency skills, criminal justice response to domestic violence, case management, individual tutorials, civil law, safeguarding children, mental health and substance misuse, housing, sexual violence.

This program must develop practical skills which include motivational interviewing, applying the stages of change, active listening, assertiveness, negotiation, and pro-social modeling. It must develop capabilities for identifying, assessing and managing risk; to provide expertise on criminal justice work; to build confidence in multi-agency working; and to introduce specialist tools, techniques and knowledge to respond to high-risk victims.

⁴⁸<http://www.eucenter.net/bg/>

⁴⁹ <http://www.uni-ruse.bg/Faculties/>

Chapter IV – Protection, Recovery and Reintegration of Domestic Violence Victims; Work with Perpetrators: Action Plan - 2011 to 2015

In this chapter activities focus on:

- Improving communication from institutions about services and legal defence mechanisms available to victims of violence, and promoting good practices;⁵⁰
- Analyse the viability of maintaining a 24/7 National Help-Line for domestic violence victims and report on its maintenance up until this point (2012-2015)⁵¹;
- Develop, implement programs for psychological, social and legal support for domestic violence victims⁵²;
- Pilot and introduce innovative services for victims/perpetrators of domestic violence (mobile services, special services for high risk groups, disadvantaged groups, etc.)⁵³;
- Care services for domestic violence and gender-based violence victims⁵⁴.

Chapter V – Legal Action: 2011 – 2015:

Planned actions focus on:

⁵⁰ After an overview of official institutional web sites, information on prevention and protection from domestic violence may be found at:

- MI: http://www.mvr.bg/Prevenция/prevenция_domashno_nasilie.htm;
- SACP: <http://sacp.government.bg/za-deca/nasilie/>;
- ASA: <http://www.asp.government.bg/ASP>, where providers of the service “Crisis Center” may be located as well as established methodologies;

Animus Association Foundation: <http://animusassociation.org/za-fondaciata/partniori/sluzhbi-organizacii-programi/>; PULS Foundation: <http://pulsfoundation.org/preveniya-na-nasilie/>; Social Actions and Practices Institute: <http://www.sapibg.org/projects/seksualno-nasilie-nad-deca-v-institucii>; Alliance for Protection from Domestic Violence: <http://www.alliancedv.org/articles>; SOS Foundation – Families at Risk <http://www.sos-varna.org/index.php>; Gender Alternatives: <http://www.gendernalternatives.org/index.php/bg/rechnik>., Imago Association and online outlet “Without Violence”: <http://nasilie.eu/vidove-nasilie/>

⁵¹ At the present time, Animus Association Foundation develops a project: National Help Line for support and guidance for victims of violence; It is implemented with a grant from the Ministry of Justice – Contract № 93-00-78 from 13.02.2015.

⁵² Such services are provided by NGOs registered as providers of social services under the Social Assistance Act and the registered by the ASA. On the territory of some municipalities, these services are funded through the state budget, after announcing a public procurement as mandated by the State.

⁵³ In 2011, the Bulgarian Center for Gender Studies Foundation in partnership with Animus Association Foundation implemented the project „Disclosure and provision of a set of innovative services in the community to prevent and tackle social exclusion of adult victims of domestic violence in the cities of Sofia, Plovdiv and Dimitrovgrad“. It was funded through the Human Resources Development Program 2007-2013 under the Social Services for Social Inclusion framework. Over the course of the project, Animus Association Foundation developed an innovative program for prevention and risk management related to social exclusion of domestic violence victims – specialized work with families and couples; Provision of innovative services to persons under the specialized program for work with families and couples; Presently, “Maria” Center – provider of support for victims of domestic violence – mothers with children; currently implementing a project on “Targeted, Effective and Stable Counteraction to Domestic Violence”, financed by the MJ; it includes individual work with perpetrators of domestic violence (overcoming aggression a recurrent violent behavior.

⁵⁴ Program BG 12 Domestic Violence and Gender-Based Violence is currently being implemented; it is financed by the Norwegian Financial Mechanism, which aims to develop actions and services in the NGO sector.

