



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

## Policy Brief





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## BACKGROUND AND SUMMARY

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The current brief is based on the results of the National Study on Domestic and Gender Based Violence (DGBV) and Elaboration of Victims Support Model (VSM), developed under Programme Area 29, BG12: Domestic and Gender Based Violence, Measure 3: Research and data collection of the Norwegian Financial Mechanism. The study focused on four main thematic areas connected with DGBV phenomena: factors and causes, scales and prevalence, consequences, and public response.

The study revealed that **DGBV victimisation** is caused by the simultaneous action of three types of factors: factors representing a conflict, violent conflict-resolution models that the perpetrators follow, and lack or blocking of deterrent mechanisms. DGBV re-victimisation occurs when the victims lack both internal and external resources to counteract.

The reporting of **DGBV prevalence** depends on three factors: real occurrence of DGBV, awareness that the experienced acts represent DGBV, and readiness to share this experience with authorities, help providers or researchers.

### KEY POINTS:

➤ The public actors engaged in counteraction of DGBV, as well as the

general public do not possess common systematic statistical data and expert evaluations needed for regular monitoring.

- The prevention activities in the country are still occasional and dependent on the good will and resources available to specific actors.
- The system for crisis intervention, protection and support of the victims proved its adequacy and usefulness; however, it still remains inaccessible for the victims from a great part of the territory of the country.
- The protection of victims in situation of crisis is vitally needed but not sufficient. A system of after-crisis measures should be developed and implemented depending on the specific needs of each victim.
- The focus should not be on the victims only. Multi-aspect and systematic measures targeting the perpetrators should be developed and enforced. This should include educational programs on violence prevention among boys and young men.
- The inter-institutional cooperation should be further developed and regulated in the law.

As the levels of awareness and willingness to share are still low, the reported prevalence is significantly lower than the real occurrence of DGBV. This gap between real and reported experience is not the same for all socio-demographic groups and all forms of DGBV. Generally, it is expected to be higher for the children, the elderly and men; but in respect of sexual violence and abuse, the latency among women is also very significant. Although the shares of men affected by DGBV are higher than expected, women are still more vulnerable than men in terms of multiple, repetitive and systematic DGBV and especially in relation to physical and sexual violence. Specifically, Roma women and girls are more vulnerable than those among general population.

The main types of **consequences** of DGBV are safety-related, health, economic, educational and social, and based on the evidences of respondents they affect not only the victims but also their families and whole communities.

Unfortunately, DGBV cases do not always meet adequate **public response**. In significant share of cases, witnesses of DGBV and the victims themselves are inclined to tolerate or misjudge the violence. Some forms are even sympathised, as violence perpetrated by women against men, or violence against LGBTIQ people. According to the victims placed at crisis centres and the

professionals working there, in many cases they have not received cooperation and adequate response from representatives of different institutions: law-enforcement bodies, healthcare institutions, social workers and local authorities. The police officers and the social workers, in their turn, tend to give positive assessments of the work that their departments do for protection and support of the victims. However, the same aspects of their activity are simultaneously pointed as effective and ineffective, which indicates substantial disparities by different regions and types of settlements in the country.

## MONITORING AND EVALUATION

The social importance of the DV and GBV phenomena demonstrated by the National study proves once again the necessity of a national mechanism for monitoring and evaluation of the programmes and policies in the field that should actively include diverse sources of information and all participating parties, especially the civil society organisations. The obligatory prerequisite for the ME activities is the availability of systematic and reliable data about the state of DGBV in the country. This means more and better integrated statistical data, on the one hand, and regular studies conducted with comparable methodology, on the other. The National Study on DGBV provides a solid methodological base that could be

successfully used in the future to measure the trends in awareness, scales and prevalence of DGBV. Some suggestions for improvement of the data availability for ME activities are:

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- To include the victim-offender relationship among the registered details of the offence statistics. Currently half of the EU countries provide this information for the intentional homicides and their experience could be examined and transposed.
- To include this relationship in the medical certification issued in cases of bodily injuries and make this information, although anonymised, available to all parties conducting ME activities.
- To gather, aggregate and analyse the data provided by the crises centres about the numbers and socio-demographic characteristics of their clients, incl. gender, age, ethnic self-identification, residence before the placement, previous placements of the person, etc.
- To register all complaints in common information system between the Court and the Police and provide anonymised data to all parties conducting ME activities.

- To establish common information database for cases detected by social workers but not registered in the Police.
- To conduct periodical awareness and prevalence studies.
- To conduct study on children living in situation of domestic violence including longitudinal studies focused on long term effects on children and on factors contributing for resilience.

