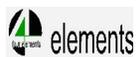




HASP – Honour Ambassadors against Shame Practices

# Honour Related Violence in Bulgaria

## National Report



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# **1. Introduction. Overview of the general situation on violence against women /VAW/ and situation and concept of honour related violence /HRV/ practices against women**

The concept and phenomenon of Gender-based violence /GBV/ as encompassing mainly the notion and different forms of violence against women has been introduced relatively recently in the social discourse and practice, and in the legal and policy documents and practice of institutions in Bulgaria. The problem is well known by relevant non-governmental organizations specialized in conceptualizing policy and legislation in the field of gender equality and violence against women, and those providing specialized services for women who suffered violence. Moreover, these organizations are the driving force for all major initiatives of legislative changes and for the implementation of the laws. Increased visibility of the concept of GBV came in these last years with the adoption within the Council of Europe of the Convention on preventing and combating violence against women and domestic violence /Istanbul Convention/ and the debates related to the signature<sup>1</sup> and forthcoming ratification of the Convention by R Bulgaria.

Similarly, the concept and the problem of honour related violence (HRV) have been identified in Bulgaria only recently and mainly in connection with the adherence to the Istanbul Convention. Therefore there is not yet special legislation, policy and not enough legal and social practice for effective protection and targeted intervention for this kind of violence. On the basis of pilot studies which will be mentioned more in detail in this report, further research needs to be carried out on the characteristics and the frequency of HRV in Bulgaria. The victims of such violence are in very delicate situations and relationships with the abusers and their communities, the cases are unreported and underreported, criminal law can only be used to a limited extent, civil law protection is not explicitly targeted at such cases. It all contributes to the hidden nature of the phenomenon in Bulgaria which increases the risk of stigmatization and discriminatory attitudes towards certain minority communities in Bulgaria.

Violence against women happens every day, everywhere, according to the large - scale study of dedicated to violence against women conducted by the European Union Agency for Fundamental Rights (FRA) which contains data about Bulgaria<sup>2</sup>:

- 23% of the interviewed Bulgarians, or almost every fourth woman in the country has been a victim of physical and/or sexual violence by her partner. 14% are the Bulgarian women who have experienced this type of violence, but the perpetrator was not their partner.

Here Bulgaria ranks in the European average values, as the study reported the highest percentage of women victims of violence within marriage and / or partnerships among women in Finland - 30%. Austria is among the countries with the lowest rate - 13%.

- 29% of women in Bulgaria, or almost 1 million of female population of 3,777,999 women in the country, according to the census of 2011, in their childhood have experienced at least one of the three forms of violence - physical, sexual or psychological. Within the EU, the average rate is 33.

- As a whole the individual perceptions on how often occurs violence against women vary from the response “often” - 22% of surveyed Bulgarian women to “very often” - 38% of respondents and this is the majority of women. In this context the study identified that very few women in Bulgaria know where

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<sup>1</sup> The Convention was signed by the Bulgarian government on 21<sup>st</sup> of April 2016.

<sup>2</sup> Violence against women: an EU-wide survey. Main results report, European Union Agency for Fundamental Rights (FRA), <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

to turn for help, they are not familiar with the legislation and measures for protection and do not know about campaigns and preventive measures.

The Bulgarian Law on protection from domestic violence from 2005 contains a comprehensive definition of domestic violence, which includes all forms of physical, mental and sexual violence between partners and family members and provides for a quick civil procedure for issuing protection orders by the courts. Despite this enhanced role of the courts, and the increased role of police and NGOs to protect victims of violence, yet no amendments were introduced in the Penal Code to criminalize all forms of violence against women and provide for crimes related to violence to be punished consistently and more severely as offenses of general character. In this context and in the absence of a sufficient number of specialized services and opportunities for obtaining more long-term support, impunity continues to exist and women become more silent after the violence suffered, fearing to share and talk openly.

The analysis of the results of the survey on the EU Agency for Fundamental Rights demonstrates that the situation in Bulgaria is at least twice as alarming compared to the EU average.

Data for prevalence of femicide in the EU indicate that these criminal acts most often affect women aged 35-44. In Bulgaria there is a trend also for femicide victims being over 64 years – they make 38.18%.<sup>3</sup>

Research data for Bulgaria for the period 2012-2014 from 10 regional courts in Bulgaria show that 35% of the murders or attempted murders of women is perpetrated by their current or former intimate partners. 25% are committed by their mainly male relatives, and another 35% are committed by a non-stranger more generally. Only 5% of the crimes were perpetrated by a completely unknown person.<sup>4</sup>

There is no reliable and comprehensive system for data collection on violence against women, including HRV practices against women and girls. The main sources for the moment are national statistics for some types of crimes, where available, and the data from surveys and research reports of non-governmental organizations and agencies.

The Law on Statistics from 1999 determines the national statistical system and the role of the National Statistical Institute: to coordinate statistical activities of the state and to provide methodological guidance for the collection of statistical data. The Law on Access to Public Information from 2000 regulates the access to public information for the Bulgarian citizens.

The National Statistical Institute (NSI) is the main national public source of information in relation to data about acts of violence and crime by designing and publishing official statistics. According to Bulgarian legislation NSI has functions to collect data on all criminal acts (including sexual and other types of violence), according to provisions of the Criminal Code. Domestic violence is not explicitly included in the Criminal Code and therefore the associated statistical data are lacking. NSI provides data on convicted persons, disaggregated by gender and age, according to the type of crime. There is still no official statistics, collected for victims of crime, including on the basis of gender.