- Effective implementation of the LPDV and improved coordination between responsible institutions;
- Draft a proposal to the Council of Ministers to add to and amend the Law on Legal Aid⁵⁵;
- Analysis of the conformity of Bulgarian legislation in regard to the necessity of signing and ratifying the Convention of the Council of Europe on preventing and combating violence against women and domestic violence⁵⁶;
- Anticipate legislative changes to the draft of a new Penal Code where violence against women is concerned, according to final recommendations of the UN Committee on the Elimination of Discrimination Against Women from 27 July, 2012 (CEDAW)⁵⁷;
- Provide a mechanism for annual review and amendment of legislation in this area depending on protection needs and dynamic of violent occurrences⁵⁸;

It is worth noting that future policies devoted to combating domestic violence might be linked to the cost to society resulting directly or indirectly from experiencing this abuse. In the government policy, there have not been so far any attempts to estimate the cost of domestic violence

Another issue is male victims of domestic violence and the fact that only a small proportion of men who are victims of domestic violence have contact with the criminal justice system, therefore complementary, preventive and local community remedies are desirable

Policy diversification means that not all groups are sufficiently protected and not sufficiently investigated as far as domestic violence is concerned. More attention needs to be paid to the needs of groups such as prisoners, people with mental health problems and learning disabilities, and migrant groups. Current Bulgarian policy initiatives however do have a welcome focus on the needs of children and younger people in relation to domestic violence and abuse.

Chapter VI – Monitoring and Evaluation 2011 – 2015:

A. Monitoring on implementation of LPDV includes the following documents⁵⁹:

- Published report on the evaluation's results;
- Recommendations and suggestions about improving the legislation on domestic violence prevention and protection;
- Data collection about number and type of cases involving LPDV; gather and analyse in detail data on work with LPDV;

⁵⁵ SG 28 from 07.03.2013: Law Amending the Law on Legal Aid (<http://www.parliament.bg/bg/laws/ID/14208>). Ministry of Justice: "Draft Decree Amending the Ordinance on the Payment of Legal Aid" is available for public discussion; it was approved with Ordinance № 4 by the Council of Ministers in 2006; <https://mjs.bg/15/>

⁵⁶ No publicly available evidence that Bulgaria ratified the Convention

⁵⁷ No information of implementation exists at this time.

⁵⁸ No information of implementation exists at this time.

⁵⁹ No information of implementation exists at this time.

B. Report on the implementation of the National Program for Prevention and Protection from Domestic Violence⁶⁰:

- Recommendations and suggestions about improving the legislation on domestic violence prevention and protection;
- Publish annual monitoring reports from NGOs;

⁶⁰ No information of implementation exists at this time.

APPLICABLE FOREIGN MODELS AND BEST PRACTICES – NORWAY, LIECHTENSTEIN, ICELAND

The case of Norway

Domestic and gender based violence is a major societal problem in Norway, and has been addressed as such since the early eighties. Following the women liberation movement, a working group with representatives from different ministries was launched in 1983. The result of their work was the first 'Plan for measures combating woman abuse'. However, research shows that the numbers of victims of domestic violence has not been reduced during this long time span.⁶¹ According to surveys conducted within the last ten years, between 75000 and 150000 people in Norway are exposed to violence perpetrated inside their home or from a person in close relation to them every year. According to the Norwegian Center for Violence and Traumatic Stress Studies, in 2014 8.2% of women and 2% of men reported severe partner violence (life-threatening, involving beating, weapons, strangulation, etc.). There was an increase in violence in the past few years (2009-2013) by 32%.⁶² Every year between 6000 and 8000 people seek help from a crisis facility and/or press legal charges for domestic abuse.⁶³ Out of the numerous offences committed in households (2118 in 2010), very few were brought to court (360) and most charges were dropped or proceedings not completed (200).⁶⁴

Legal Framework

Domestic violence has been considered a specific offence in Norway since 2006, under Art 219 of the Penal Code (violence in the private sphere, including FGM), as well as the Criminal Procedure Act (restraining orders, in case of violation offender is arrested).⁶⁵⁶⁶⁶⁷

⁶¹ Grønlie, Runhild. " Like mye familievold: Etter 30 år med offentlig engasjement mot vold i nære relasjoner, er omfanget fortsatt det samme." [Just as much domestic violence: After 30 years of public commitment against domestic violence, the scale is still the same - article based on interview with Wenche Jonassen, researcher from NKVTS – Norwegian Centre for Violence and Traumatic Stress Studies] *forskning.no*, April 2, 2013. Accessed September 7, 2015. <http://forskning.no/vold-likestilling-samliv/2013/03/mye-familievold>

⁶² Ministry of Justice and Public Security (2014): Domestic violence – Norwegian experiences. Oslo: Ministry of Justice and Public Security. http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumentacijski_izveštaji/enake_moznosti/NFMStudijski2NasiljeNorveska.pdf