## PREVENTION

Although a great variety of prevention activities are envisaged in the National Programme for Prevention and Protection from Domestic Violence (NPPPDV) 2015, the majority of the activities are only generally formulated. They are not specified and distributed in different phases of implementation, and no special resources are envisaged except the "envisaged budget" of the responsible body. Also, six months after the term, the NPPPDV 2016 is still not available.

The results of the National study demonstrated very low awareness of DGBV victimisation and perpetration. The results show that the prevention activities should target very large groups within the general population. The awareness campaigns should target specifically and separately child and adult victims,

including men, women, LGBTIQ people, young, middle-aged and elderly; witnesses of the DGBV cases and people who might know victims of DGBV; perpetrators from different social backgrounds, genders and age groups; and representatives of institutions and organisations that might not be directly involved in counteracting activities, but could cooperate with the responsible authorities and could help the victim receive support and protection: local authorities, especially in the small settlements, general practitioners and other medical professionals, pedagogues, employers.

The non-violent conflict-resolution models should be learnt by diverse targets too: children at all stages of education; parents of children of different age; teenagers and adults experiencing difficulties with intimate relationships; professionals in the field of education and social workers.

- The awareness-raising campaigns envisaged in NPPPDV should be focused on specific target groups, and could be dedicated to a specific group each year.
- The educational activities aimed at awareness of DGBV forms, helping and protecting bodies, personal strategies in witnessing and experiencing of DGBV, as well as at acquisition of conflict-resolution skills, should

encompass teachers, parents and children in all educational stages, including pre-school.

- The educational activities for teachers and children should have both voluntary and obligatory parts to ensure maximum coverage of those groups and awareness of main concepts.
- Development and implementation of all activities should be phased and every phase should be thoroughly planned, starting with elaboration of methodological guidelines/ educational programmes.
- The planning of the activities in NPPPDV should be done several years ahead with detailed financial parameters and taken into account in the yearly budget requests of each responsible body.
- The existing good practices for prevention through monitoring of the risk groups implemented by police officers in different regions in the country could be shared and developed in internal guidelines and rules.

## CRISIS MEASURES

Unfortunately, the experiences of the victims of DGBV with representatives of institutions and helping organisations in the situations of crisis were not always positive. As most often protection had

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been sought from the Police, the feedback of the victims on the response of this institution is the most diverse. Although some improvement in the response of the Police is observed in the last years, there are still complaints of inadequate attitudes, refusals to register a case or to give warning protocol to a perpetrator. Child victims with behavioural problems complaint of inhuman and humiliating treatment by police officers, and also, of cases when police officers actually helped the perpetrators to do their illegal activities. The complaints of victims about the decisions of the Court are rare, but still there are cases in which child victims had to announce their preferences to one of their parents in the presence of parents; and cases of adult victims when the Court refused to expel the perpetrators from the common dwelling with the argument that this is their only dwelling. Furthermore, even when it is obvious that the law enforcement bodies implemented their obligations by law and the Court stipulated protection measures, their enforcement and the protection of the victims is still ineffective and the re-victimisation is rather a rule than an exception. It is observed that warning protocols actually could be issued many repetitive times during a period of several years without further consequences for the perpetrator and more serious measures are not implemented. The perpetrators also remain unpunished in cases of violation of

the protection measures which is already criminalised.

The National study also detected cases in which the victims did not receive adequate help and support. Despite of their good will, the local authorities in small settlements turned incapable to refer them to institutions and organisations that might help with crisis protection and coverage of their first basic needs. The health carers, in their turn, responded to the direct health needs of the victims where they had such; but in some cases did not alarm the Police or delayed to alarm them, were also unable to refer victims to help providers, and refused to issue medical documentation they are obliged to issue, especially when victims turned to their general practitioners or those of their children and not to forensic doctors.

- It is necessary to accelerate the necessary legislative procedures for ratification of the Istanbul Convention, in collaboration with all stakeholders, incl. NGO service providers. Both the relevant provisions of the Criminal Code and the overall concept of gender in Bulgarian legislation along with the notion of gender-based violence should be reassessed.
- Relevant amendments should be made to legislation such as the Law for Protection against Domestic Violence



(LPDV), Criminal Procedure Code, the Law on Asylum and Refugees, the Law for Support and Financial Compensation to Victims of Crime, and a number of internal regulations of the institutions involved. It is necessary to continue the work on the special legislation on gender equality.