The acts that regulate the activity of the Ministry of Interior establish procedures for collecting data on

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<sup>3</sup> Rashida Manjoo, Expert Paper, Expert group meeting on gender-motivated killings of women, organized by the UN Special Rapporteur on Violence against Women, its causes and consequences, (New York, 12 October 2011),

[http://www.cpcjalliance.org/wp-content/uploads/2014/08/6a.-SPINELLI-B\\_EXPERT-PAPER\\_DEF.pdf](http://www.cpcjalliance.org/wp-content/uploads/2014/08/6a.-SPINELLI-B_EXPERT-PAPER_DEF.pdf)

<sup>4</sup> Study implemented by an expert of the Bulgarian Helsinki Committee, and fellow of the Women's Human Rights Training Institute

domestic violence and the activity is implemented by the Ministry of Interior through internal methodological guidelines for the actions to be taken by the police under the Law on protection from domestic violence, as well as the procedure for collection and processing of data on enforcement by police of protection orders issued by the court under the law.

The Ministry of Interior (Mol) is responsible for collecting data on offenders and victims, but the data is not publicly accessible.

Other institutions such as the Ministry of Justice, the National Investigation Service, the Supreme Prosecutor's Office of Cassation, keep separate statistics that are classified according to various indicators and therefore comparative analysis is not possible. According to the Law on the Judiciary, the Supreme Prosecutor's Office of Cassation maintains a Unified Information System, which collects information about the prosecution of all offenses under the Criminal Code (including rape and sexual violence) and the progress of cases in the criminal justice system, including the decisions of the courts on these cases.

Data from the Ministry of Justice show that for the last 2-3 years on the average 1500 applications for orders for protection under the Law on protection from domestic violence /LPDV/ were registered per year in the courts in Bulgaria. The data kept by the Mol reveal that over two thirds of the orders for protection issued need enforcement by police.

Since the beginning of 2014, according to data from the Alliance for Protection from Gender-based violence - a registered network of 11 NGOs providing services for victims all over the country, over 5 500 women sought protection from the NGOs members of the Alliance; over 700 women and their children were placed in the crisis centres of the organisations of the Alliance and 870 applications for orders for protection were lodged by victims of violence under the LPDV with the support of these NGOs.

## 2. Analysis of the situation in major groups at risk of HRV

Since honour related practices are not officially identified and defined in Bulgaria as such, the following information and analysis are focused on characteristics of two specific groups presenting risks of HRV - Roma communities and communities of persons seeking international protection. This focus is justified by the fact that they represent relatively compact, closed communities, marginalized by society. In addition to that, there is recent research data available about characteristics and risks of violence against women and girls. The main forms of violence identified are forced marriages related to the phenomenon of early marriages and co-habitation which are specific to different Roma groups. Forced marriages and other harmful practices against women can be identified among groups of persons seeking international protection in Bulgaria residing in the registration and reception centres for such persons.

### Early marriages in Roma communities in Bulgaria

According to the provisions of the Family Code from 2009 (Article 6), the legal age for marriage in Bulgaria is 18 years (coinciding with the age of majority). As an exception, if important reasons require it, a person over 16 years can marry, with the permission of a district judge. In the jurisprudence as important reasons are considered: occurred or upcoming birth of a child, prolonged co-habitation and others. Related to the legal age for marriage are the requirements for the consent to be mutual free and explicit.

Factual cohabitation with minors under 16 years old is an offense under Article 191 paragraph 1 of the Criminal Code. Signals for prosecution about such partnerships could be filed by Child Protection units and the Social Assistance directorates, and this most often occurs after the girl has given birth.<sup>5</sup>

Statistical data from the national census in 2011 showed that in total 17 000 teenagers in the country indicated that they were living in cohabitation without marriage. According to official data of the National Statistical Institute, the girls who were married under 18 in the last five years were 2074, and they have age difference with their partner of about 10-12 years but there are girls with age difference of 30 years and more from their husband. The boys below 18 years who got married in the period 2010- 2015, are 91 (their wives are their peers but there are also boys with wives 30- 34 years old).

The data on convicted persons for crimes under Article 151, Paragraph 1 of the Criminal Code<sup>6</sup> (criminal sexual intercourse with female minors) and Article 191, par.1 - 3 of the Criminal Code (living like in marital co-habitation with a female under the age of 16 and facilitating such cohabitation between minors) were disclosed for the period 2014 - 2016 by the Regional Prosecutor's Office - Sliven.<sup>7</sup> The District Prosecutor' s Office - Sliven for this period submitted to the court 115 indictments against 120 people for the above mentioned crime. A total of 109 people were convicted and no acquittal has been issued; as 34 people have received a sentence of imprisonment, 11 people haven't

<sup>5</sup> Source : <http://dugaumenie.blogspot.bg>

Prosecution office and the court got involved in the campaign of the cultural club against early marriages, (Round table „The problems of early factual co-habitation with or between minors through the lenses of the legal order” held by Cultural club Umenie -2003 in the frame of project “Rainbow for our children”)

<sup>6</sup> The Criminal Code is from 1968 with multiple amendments up to now.