⁶³ Norwegian Government. Meld. St. 15 (2012–2013) Forebygging og bekjempelse av vold i nære relasjoner [White Paper 15 (2012–2013) Preventing and combating domestic violence]. Accessed September 7, 2015. <https://www.regjeringen.no/no/dokumenter/meld-st-15-20122013/id716442/?ch=1>

⁶⁴ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Norway. Women against Violence Europe <<http://www.wave-network.org/sites/default/files/05%20NORWAY%20END%20VERSION.pdf>>

⁶⁵ Norwegian National Crime Prevention Council: Norwegian Measures to Prevent Domestic Violence <http://www.krad.no/om-krad/english/domestic-violence-measures>

⁶⁶ Norway General Civil Penal Code. <http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/NOR_penal_code.pdf>

⁶⁷ Norwegian Criminal Procedure Act. <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19810522-025-eng.pdf>

The Norwegian penal code's article 219 applies a wide definition of what constitutes abuse. It can be utilized to prosecute not only physical violence, but also limiting the freedom of an individual's movement and other forms of abuse, including psychological. Also relevant is article 228 in the penal code which regulates bodily harm against another person.⁶⁸

In addition to the laws against domestic violence in the penal code, there is also a provision in the Norwegian law on children that especially protects children from both physical and mental abuse from their legal guardians. Article 30 dictates that a parent or guardian is responsible for providing their child a proper environment to grow up in. It also prohibits violent or abusive behaviour, even if such behaviour is used as a means of raising the child.⁶⁹(4)

Several of the international legally binding conventions on human rights adopted by the United Nations and the Council of Europe is relevant for domestic violence cases, especially the UN Convention on the Rights of the Child (1989) and the UN Convention on the Elimination of All Forms of Discrimination against Women (1979). Norway has incorporated The European Convention of Human Rights into national law and Norwegian courts have an extensive history of adhering to the principles of the United Nations conventions on human rights. If there is a conflict between the international human rights and other Norwegian law, the international conventions, according to the Human Rights Act, shall prevail. Since the law was introduced, the Supreme Court several times has disregarded Norwegian legislation because it has been found to be in conflict with the international human rights.

Policy

In Norway there is an established political consensus, across party lines, that domestic violence is a serious issue that requires further and increased efforts to combat. The stated goal of the most recent policy plan is; "...a society where everyone can live without being exposed to violence."⁷⁰

There have been a number of National Action Plans in order to combat domestic and gender-based violence.⁷¹

The most recent Norwegian policy plan on domestic violence (2014-2017) consists of 45 initiatives as well as a clarification on strategy. It describes the negative effects on domestic

⁶⁸ Norway: Almindelig borgerlig Straffelov (Straffeloven) [Ordinary civil Penal (Penal Code)] https://lovdata.no/dokument/NL/lov/1902-05-22-10/KAPITTEL_2-13#KAPITTEL_2-13

⁶⁹ Norway: Lov om barn og foreldre (barnelova) [Act on Children and Parents (Children Act)] https://lovdata.no/dokument/NL/lov/1981-04-08-7/KAPITTEL_6#KAPITTEL_6

⁷⁰ Et liv uten vold. Handlingsplan mot vold i nære relasjoner 2014–2017 [A life without violence. Action plan against domestic violence 2014-2017] https://www.regjeringen.no/contentassets/97cdeb59ffd44a9f820d5992d0fab9d5/hplan-2014-2017_et-liv-uten-vold.pdf

⁷¹ There have been Action Plans to combat violence against women (2000-2003), to combat intimate partner violence (2004-2012, renewed 4 times, last time for 2014-2017), against forced marriages, against female genital mutilation for 2008-2011, against forced marriages and FMG (2012, renewed for 2013-2016), and the Strategy against physical and sexual violence against children (2005-2009, renewed for 2013-2016), as well as Action Plans to combat rape (2012-2014) and numerous others to combat human trafficking. As example, see Action Plan against Domestic Violence (2014 – 2017), 'A life without violence': <https://www.regjeringen.no/en/topics/families-and-children/innsiktsartikler/bekjemper-vold-og-seksuelle-overgrep-mot-barn-og-ungdom/domestic-violence/id672710/>

abuse on the individual level, as well as the huge costs it inflicts on society through increased expenses incurred in both the private and public sector. The initiatives are in large part expanding on already existing institutions and efforts. This includes funding and development of the 46 women shelters spread across the country. As of 2013, there are 10 children houses.⁷²

Among the most important initiatives are increased efforts in prevention. Kindergartens and the school system are considered key actors in this effort. Teachers and staff will get increased training, and the children and students will encounter the topic of domestic abuse through their curriculums. The educational arena is also important for discovering children who are subjected to abuse.