- The scope of the LPDV should be expanded with additional types of cases, for instance, of previous or current intimate partners who never cohabitated, cohabiters without kinship relations, etc.
- A methodology for risk assessment should be elaborated and included in the secondary legislation and internal rules regulating the activity of the Ministry of Interior. It will enable the competent officials to classify easier the cases such as those with immediate and potential danger for the victims, incl. children and to take measures adequate to the circumstances within their legal powers. In developing these techniques a central role should be given to NGOs acquainted with the international experience.
- Methodologies for risk assessment in the social work with children are already elaborated by SACP. Similar documents should be developed to encompass all DGBV victims and should be included in the secondary legislation

and standards regulating the activity of the Agency for Social Protection;

- To cover the needs of the victims in all regions of the country, amendments could be envisaged in the Rules for Implementation of the LPDV to allow smaller organisations to apply for project funding despite of smaller or lacking previous experience; project and reporting documentation should be amended to facilitate the preparation of analytical reports after the completion of each financial cycle.
- Monitoring and possible sanctions should be envisaged and enforced for non-implementation of legal obligations by representatives of different institutions and health specialists.

The children are also among the more frequent victims of the delayed reaction of institutions: school representatives, local authorities in small settlements, and social workers. When one child in a family becomes victim of domestic violence, all other children in the same family are put at risk as well, but there are cases when protection measures are taken only for the child who directly suffered. The victimisation of children as witnesses of domestic violence is still underestimated; and when in such cases the reaction of institutions is delayed they usually become direct victims as well.

The interviews with the adult victims placed at crisis centres prove their important role at this first stage of support; but also reveal the problem with the lack of awareness of those centres. While the majority of the interviewed victims come from settlements and even regions different than those where the crisis centres are located, even those who lived in the same settlement usually did not know about the existence of the centre.

The interviews with the child victims reveal that very frequently they perceive the placement at crisis centre as a kind of a punishment and severe restriction of their contacts with their usual environment.

## FOCUS ON THE PERPETRATORS

Some of the police officers and social workers who participated in the National study underlined that the existing approach of the crisis support is wrong: it deprives the victims of their dwellings and environment, while the opposite action is needed: to remove the perpetrator from the environment of the victims. In fact, usually the victims who suffered from the actions of one perpetrator are multiple; and while they struggle to start their lives from scratch the perpetrators remain free and without any changes in their living conditions.

The professionals participating in the study: police officers, social workers and workers at crisis centres also state that frequently the measures targeting the perpetrators envisaged in the national legislation turn ineffective. They cite cases when after participation in special programmes the perpetrators continue to abuse victims; when the perpetrators violated the limitation order because have neither other dwelling to live in nor financial capacities to rent a dwelling, or violated the order and the victims did not complain because they were afraid of more severe consequences; or when a complaints were made and the police officers arrived, but the perpetrators were already gone and no further acts were undertaken because of the lack of witnesses.

- The issuing of protection orders for perpetration of DGBV should take into account previous DGBV acts by the same perpetrator.
- The measures imposed in DGBV proceedings and the parties involved should be included in a common database available for all police officers across the country.
- The special measures envisaged for perpetrators under the LPDV should not include social and psychological consulting only. They should be expanded and diversified to include

psychiatric therapies, treatment of dependences and correctional measures like community service work.

- Along with additional crisis centres for victims, the establishment of correctional centres of residential type could be also discussed and piloted.

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In other types of cases, measures envisaged in the national legislation are not ordered by the courts because of their unfeasibility. For instance, participation in special programmes is not ordered because is not available in the settlement of residence of the perpetrators and they should pay for transportation to another settlement, but are unemployed or don't have regular incomes.

## AFTER-CRISIS SUPPORT

The long term support of victims is crucial to prevent re-victimisation. The main issues connected with the organisations providing help and support are not related that much to the quality, the scope and the satisfaction with services provided, but to their relatively short term availability. The current period in which the victims receive support could be enough only for those of them who suffered for relatively short period of time and/or have enough internal resources to continue their lives without professional support. However,

these are relatively few of those who reach crisis centres.

The most crucial point here is the psychological support that in some cases should last for several years. Part of the victims, and especially those who suffered severe and/or long-term violence experience serious psychological harm: heavy or frequent mental disorders: depression, panic attacks or sleep disorders; and the treatment of their conditions requires specialised medical help or long-term psychological support.

There are also cases in which the legal procedures triggered by the acts of violence last longer than the stay of the victims at the crisis centre; and then, they need legal consulting and support. Also in this situation the victims very sharply face the safety issue. This is especially valid in cases of severe forms of domestic violence and cases of gender-based violence like sexual exploitation. The danger of re-victimisation is especially high when the perpetrators have parental rights on children. It is worth noting that even when parents repetitively expose children to severe exploitation, sexually abuse them or cause them serious physical harm, their parental rights are not revoked. The same goes for the cases when the children had not directly suffered but one of the parents caused heavy bodily injuries or even tried to murder the other parent.

Another type of after-crisis need of the victims is the financial one, and it has several dimensions. In the first place, there is the need of accommodation, because the cases when the perpetrator is expelled from the common dwelling due to domestic violence, or is imprisoned, as a result of severe gender-based violence, are rare. The victims either need new dwelling or more generally need to change the place of residence due to security issues.