<sup>7</sup> <http://www.prb.bg/bg/news/aktualno/109-dushi-sa-osdeni-za-prestpni-svkupleniya-s-ma-2/109>

109 people have been convicted of criminal sexual intercourse with underage girls and for facilitation of the commencement of cohabitation between minors in indictments, which were imported from Regional prosecution office Sliven in the last 3 years

<http://www.prb.bg/bg/news/aktualno/109-dushi-sa-osdeni-za-prestpni-svkupleniya-s-ma-2/>

been punished because civic marriage between the persons followed. Such legal opportunity still exists in Bulgaria, although some changes in legislation were made. This data, if compared with the data from the National statistics for 2015, covering two types of crimes under the Criminal Code - forced marriage, including abduction for this purpose, as well as the acts of receiving a ransom for marrying a close relative, or serving as intermediary to such acts, on one hand and, on the other hand, the acts of co-habiting with, or forcing a female under 16 years into co-habitation, as well as facilitating these acts, we can see that practically there are no convictions for forced marriage directly. More crimes and convictions, and this is confirmed by the statistics from Prosecutor's office in Sliven, are registered for the second groups of crimes related to co-habitation with a minor girl. For example, data from National statistics indicate that for 2015 over 270 such crimes were registered in Bulgaria with over 90 convictions.

According to data of the State Agency for Child Protection (SACP), in 2015 in total 1094 minors have established families.<sup>8</sup> Not all cases are reported to the Prosecution office.

In view of the risks for children related to the phenomenon of early marriages and co-habitations, the SACP explicitly committed to adopt measures and policies to limit early marriages. In the period January 2013 – September 2013, the Agency conducted an analysis of the results of the inspections made in 39 maternity wards and 21 Social Assistance directorates in the country.<sup>9</sup> The following data was reported: about 25,162 births registered (in Sofia, Burgas, Varna, Vratsa, Plovdiv and Ruse), from which:

- 24 302 children were born by mothers who are above 18 years old
- 24 children were born by girls below 14 years
- 836 children have mothers aged 14-18 years
- 224 children are with disabilities or malformations
- 197 children didn't survive and passed away.

For about 5 % of the mothers who gave birth as minors, this was a second childbirth.<sup>10</sup>

Main reasons for the abandonment of newborns by the juvenile /14-18 years/ and adult mothers who have declared their full denial of their children, are: lack of financial resources and housing (32%), lack of support from relatives (17%), unwanted pregnancy (13%), numerous children (11%), etc.

As a result of their long-term experience, the experts from non-governmental organizations<sup>11</sup> presented considerations about the negative consequences of an early marriage on the child development: early sexual relationships, deterioration of parent - child relationship, transfer of responsibility from the parent to the co-habiting partner of the minor, physical problems with early pregnancy, which always has its risks. There is also a risk of birth of a child with disability or a separation between partners can happen, which entails looking for another sexual partner, deviations in the attitude towards the child and violent construction of maternal instinct, lack of parenting skills. Early pregnancy can lead to abortion, sexual or health problems. This is actually the so-called "wave effect".

It is resulting from information from NGOs that girls who completed secondary school are six times less likely to be married as children than their peers with lower or no education level.

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<sup>8</sup> Checks for cohabitation between adult men and girls in Ivaylovgrad and Momchilgrad, 15 cases have been discovered, <http://www.novjivot.info/2016/11/22/77470/>

<sup>9</sup> State Agency for child protection will prepare a National Strategy for prevention of births by minors, <http://sacp.government.bg/novini/2014/04/01/dazd-she-izgotvi-nacionalna-strategiya-za-prevenci/>

<sup>10</sup> Ibid.

<sup>11</sup> Source: Presentation "Prevention of early marriages of Roma girls" - Open door Centre - Pleven /member of the Alliance for Protection from GBV/ at an international conference "Social services – in support of Roma women and children for life free from violence", organized by Association "Naya, 1- 2 December 2016 in Sofia

Important source of information on the topic is the recent UNICEF report *"Research on the social norms which prevent Roma girls from access to education"* (2016) which contains information about the issues related to early marriages among the Roma community in Bulgaria. Roma community inhabits different parts of the country and can be classified "as inter-group ethnic community, consisting of groups, meta-group alliances with their own identity"<sup>12</sup>.

This report reveals the following trends:<sup>13</sup>

*"The requirement to maintain the virginity status, i. e. the honour of the bride is the basic norm, which is connected to child marriage in Roma communities. In the communities that practice child marriage it is established that with maturity of the girl she may lose her virginity and that is why she has to be married early. The requirement for the honour of the girl is not Roma tradition per se, but it is perceived by Roma as an important part of their identity. The norm for the girl's virginity continues to be perceived by Roma as the main ethnic differentiating marker of their identity, separating them from other communities. There is no equal sign between marriage in childhood and the requirement for virginity, the opposite would lead to the misconception that child marriage is Roma tradition and norm in the Roma culture. "*

Data from the report reveal that the norm for the virginity among Roma is being considered among almost all groups of Roma, although in some communities this norm gradually disappears, and in other communities this practice still exists (although it is not respected by some young Roma who have pre-marital contacts). In some communities continuation of school education of girls is an "obstacle" and risk for the protection of the honour of the girl and there are practices for termination of the education of the girl within the lower secondary level.

The report identified key actors and factors contributing to preservation of the practice of child marriage and their variations depending on the Roma group/community, as group affiliation ranks first among socio - cultural factors affecting child marriage and the level of education of girls.