Strengthening the access to treatment for drug and alcohol addiction is an important element in the overall prevention plan. Addiction is a factor in many cases of domestic abuse, thus combatting it is thought to have a positive effect on defeating violence in the home.

All police districts in Norway are required to have a fulltime officer working solely on domestic violence cases. Known as “family violence coordinators”, these officers receive special training that qualifies them to communicate with victims and perpetrators in a strategic manner. This in turn contributes to more effective law enforcement and understanding of what course of action to take in an individual case. Police departments in major cities usually set up teams of full time family violence coordinators, due to more cases and geographical ground to cover.

At the national level, the central witness protection unit can (since 2004) create a fictitious identity for the victim. It replaces a person’s real identity from the register with fake personal information, including ID and name. The measure requires no contact with past life, peers and family and the consequences can be too extreme for some.⁷³

The Ministry of Justice has implemented electronic monitoring of persons who have violated bans on contacts or visits via an electronic tagging device, which in case of a breach of a restraining order will notify the police station and also has a preventive effect.

There is also a risk assessment tool called “SARA” (Spousal Assault Risk Assessment). It is a checklist for risk factors of spousal assault so that preventive measures can be taken.⁷⁴

Among the main bodies to counter domestic violence are the Ministry of Justice and the Police. They lead a cross-ministerial group consisting of civil servants from the Ministries of

⁷² Ministry of Justice and Public Security (2014): Domestic violence – Norwegian experiences. Oslo: Ministry of Justice and Public Security. http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/NFMStudijs_ki2NasiljeNorveska.pdf

⁷³ Ministry of Justice and Public Security (2014): Domestic violence – Norwegian experiences. Oslo: Ministry of Justice and Public Security. http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/NFMStudijs_ki2NasiljeNorveska.pdf

⁷⁴ Ministry of Justice and Public Security (2014): Domestic violence – Norwegian experiences. Oslo: Ministry of Justice and Public Security. http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/NFMStudijs_ki2NasiljeNorveska.pdf

Health, Education, Labour, Children, Equality, Social Inclusion, and Local Government and Regional Development, who prepare the above-mentioned action plans.

There are centres and shelters that deal with research on domestic violence as well as counselling for the victims. For example, the Norwegian Center for Violence and Traumatic Stress Studies was established in 2004. It focuses on research, education, and also guidance for the public services and has a special section for family violence and sexual abuse. In addition to that, there are 5 regional resource centres, which assist the service with information, expertise, and networking.⁷⁵

The 46 women shelters in Norway provide counselling support for women survivors of violence, funded fully by municipalities.⁷⁶ Women shelters receive around 2500 women and 1800 children annually. They provide a 24h telephone helpline, temporary accommodation, a day service for support and assistance, assistance for the reestablishment phase, and services for the children's needs. There are also "Children houses", made to assist children who live in an environment of domestic violence, where interviews, medical examinations and treatments are conducted.

At the local level, 4 main protective measures are used:

- Restraining orders (Art. 222, Criminal Procedure Act) - prosecutors ban visits if there is reason to believe that a person would otherwise commit a criminal act against another person, stalk him/her, or violate the peace. As of 2003, restraining orders also permit for banning the offender from his/her own home and forcing him/her to move out, even if he/she is the owner.
- Mobile security alarm - police make an overall assessment of the situation, in collaboration of other agencies, to see whether or not an alarm should be assigned. Alarms are usually attributed to the victims following a case of abuse.
- Patrol security.
- Address block and deciding on a new secret address/shielding of personal data in the population register.

In addition to being statistically overrepresented in traditional domestic abuse cases in Norway, ethnic minorities are also susceptible to different kinds of abuse involving force and pressure within the family. The most pressing issues in this category are forced-marriages, genital mutilation and serious restrictions on social freedom. The Norwegian government considers these issues to be very important, and has launched a separate action plan specifically to tackle these problems, "Action plan against forced-marriage, female genital

⁷⁵ Ministry of Justice and Public Security (2014): Domestic violence – Norwegian experiences. Oslo: Ministry of Justice and Public Security. <http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumentacijski2NasiljeNorveska.pdf>

⁷⁶ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Norway. Women against Violence Europe <<http://www.wave-network.org/sites/default/files/05%20NORWAY%20END%20VERSION.pdf>>

mutilation and severe restrictions on young people's freedom".⁷⁷ Special counselling projects have been established in secondary schools to offer guidance regarding forced marriages.