- In relation to the future ratification of the Istanbul Convention and the further criminalisation of DGBV acts, victims of DGBV should be provided with all rights and services available to crime victims.
- The local authorities should develop policies prioritising the needs of DGBV victims and their children regardless of whether they originally reside at the location or are newcomers, having escaped from domestic violence elsewhere.
- DGBV victims should have their health-insurance covered by the state for a certain period of time during and after their treatment and respective proceedings regardless of their status before the victimisation.
- The practice of protected homes for DGBV victims after the placement in a crisis centre is worth being applied more widely across the country.

- The financial compensation of victims of DGBV by the perpetrator should be imposed as an instrument to achieve justice.

In the second place comes the need for a job, if the victim was economically dependent on the perpetrator or had to change the residence. It might also mean a need for qualification or re-qualification that also has financial implications. The change of residence brings a number of issues related to healthcare arrangements, childcare services and other rights bound to the place of residence.

## IMPROVED COOPERATION

The evidences of child and adult victims of DGBV show that in numerous cases they have not received help and support because the institutions they turned to: doctors, local authorities and police officers, did not refer them to service providers or to the responsible authorities. In their cases, this caused months and years of re-victimisation. In the majority of these cases the victims have been treated with attention and empathy, and hence, the most probable reason for non-referring could be the lack of information and insufficient communication between the different institutions and organisations.

This conclusion is also confirmed by workers at crisis centres. They shared that they work better with some institutions at local level in comparison with others, and the main factor cited was the possibility to conduct information meetings to present the specifics of DGBV, characteristics of the victims and their behaviour and the supportive role of the organisations – service providers. Furthermore, the workers at crisis centres gave different assessments of the inter-institutional cooperation in their regions.

- The draft Coordination Mechanism for Assistance and Support to Victims of Domestic Violence should be finalised and enforced as soon as possible. The discussions on the Mechanism should also include proposals which steps should be followed up by appropriate legislative changes.
- The representatives of all stakeholders should be involved in the final discussions of the Coordination Mechanism including representatives of Judiciary, health and educational institutions, local authorities and NGOs.
- At the same time political and institutional will is necessary to implement the measures planned even before the adoption of amendments to the legislation in order to respond timely to the needs of the victims.

Some of the social workers who participated in the National study also complained of lack of cooperation by other institutions that are responsible for specific functions and have powers for specific activities; and as a result, the social workers face situations in which they should ensure protection and support of the victims by themselves, without access to the means needed. The general conclusion is that currently, the good cooperation is rather an effect of personal skills and good interpersonal relations than of established rules, distribution of obligations and mechanisms of communication.

## RESOURCES

Along with the unmet needs of the victims, the National study identified substantial unmet needs of the professionals so that they can protect and support the victims effectively. Besides the need of better cooperation, the professionals frequently lack the necessary resources for proper implementation of their duties.

On the one hand, a serious lack of human resources is identified. Both social workers and workers at crisis centres commented the frequent turnover and shortage of personnel due to inadequate remuneration in view of the qualifications needed and challenges faced in their work. Police officers also shared as a cause for

unsatisfactory preventive work the size of their respective regions that should be monitored; that practically means shortage of personnel. The three groups of professionals and especially the police officers also stressed on the lack of specialists specifically trained to work with DGBV cases.

The workers at crisis centres underlined as well the great importance of the trainings and professional supervision for the quality of services they provide, and the role of trainings of representatives of other institutions for the successful cooperation with them. In view of the staff turnover, the need of trainings is constant.

On the other hand, the well-known lack of material resources is also commented by the respondents. This includes insufficient transportation means, consumables, as well as underfunding of the services of the crisis centres.

- The NGOs – service providers should be engaged to contribute to the enhancement of the awareness of representatives of law enforcement institutions of their roles in the protection of victims.
- The cooperation of the National Institute of Justice that is legally obliged to train judges, prosecutors and investigative magistrates should be also sought.

- The strict and regular supervision should become part of the legally fixed professional standards for all specialists and officials working directly with victims.
- The specifics of DGBV cases should become part of the regular education and training of specialists working at law enforcement bodies, education and medical specialists and social workers.
- The training of professionals, the improvement of the institutional response and the progress in the relevant case law should go further with regards of understanding and compliance with the specifics of child victims of DGBV, and especially in terms of children witnessing violence and children participating in the legal proceedings.
- The distribution of material resources to the local departments of each responsible institution should be bound with the territory covered and with the numbers and types of the groups at risk.
- The full implementation of the laws and policies counteracting DGBV requires precise financial estimations and thorough planning of the needed resources and of possible financial sources.



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