Other aspects (in case of same group belonging to the given Roma community in the country), affecting the differences in practices related to education and age for marriage are: type of village (big city, small town, village), life and educational level in a segregated neighborhood, education of the parents and the family community, family mobility and integration into society, financial condition of the family, the presence of an active community organization.<sup>14</sup>

Child marriages are most often practiced in different groups of two Roma communities in the country, and according to statistics from the last two national censuses, most underage girls who live with a man inhabit namely these Roma communities from the cities of Burgas, Varna, Plovdiv, Pazardzhik, Sliven, Stara Zagora and Haskovo. Early marriage is the only option when for the girls no alternative routes and role models in life are available. Insufficient knowledge of Bulgarian language impede effective learning in school for children and does not contribute to motivation for searching for other models.

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<sup>12</sup> Zahova, S., *"Research on the social norms which prevent Roma girls from access to education"* , UNICEF, Sofia, 2016, <https://www.unicef.bg/bg/article/lzsledvane-na-sotsialni-normi-koito-vazprepyatstvat-dostapa-na-romskite-momicheta-do-obra-zovanie/1001#close>

<sup>13</sup> Zahova S., *"Research on the social norms which prevent Roma girls from access to education"* , UNICEF, Sofia, 2016, <https://www.unicef.bg/bg/article/lzsledvane-na-sotsialni-normi-koito-vazprepyatstvat-dostapa-na-romskite-momicheta-do-obra-zovanie/1001#close>

<sup>14</sup> Ibid.

Practices of early marriage are supported and due to the closed nature of the Roma group, both in terms of other communities and society as a whole. According to the trends presented in the above - mentioned report of Unicef, in Roma families where early marriages are practiced, women are "guardian of social norms, but also the factor for bringing change":

*"Grandmothers and mothers prepare girls to keep their honour (respectively the honour of the family). They educate and bring children (girls and boys) in the norms of the community and guide them how and when to make marital choices. In groups where early marriage is practiced, remains the fundamental role of mothers or grandmothers in deciding about the future spouse. The earlier the age of marriage is, the greater is the role of the adult generation in deciding about the marriage. Increasing of the age is usually accompanied with both a higher level of education and with increasing importance of individual decision when choosing a marriage partner. The prevailing practice in the group is perceived as a community norm and a reference for the behavior of each member of the group. I. e. each member is conservative bearer of norms that are essential to the identity of the group. Living among the community that early marriage is a practice in the absence of other available models of realization in life beyond forming a family in childhood, the girls and youth reproduce and contribute to the maintenance of this practice. It is therefore important working with all community members of both genders and all generations."*

The report also contains trends about the views of Roma families and girls about the risks of early pregnancy and childbirth at childhood age: in communities practicing early marriage, especially for girls up to 15 years, these customs are considered as like marriage with a child. Minor girls are perceived as not having the skills for raising children, though yet in many places in the country the childbirth after 16 years is not considered as early. The underage mothers rely on their mothers for the upbringing of the child. Most representatives of the Roma community do not connect early birth of a child with risk for the mother and the baby and do not consider this as a danger.<sup>15</sup> Interesting is the attitude towards education on sexual relations, quoted in the UNICEF report:

*"Even the information about the harm of early giving birth, shared by the Roma health mediators or organizations does not affect the practice of child marriages, as the community norms on marriageable age and on honour of girls outweigh the hypothetical health risks of early pregnancy. The girls are educated by the women in the family that they need to keep their honour, but are not educated on other issues related to sexual relations. In the communities practicing child marriages girls are not well informed and are afraid of discussing topics related to sexual relations."*

In order to achieve change in these traditional practices specific projects and programs can be implemented to enhance the education of young girls in the Roma community. There are cases in which young girls acquire higher levels of education and they become a good example for the rest of the community and this model starts to be spread, reveals the above-quoted report:

*"Among the parents of the younger generation (between 20 and 40 years) in the groups, where are practiced early marriages, there is a will for a higher level of education of daughters/granddaughters and there is higher marriageable age. This generation has the potential to be the bearer of change, if incentives to encourage parents in their intentions are implemented."*

## **Violence against women seeking international protection in Bulgaria**

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<sup>15</sup> Ibid.

Some forms of gender - based violence related to HRV were identified among women seeking international protection in Bulgaria and residing in the special reception centres for persons under procedure for acquiring refugee or humanitarian status. This was made possible through the first specialized research in these communities implemented by experts from NGOs with the support of the UNHCR in Sofia.<sup>16</sup> The quantitative research through focus- groups and in- depth interviews conducted in the end of 2014 among mainly Syrian (including Kurdish) women in two reception centres in Sofia - Ovcha kupel and Voenna rampa and in the centre in Harmanli (South Bulgaria) allowed to make conclusions about characteristics of sexual and gender - based violence (SGBV) in these communities and to formulate first recommendations for interventions for such types of violence against women.

At the time of reporting the trends of the migrant flow were defined mainly by the increased number of persons fleeing the conflict areas, mainly Syria, after that Iraq, Afghanistan. According to data from the State Agency for Refugees, the year 2013 marked abrupt increase in persons seeking protection and refugee status- 7144 persons as a whole. For 2014 this number is already 11081, and for 2016 and 2017 the number of persons seeking refugee and humanitarian status is about 20 000 per year.<sup>17</sup> Since 2014 there is also a trend in increase of the refugee flow of women and children who for that period made about 50% of the persons fleeing conflicts. Although in the last two years the flow of men prevail, the number of women and children is still important and justifies increased attention and intervention.