Applied Research

An integrated and important part of the Norwegian policy on domestic violence is the expansion of research and statistics projects, to better understand the causes and prevalence of domestic abuse. A research project financed by the Ministry of Justice and Public Security called "The domestic violence research program" is scheduled to run from 2014-2019. Norwegian social research institution NOVA is conducting several studies that aim to shed light on the causes to and prevention of domestic violence.⁷⁸

The National Center of Competence on Violence and Traumatic Stress (NKVTS), established in 2004, is a significant source of knowledge on the issues of domestic and gender based violence. The centre plays a key role within research and advisory work to many public institutions. They have been commissioned by the Ministry of Justice and Public Security to develop tools for a local action plan designed for municipalities on how to coordinate efforts to stop domestic violence in their area. Cross-institution coordination has been a weak point in the Norwegian battle against domestic violence. The development of local action plans is meant to improve the cooperation between law enforcement, schools, healthcare providers and shelters.⁷⁹ NKVTS has also conducted extensive applied research on how the women shelters work, including the victims' experiences.

Norway is considered to have a plethora of instruments to face domestic violence. From a legal standpoint, domestic violence is properly addressed in the legislative texts, and the actions that must be taken to protect the victims and the witnesses are clearly stated. However, most cases of domestic violence are not reported to the authorities, the country needs to create a more unified chain of services for victims of domestic violence and achieve better sustainability and expertise of institutions involved.⁸⁰

The case of Liechtenstein

Domestic, spousal violence and violence against children are considered Liechtenstein's main human rights issues. According to a 2003 research, 29% of women and men in Liechtenstein

⁷⁷ Norwegian Ministry of Children, Equality and Social Inclusion, 2013. Action plan against forced marriage, female genital mutilation and severe restrictions on young people's freedom (2013–2016). Publication number: Q-1207

https://www.regjeringen.no/globalassets/upload/bld/ima/tvangsekteskap/handlingsplan_2013_eng_web.pdf

⁷⁸ <http://www.hioa.no/eng/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NOVA/Prosjekter/Barndom-familie-og-barnevern/The-Domestic-Violence-Research-Program>

⁷⁹ <http://nkvts.no/sites/komplan/Sider/default.aspx>

⁸⁰ Ministry of Justice and Public Security (2014): Domestic violence – Norwegian experiences. Oslo: Ministry of Justice and Public Security. http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/NFMStudijs_ki2NasiljeNorveska.pdf

have experienced violence at the hands of their intimate partner.⁸¹ Few acts of domestic violence are prosecuted, while acts such as trespassing, bodily harm, and suppression of documents are prosecuted only upon complaint and allegedly remain largely unpunished.⁸² There is also lack of statistics concerning domestic violence in the country, since there is no disaggregation from general crime statistics.⁸³

Liechtenstein criminal law does not contain specific provisions on domestic violence. Articles 83 to 92 of the Liechtenstein Criminal Code cover bodily harm, while rape is covered by Section 10 of the Criminal Code - Articles 200 to 209. Rape sentences can vary from 6 months to over a decade of imprisonment, especially if the victim was killed.⁸⁴ According to a 2013 Human Rights report on Liechtenstein, courts may reduce sentence for spousal rape if the victim chooses to remain with the abuser. In 2012, the government also revised the Code of Criminal Procedure in order to better protect victims of physical, sexual, and psychological abuse.⁸⁵

Besides the criminal response, the government has passed numerous laws that touch upon gender-based violence: the 1999 Gender Equality Law, the 1999 Law on Separation and Divorce, the 2001 Law on Sexual Offences, and the 2001 Violence Protection Act. The latter two pieces of legislation specially concern domestic violence, covering sexual harassment and marital rape.⁸⁶ The Violence Protection Act allows for the exclusion of the offender, regardless of gender, from the household and prohibition of re-entry. The intervention is usually followed by mediation, with a prohibition of entering the abode for that period of time by the offender. Since the introduction of the act, the police have started to compile information of these interventions, including violence against men, and receive appropriate training. Counselling for both women and men is also available.⁸⁷

There are a number of state-sponsored organisations in order to help victims of violence and provide training to authorities. One of the most well-known shelters is the Women's Home, run by the Association for the Protection of Abused Women and Children.⁸⁸ There are other

⁸¹ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Liechtenstein. Women against Violence Europe <<http://www.wave-network.org/sites/default/files/04%20LIECHTENSTEIN%20END%20VERSION.pdf>>

⁸² infra - Information and Contact Center for Women and Liechtenstein Women's Home: Shadow Report on Domestic Violence against Women to the 4th Periodic Report Submitted to the UN CEDAW Committee at the 48th Session, Geneva. <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/INFRA_Liechtenstein48.pdf>