The observations and forms of violence identified: The problem of sexual violence and other forms of gender-related violence was posed for the first time in front of the asylum- seeking and refugee women. The subject of GBV is relevant to the women and the majority of them express their willingness and readiness to discuss the topic. The women need more time on the issue in order to start sharing more freely. The subject is difficult for discussion as it concerns deeply intimate relations and attitudes, and sometimes concerns old traumas and taboos. The women almost unanimously share that it is not accepted and even allowed to talk openly to others about the experiences of gender- based violence in their communities and families. This applies clearly to the women from Syria, who were the majority among the women participating in the groups, as well as to the women from the region of North Africa who participated. Very often the women themselves cannot recognize a certain behaviour as violence against them, such as, for instance the pressure for marrying someone of somebody else's choice (arranged and forced marriages), especially if this behaviour is a norm in the women's families, extended families, and communities. This is also confirmed by the interviews with the experts in the centers.

Most the refugee women from Syria are accompanied by their families, children, and husbands or other relatives and it hinders the possibility of speaking and sharing about conflicts, problems, domestic or other interpersonal violence in this environment. The women are concerned that even the discussions in the group may harm them and what was shared can come to light despite the fact that ensuring confidentiality was declared from the outset as a basic principle. In all groups there are women who state that they can speak freely on the topic. Most of them are younger women, even girls, who came with their relatives. The women refugees who came alone to seek asylum in Bulgaria and are without their families are also more willing to share- widows or older women who expect to reunite with their children in other European countries.

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<sup>16</sup> Genoveva Tisheva, Anna Nikolova "Monitoring Report on Sexual and Gender- based violence in the context of international protection in Bulgaria in 2014", UNHCR, Bulgarian report and English summary available at <http://www.unhcr-centraleurope.org/bg/pdf/resursi/publikacii/sgbv-report-bulgaria-2015.html>

<sup>17</sup> [www.aref.government.bg](http://www.aref.government.bg)

The shared stories and the behaviour of respect towards the rules imposed by the men in the community show in most cases acquiescence with the women's secondary role. The stories of the majority of the Syrian women are indicative of the common tendency for the restriction of women's freedom of expression, choice of education, choice of partner, social and public realization. According to the information of the interviewees, a relative exception are the women of Kurdish origin – they have a right to social life to a greater extent, the good education is considered as a virtue, and the social relations are not restricted, as long as the requirement of decency in terms of clothing is met. In relation to the children's upbringing, however, the man is the one imposing his rules.

The mother-in-law is stated to have an influential role in the family structure and relations in cases of conflicts within the family and the couple, even after fleeing the country of origin. The social life and the external relations of the women are not tolerated in the community. A common practice is the isolation of the woman in another room when the family has guests. The right to participate freely in conversations with people outside of the family community is often restricted.

In this context, the women point at three main problems: domestic violence, sexual violence, which is closely linked to honour crimes, and forced marriages. Significant examples are also the early marriages of girls who are 12-13 years old.

Most of the women share about violence by their spouses (domestic violence) experienced when they were still living in their home country. The violence continues also after the relocation of the family in another country, in this case Bulgaria. Despite the women's critical attitude towards the violence, however, they remain in the abusive relationship and do not seek help due to shame and mostly because of their conviction that not only would they not receive help, but they would also become subject to additional accusations and blames by the family and the community. Related to this is often the denial of violence, despite some beginning of sharing personal experience.

The sexual violence and the inextricably linked honour crimes are identified as particularly serious forms of violence. The interviewed women state that the war in their country is powerful factor for the acts of sexual violence. However, quite often the perpetrator of the sexual abuse is an acquaintance or a family member. Both support seeking and prosecution of sexual abuse committed against women and girls are rare. The women share that there are judgments against perpetrators of sexual violence against women but despite proving the guilt of the perpetrator, the victim is discriminated and punished by her community. According to the unwritten law of the community a woman or a girl who has suffered from sexual violence will wear the "the stigma of shame" till the end of her life. Furthermore, this stigma is transferred over the whole family of the victim. This is the reason for the frequent cases of murder of the victim as a sole way for the preservation of the family honour:

*"There is no law which can supersede the decision for such a punishment. Death is a relief compared to enduring sexual violence and its consequences."*

(a woman from the centre in Harmanli)

Alongside the sexual violence by a perpetrator outside of the family, some stories on incest were shared. Another widespread form of GBV in the community is the forced marriage. The choice of partner is frequently up to the father of the girl:

*"Very often with the first period of the girl the moment comes for marrying the girl with a partner of her father's choice. If she shows resistance, the father imposes his decision by force through*

*psychological harassment and physical abuse.”*

(a woman from the centre in Harmanli)

A steady trend from the research is the fact that women do not want to report about violence as they fear it will delay and make obstacle for obtaining refugee status which would give them and their families the opportunity to reach the Western EU countries, mainly Germany. There is no evidence either for women using arguments for persecution and GBV in their countries of origin as a justification for asking and granting refugee status.

There is no relevant research among migrant women in Bulgaria and the type of violence they suffer as there is no adequate and reliable registration system for those who stay in Bulgaria and rely on integration. There is no mechanism for tracking and monitoring these situations.

The results of this first study in Bulgaria indicate that, despite the fact that most of women and girls seeking international protection are not intended to stay and integrate in Bulgaria, the problem of sexual violence and the other forms of gender based violence identified definitely deserves more and in-depth consideration. It will be in the interest of more effective protection of those women on Bulgarian territory. Another issue which deserves attention is the continuous nature, the pattern of all these types of violence. We have to be aware that violence and practices of HRV will continue and put even more at risk women and girls who will join their families and respective communities in the other EU countries.

In this respect, it is worth mentioning that during the groups and the interviews women identified Bulgaria as the first EU country they reach after the escape, and a starting point in the seeking of protection and a better life. The women themselves have, even if limited, information that the women victims of violence can receive protection in the EU countries. This argument was valid for almost all of the participating women, especially for the younger ones. All of them hope to receive more information and protection in Bulgaria and on their way to final destination.

No other groups at risk and types and forms of HRV were identified through data or substantive research. For example, no practices of honour killings, different forms of FGM, or violence justified by religious interpretations.

The National program for prevention of violence against children and child abuse (2017 – 2020) informs that in Bulgaria there are no registered cases of other HRV harmful practices - female genital mutilation, but the increase in migratory pressure from countries where this practice is harmful tradition represents for Bulgaria new challenges in the future.<sup>18</sup>

### **Risk of discrimination, stereotyping, stigmatization**

The two types of communities discussed above as more isolated in society and at risk of HRV. For the purpose of this research we adopt the principles we apply in our work for protection of women and girls, with focus on women from vulnerable groups. Namely, when identifying HRV practices and

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<sup>18</sup> National program for prevention of violence against children and child abuse (2017 – 2020), [sacp.government.bg/media/filer.../4\\_nppnzd\\_2017\\_2020\\_sled\\_stan\\_K0g8pRS.pdf](http://sacp.government.bg/media/filer.../4_nppnzd_2017_2020_sled_stan_K0g8pRS.pdf)

related norms and stereotypes as a root cause and source for GBV in the respective communities, one should avoid stereotyping the communities themselves and stigmatizing the respective women, since the latter can lead to additional isolation and re-victimization of the victims. The GBV and the gender stereotypes are distinctive for all societies. The specific manifestations of these occurrences should be known and pointed out mainly for the identification and effective intervention and protection of the victims of violence, and in the interest of their empowerment.

### Discrimination and stereotyping of Roma communities

According to studies, Roma in Bulgaria are a discriminated group and with limited access to public services.<sup>19</sup> From the sociological data it becomes clear that 42.3% of respondents are discriminated when they are seeking medical services, 34% - in access to social services. They are discriminated also in search of employment. 15% of Bulgarians and 63% of Roma are under the poverty line.

The average Roma household in Bulgaria consists of 4.85 people - more than twice bigger than the average for the country.<sup>20</sup> Illiterate Roma with many children are most often displayed by the media. Most often the media show poor and uneducated Roma and this creates strong negative stereotypes and prejudices against all Roma - they are presented as "people who are not willing to control their sexual and reproductive behavior," who are irresponsible towards family and parenting obligations, who "rely on social assistance benefits, child benefits and family allowances".<sup>21</sup>

Furthermore the excessive exposure by the media and politicians about the differences in the family patterns of Roma and the stereotypes that "(all) Roma marry early and have many children for whom they do not care" led to the strengthening of negative stereotypes and prejudices towards Roma community in the country.<sup>22</sup>

This is how stigmatization of their image/of Roma/ is achieved:<sup>23</sup> "Often using language constructs and manipulative techniques of portraying of the news or analysis the negative qualities that are presented for concrete Roma characters are attributed to the Roma ethnic group as a whole. Suggestions that the whole ethnic group has numerous deficiencies, nurture the long- time existing negative attitudes in Bulgarian society against gypsies."

In the Concluding observations in relation to the consolidated third, fourth and fifth periodic report of Bulgaria to the UN Committee on the Rights of the Child there are recommendations to Bulgaria in connection with the following problems identified in relation to the rights of children from minority groups:<sup>24</sup>

"The Committee is concerned that:

a) stigma and discrimination against Roma, including children, are still widespread, which is reflected

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<sup>19</sup> Dr. Antonina Jelyazkova, " *Roma- social inequalities and discriminatory practices*"

<http://www.newmedia21.eu/analizi/romite-sotsialni-neravenstva-i-diskriminirashti-praktiki/>

<sup>20</sup> Tackling Stereotypes and Prejudices between Roma and Non-Roma in the EU Member States:

Bulgaria, Italy, Romania and Slovenia, ISCOMET Institute for Ethnic and Regional Studies, Maribor, Slovenia, 2013

<http://www.project-redupre.eu/datoteke/concludingmeeting/Redupre-finalpublication.pdf>

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Concluding observations of the Committee on the Rights of the Child, in relation the consolidated third, fourth and fifth periodic review of Bulgaria, UN Committee on the Rights of the Child

[https://www.unicef.bg/assets/PDFs/2016/CRC\\_Bg..pdf](https://www.unicef.bg/assets/PDFs/2016/CRC_Bg..pdf)

in manifestations of violence and the use of language of hatred against them;  
b) c) Roma families are experiencing difficulties in terms of access to services for social protection and programs for social integration. "

### Discrimination and stereotyping of women and men in procedure of international protection

According to the Monitoring report on SGBV mentioned above (Report on Sexual and Gender-based violence in the context of international protection in Bulgaria in 2014), women residing in refugee centers in Bulgaria complain about manifestations of violence and discrimination against them outside the centers, and of frequent manifestations of negative attitude on behalf of the local population. Some women of colour become victims of racist attacks by groups of skinheads. Some of the women complain to the police, which in many of the cases states that it is unable to assist them. Similar is the situation with men seeking international protection in Bulgaria, based also on the results of information sessions conducted with men's groups in the centres as a follow-up of the initial research.