⁸³ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Liechtenstein. Women against Violence Europe <http://www.wave-network.org/sites/default/files/04%20LIECHTENSTEIN%20END%20VERSION.pdf>

⁸⁴ Liechtenstein Criminal Code. <http://www.wipo.int/wipolex/en/text.jsp?file_id=234958>

⁸⁵ US Department of State: Liechtenstein 2013 Human Rights Report. <<http://www.state.gov/documents/organization/220510.pdf>>

⁸⁶ Roland Berger Strategy Consultants (2013): The current situation of gender equality in Liechtenstein – country profile. <http://ec.europa.eu/justice/gender-equality/files/epo_campaign/131205_country-profile_liechtenstein.pdf>

⁸⁷ Committee on the Elimination of Discrimination against Women (2006): Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Third periodic report of States parties : Liechtenstein <<http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/97c692df0c7a0da6c1257222004dd85d?Opendocument>>

⁸⁸ infra - Information and Contact Center for Women and Liechtenstein Women's Home: Shadow Report on Domestic Violence against Women to the 4th Periodic Report Submitted to the UN CEDAW Committee at the 48th Session, Geneva. http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/INFRA_Liechtenstein48.pdf

entities involved, such as Infra – Information and Contact Office for Women, the Violence Protection Commission, the Office of Social Affairs and the Office of Equal Opportunity.

Liechtenstein has also organised a number of programmes to respond to domestic violence. One example is the interregional “Crossing Boundaries – Setting Boundaries” project, with the goal of compiling cross-border data on domestic violence and raising awareness about such issues, as well as studies and surveys on forms and perception of violence.⁸⁹

A major recommendation given to the country is to introduce *ex officio* prosecution for all acts of domestic violence, covering also offences related to domestic violence, such as trespassing (art 109 of the Criminal Code), stalking, or suppression of documents (art 229 of the Criminal Code).⁹⁰

The case of Iceland

Domestic violence is considered an enduring problem in Iceland. A 2011 study showed that nearly half of the female population suffers from gender-based violence at a point in their life. Similarly to Liechtenstein, data on domestic violence is not collected separately from criminal statistics. According to a 2010 survey, 42% of women have experienced violence since they were 16 years of age, 4% in the last 12 months. More specifically, 30% mentioned physical violence and 24% sexual abuse. Cases, however, concern male victims too.⁹¹

The law permits judges to increase the sentence for violent offences of physical/sexual nature if the aggressor and the victim have a domestic relationship/close bond.⁹² However, the law does not specifically address spousal rape or violence and high sentences are only granted in extreme circumstances.⁹³ As a consequence, reported violence against women is low. In contrast, the number of women seeking medical and counselling assistance is rather high, meaning that there is domestic violence, but it is not always reported. Moreover, the burden of proof for the victims is often too heavy. As a result, few women press charges: in 2009, at the Counselling and Information Center for Survivors of Sexual Violence, only 12.4 % of the victims pressed charges.⁹⁴ Restraining orders are also considered inefficient. Judges

⁸⁹ Committee on the Elimination of Discrimination against Women (2006): Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Third periodic report of States parties : Liechtenstein <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/97c692df0c7a0da6c1257222004dd85d?Opendocument>

⁹⁰ infra - Information and Contact Center for Women and Liechtenstein Women’s Home: Shadow Report on Domestic Violence against Women to the 4th Periodic Report Submitted to the UN CEDAW Committee at the 48th Session, Geneva. <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/INFRA_Liechtenstein48.pdf>

⁹¹ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Iceland. Women against Violence Europe <http://www.wave-network.org/sites/default/files/05%20ICELAND%20END%20VERSION.pdf>

⁹² Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Iceland. Women against Violence Europe <http://www.wave-network.org/sites/default/files/05%20ICELAND%20END%20VERSION.pdf>

⁹³ US Department of State: Iceland 2010 Human Rights Report. <<http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154429.htm>>

⁹⁴ US Department of State: Iceland 2010 Human Rights Report. <<http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154429.htm>>

grant them too infrequently and they take a very long time to be issued, allegedly making them practically useless.⁹⁵

The only provisions that come close to sanctioning domestic violence are the ones on sexual harassment:

- The Iceland Penal Code, Chapter XXII, Art. 201-210. However, those provisions do not mention domestic violence.⁹⁶
- The 2008 Act on Equal Status and Equal Rights of Women. This act is to ensure gender parity but also addresses gender-based violence. Art 22 states that companies/institutions/schools should take all the necessary measures to prevent gender-based violence. Again, the problem is that domestic violence is not mentioned specifically.⁹⁷