The refugee community faces difficulties, stigma and isolation at all levels- from delays and lack of information during the procedures for the registration of their applications, through the conditions in the refugee centres, to the problems with housing, employment, education and integration in Bulgarian society. All this poses serious risk of marginalization and social exclusion.<sup>25</sup>

The language of hatred towards asylum seekers and refugees in Bulgaria progressed in the media and among some representatives of the authorities, also according to the document Concluding observations in relation to the consolidated third, fourth and fifth periodic report of Bulgaria, UN Committee on the Rights of the Child.<sup>26</sup>

The briefly mentioned discriminatory attitudes towards the two groups at risk can only deepen stigmatization and isolation and thus, as a result, increase the risk for and exacerbate the different expressions of violence against women, including HRV practices. We would like to mention increased stereotyping of men from these communities, presenting them to much higher extent as aggressors, compared to Bulgarian men in the average. Instead, and it will be illustrated further, men have the potential to bring change.

Blaming and stereotyping the communities can only have as effect further blaming, shaming, and re-victimization of women and girls suffering violence and from HRV practices. Being strongly attached to their norms and traditions, women victims will feel it as an attack to their identity and fall even deeper in isolation and further violence. All this makes impossible the reporting and exiting the cycle of violence.

## **3. Analysis of the national legal framework**

### **3.1 Civil legislation for protection from violence, gender-based violence and HRV Risk of discrimination, stereotyping, stigmatization**

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<sup>25</sup> Centre for the Study of Democracy : "Sociological and demographic analysis of vulnerable groups in Bulgaria-  
<http://www.csd.bg/fileSrc.php?id=22111>

<sup>26</sup> Concluding observations of the Committee on the Rights of the Child, in relation the consolidated third, fourth and fifth periodic review of Bulgaria, UN Committee on the Rights of the Child  
[https://www.unicef.bg/assets/PDFs/2016/CRC\\_Bg.pdf](https://www.unicef.bg/assets/PDFs/2016/CRC_Bg.pdf)

There is no specific legal regulation of honour related violence as such in civil law and protection of women and girls against such practices is ensured through the more general legislation for protection from violence. The main pieces of legislation in this area are the Law on protection from domestic violence, the Law on Child protection and the respective regulatory acts for the implementation of these acts.

Namely, the **Law on protection from domestic violence adopted in 2005** was a major breakthrough which allowed the state to intervene in the family and intimate relationship for the protection of the individual from all forms of domestic violence thus starting closing the public/ private dichotomy and making the safety and rights of the victim a priority.

Specialized and quick, even immediate judicial protection against domestic violence, including in cases of violence against children is provided by the Law on protection from domestic violence, in force since April 1, 2005.<sup>27</sup>

The Law on protection from domestic violence /LPDV/ creates a remedy for victims of domestic violence in Bulgaria, allowing them to apply for protection before the district court. Article 2 defines domestic violence as stated in the definitions – above: any act of physical, sexual, psychological, emotional or economic violence, and the experience of such violence, forced restriction of privacy, personal freedom and personal rights committed against persons who are in a relationship who are or have been in a family relationship or de facto marital cohabitation. Mental and emotional abuse against a child is considered as any domestic violence committed in his presence.

Protection under this law can be sought by any person affected by domestic violence committed by:

1. spouse or former spouse;
2. a person, which is or has been in a de facto marital cohabitation;
3. person from whom the victim has a child;
4. ascending;
5. descending;
6. person, which is located in kinship lateral line to the fourth degree;
7. person, which is or has been in affinity to the third degree;
8. guardian, trustee or adoptive parent;
9. ascendant or descendant of the person, which is a de facto marital cohabitation;
10. A person with a parent who is or has been in a de facto marital cohabitation.

An application for protection may be submitted within one month from the act of violence. There is no official form for applying for protection in Bulgaria, but the procedural law regulates its necessary requisites. Under the law at the request of the victim every doctor is obliged to issue a document to certify in writing about the injuries or signs of violence. There is no fee for submitting an initial application, but depending on the outcome, the plaintiff or the defendant pays the costs of the case. Where there is an application for protection filed, the court must schedule a hearing within thirty days. In cases of direct, immediate or delayed hazard to life or health of victims, they can apply for immediate protection, in which the court shall decide within 24 hours in closed session about the issuing of an emergency order for protection. The procedure for issuing the protection order may be formed at the request of: 1. the injured person, if under 14 years of age or placed under partial guardianship; 2. brother, sister or a person who has family in line with the victim; 3. guardian of the

<sup>27</sup> Law on protection from domestic violence- LPDV , Закон за защита от домашното насилие, Bulgarian version available at <http://lex.bg/laws/ldoc/2135501151>

victim; 4. Director of "Social assistance" directorate when the victim is a minor, is placed under guardianship or is with disabilities.