Sexual harassment is, however, very broadly defined: any sexual behaviour that can be seen as “disrespectful”. Anyone who considers to have been harassed can report to the Complaint Committee on Equal Status. As stated above, very few victims choose to report or take legal action due to the inefficiency of criminal justice.⁹⁸

The state provides social services to help with domestic violence: 2 women’s shelters, 2 women’s centres (offering legal and social counselling to women) and 5 centres for women survivors of domestic violence. Among them the Counselling and Information Center for Survivors of Sexual Violence, the Women’s Counselling Center, and the Safe Shelter. There are helplines from individual organisations (Stigamot, Red Cross, etc.) and one hospital has emergency service for survivors of domestic abuse.⁹⁹

Medical interventions related to domestic violence are specifically recorded in the healthcare system: the data relayed is the cause and form of violence and the ages of the victim and the perpetrator. There also exist national healthcare protocols to deal with such violence. They cover identifying domestic violence, responding to the victims’ needs, intervening, etc. Healthcare system is also adapted for the situation of illegal migrant women: they may be afraid to report the violence to the authorities, but they can visit healthcare services to get the protection they need.¹⁰⁰

⁹⁵ US Department of State: Iceland 2010 Human Rights Report. < <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154429.htm> >

⁹⁶ Iceland Penal Code. http://www.wipo.int/wipolex/en/text.jsp?file_id=190914

⁹⁷ Iceland Ministry of Welfare: Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Act No. 162/2010, No. 126/2011 and No. 62/2014 http://eng.velferdarraduneyti.is/media/acrobat-enskar_sidur/Act-on-equal-status-and-equal-rights-of-women-and-men-no-10-2008-as-amended-2014.pdf

⁹⁸ US Department of State: Iceland 2010 Human Rights Report. < <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154429.htm> >

⁹⁹ US Department of State: Iceland 2010 Human Rights Report. < <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154429.htm> >

¹⁰⁰ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Iceland. Women against Violence Europe <http://www.wave-network.org/sites/default/files/05%20ICELAND%20END%20VERSION.pdf>

In continuity with the state response, the various centres/shelters support the victims for the court proceedings by providing free legal aid. Free legal aid is also provided if medical records confirm the status of the victim of domestic violence.¹⁰¹

¹⁰¹ Women against Violence Europe (2012): Country Report: Violence against Women and Migrant and Minority Women – Iceland. Women against Violence Europe <http://www.wave-network.org/sites/default/files/05%20ICELAND%20END%20VERSION.pdf>

CONCLUSIONS AND RECOMMENDATIONS

Bulgaria has a fairly comprehensive legislative and institutional framework to potentially counter domestic and gender-based violence. There is a specific law, regulating proceedings of civil nature, by which victims can get protection orders fairly quickly. Domestic violence acts, having reached the gravity of criminalised behaviour, can be sanctioned within the framework of criminal procedure. There is a substantial network of state authorities and civil organisations, involved in offering protection and assistance to domestic violence survivors.

However, several problems have to be addressed in a more coherent way to bring Bulgaria's laws, policies and practices in accordance with international standards.

Recommendations on legislation and state regulations

Among the most urgent ones, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence should be signed and ratified. In accordance with the document, provisions in Bulgarian criminal law should be amended to reflect better the public danger of acts of domestic violence, being far more than 'a family matter'. In addition, protection and treatment of victims and witnesses in criminal procedure should be re-thought to afford higher gender sensitivity and lesser re-traumatisation of victims of gender-based crimes.

Critical evaluation should be performed of the procedures for issuing domestic violence protection orders under the LPDV to see what the difficulties are which victims face in submitting their motion and proving the violence they have experienced. The position of children victims and the co-operation with NGO service providers should be improved via raising the awareness of judiciary and police of those important legislative and practical aspects.

The practical framework of implementing legislation on protection against domestic and gender-based violence should be systematically reviewed to strengthen enforcement and co-ordination among authorities involved.

The legislation provides a definition for domestic violence. However, the definition of the concept "sexual abuse" for the purposes of protection against domestic violence should be sought in the relevant provisions of the Criminal Code and the practical regulations of the Mol¹⁰² and SACP.¹⁰³ The extent to which the latter correspond with criminal law and the relevant case-law has not been comprehensively examined and should be subject of consultations among police, social authorities and the judiciary.

Since there is no legal definition of gender-based violence in Bulgarian criminal legislation practitioners claim that in this regard Bulgarian authorities focus on prosecuting and penalising crimes of sexual nature against women. For males, such acts are considered

102 http://www.mvr.bg/Prevenция/identificirane_domashno_nasilie.htm:

103 <http://sacp.government.bg/za-deca/seksualno-nasilie/>

homosexual and are not prosecuted. Therefore, a critical evaluation is required of Bulgarian penal policies directed towards violence in close relations.

As reiterated by the global monitoring report by the Education for All Movement (EFA), UNESCO and the UN Girl's Education Initiative (UNGEI), emergency measures are especially needed in combating sexual gender-based violence against students.

The report states that gender-based violence in schools involves sexual and verbal abuse, physical punishment. All this may lead to missing school hours, poor performance, dropping out, low self-esteem, depression, unwanted pregnancies, and sexually transmitted diseases. The impact on children's future well-being can be fatal.¹⁰⁴

Bulgarian government should continue its effort to take into full account and act upon the concluding comments and recommendations to Bulgaria by the Committee on Elimination of Discrimination against Women.

Recommendations to institutions implementing state policy in relation to domestic and gender-based violence, including support services for victims of violence

The analysis of state policy and relevant services shows *poor coordination among institutions: specialists in the field tend to "avoid" taking on additional work outside their "job description". This makes it harder for victims of violence to find and receive legal support, health and social care.*

Moreover, there is still no ultimate adoption of the *Co-ordination Mechanism for Aid and Support of Victims of Domestic Violence* developed in 2012.

The Mechanism is never going to be effective if there continues to be only a draft with limited awareness of its existence and its scope for use in day-to-day practice.

Clearly, more work needs to be done to engage responsible institutions and raise awareness of the CM especially how it may be used to inform practice. Strong leadership is required in order to give strategic direction on implementation of CM within those organisations affected by it.

Another shortcoming in the provision of social care services *comes from the fact that Crisis Centres in Bulgaria are not specialised* - they are distinguished by the type of target group they service, *which does not encourage building on previous good practices and professional experience in the field.*

Victims' needs are much more than a roof over a head. Their lives are transformed – and the specialists in these Centers must support women to stay safe, to have access health services, legal advocacy and advice.

Despite being listed in the National Program for Prevention and Protection from Domestic Violence, *the planned action to develop a mechanism for financial compensation in cases of*

¹⁰⁴ Source: <http://unesdoc.unesco.org/images/0023/002321/232107E.pdf>

rights violation under the UN Convention on the Elimination of All Forms of Discrimination against Women is only partially implemented, while the creation of a national structure (Committee) to coordinate policies on prevention and protection from domestic violence and gender-based violence has still not been initiated.

The National Program includes a plan to develop a National Strategy for reducing the number of domestic violence occurrences, but no public data exists as to the implementation of this step.

The importance of developing stable long-term preventative mechanisms and strategies for minimizing risk and domestic and gender-based violence occurrences cannot be overstated.

Projects are being implemented in the form of campaigns, but they lack long-term stability and are inefficient. What is needed is a broadly based, comprehensive prevention strategy that is supported by sound research and evaluation, receives adequate public backing, and is based on a policy of zero tolerance for domestic violence

There is no publicly available information from government sources about the number of domestic and gender-based violence victims collected under uniform criteria. This causes difficulty in evaluation and planning of adequate and lasting solutions.

Last but not least, despite state project financing in the area, there is the question of ensuring government funding for actions and services in the field. It is evident from previous National Program reports that the majority of funding comes from European programs, international projects and the Norwegian Financial Mechanism. Some crisis centres are funded by municipalities as part of government action plans, *but it is unclear if the scope of such services is sufficient to provide care at local and national level.*

Even though professionals from institutions receive annual training in the field of domestic violence, there is no database of good practices, methodologies and recommendations.

In conclusion, it must be made clear that in the whole system of policy and legislative procedures there is a real deficit in meaningful care for victims of domestic and gender-based violence.

Institutions publish information which is not immediately visible and easily accessible, especially when victims are children, disadvantaged or people with low education status.

There are no suitably adapted information materials for people at risk with low social, economic and education status.

Despite developing strategic documents, government policy on domestic and gender-based violence (DGBV) requires significant improvement in four primary areas:

- Prevention of DGBV;
- Provision of a comprehensive service package to victims of DGBV, including medical, legal, social, educational, mental health care, etc.
- Work with high risk groups, mainly the Roma community, in providing information, prevention and services in terms of DGBV;
- Professional services for work with perpetrator.

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