Access to justice under the law is easier for victims because it stipulates that in the absence of other evidence, the court shall issue a protection order based solely on the statement of facts of the victim made in the form of declaration and on the allegations described in the application and relating to domestic violence. If a protection order is issued, the defendant must pay a fine of 200 to 1,000 leva. The judge may order one or more of the measures for protection against domestic violence in LPDV, which are the following:

1. oblige the perpetrator to refrain from committing domestic violence;
2. the removal of the offender from the jointly occupied dwelling for a period determined by the court;
3. ban the offender from approaching the victim, housing, workplaces and places for socializing and leisure victim under terms and conditions determined by the court;
4. temporarily determining the domicile of the child at the victim parent or parent who has not committed violence under terms and conditions determined by the court if it does not contradict the interests of the child; This measure is not necessary in pending litigation between parents in custody in determining the residence of the child or the regime of personal relationships.
5. obliging the perpetrator of violence to attend specialized programs;
6. directing victims to rehabilitation programs.

The measures under p. 2, 3 and 4 shall be imposed for a period of three to 18 months.

The order is immediately enforceable. Police is responsible for execution of the order for protection issued in compliance with the measures 1 to 3, mentioned above. In cases of violations of the order for protection, police shall arrest the perpetrator and inform without delay the prosecutor. The responsibility for non-compliance with the orders for protection is regulated in Article 296 of the Criminal Code.

The state is also responsible for: the introduction of programs to prevent domestic violence and assist victims, selection and training of persons who have tasks for ensuring protection from domestic violence; working with individuals and legal entities registered under the Social Assistance act<sup>28</sup>, and supporting non-profit organizations for activities on prevention and protection in the implementation of LPDV. Annually from the State Budget of the Republic of Bulgaria a share from the budget of the Ministry of Justice is targeted for funding for projects of non-profit organisations that meet these requirements - programs for prevention and protection from domestic violence; programs providing assistance to victims of domestic violence; training of persons who implement protection under the law; specialized programs frequented by persons who have committed domestic violence, and which include social and psychological counseling.

As of January 11, 2015, victims of domestic violence can obtain protection throughout the European Union. The national legislations of Member States have introduced provisions of Regulation (EU) 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast) and Regulation (EU) 606/2013 on mutual recognition of measures and protection in civil matters. The aim of the changes introduced in the Civil Procedure Code, respectively in the LPDV is to ensure protection and victims of domestic violence, even when moving, traveling or working in the EU, and to provide procedural safeguards for affected persons.

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<sup>28</sup> LPDV, Law on protection against domestic violence, Закон за защита от домашното насилие, <http://lex.bg/laws/ldoc/2135501151>

Indeed, with changes in LPDV from July 2015 is introduced Chapter III of this law on mutual recognition of protection measures in civil matters. A person who enjoys a measure of protection laid down in a Member - State of the Union may request issuance of a protection order in the country by Sofia City Court (Art. 23 LPDV).

The **Law on Child Protection from 2000** governs the rights, principles and measures for child protection, the bodies of the state and municipalities and their interaction in the implementation of activities related to child protection, and the participation of legal entities and individuals in such activities.<sup>29</sup> Art. 1, paragraph 2 of the Law states that "*The state shall protect and guarantee the fundamental rights of the child in all spheres of public life for all groups of children according to age, social status, physical, health and mental status, providing all appropriate economic, social and cultural environment, education, freedom of expression and security.*" The law ensured the protection of the best interests of the child and her/ his protection against all forms of physical, psychological and sexual violence and exploitation.

The law regulates the protection of the children in family environment and also, where circumstances require it, the child can be placed outside the family, pursuant to a court decision. This measure is provided as an exception and one of the grounds for the state to undertake it is when the child is victim of violence in the family and there is serious risk for her/ his development. A child without supervision as well as when the child is subject to crime or when there is immediate risk for her/ his life or health can be placed under police protection within 48 hours, prior to taking other protection measures needed.

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<sup>29</sup>Law on Child Protection, Закона за закрила на детето, <http://www.lex.bg/laws/ldoc/2134925825>

The State bodies for child protection pursuant to Art. 6 of the Law on Child Protection are:

- the Chair of the State Agency for Child Protection and the administration, which assists him in carrying out his/ her powers;
- Directorates "Social Assistance";
- Minister of Labour and Social Policy, the Minister of Interior, Minister of Education and Science, Minister of Justice, Minister of Foreign Affairs, Minister of Culture, Minister of Health and the mayors.

The specialized body of the Council of Ministers for management, coordination and control in the field of child protection is the Chair of the State Agency for Child Protection. The State Agency for Child Protection (SACP) is managed and represented by the Chair, who is nominated by the Council of Ministers and appointed by the Prime Minister.<sup>30</sup> The Agency shall develop and monitor the implementation of national and regional programs for child protection, monitor and analyze the implementation of state policy for child protection, provide guidelines to Child protection departments in the directorates "Social assistance" and provide methodological guidance for compliance and protection of child's rights.

At the regional level, the bodies for child protection are the Departments for Child Protection and the Regional Structures of the Social Assistance Agency (RSSAA).

There are 28 Regional "Social assistance" Directorates and within them there are a total of 147 "Social assistance" directorates.<sup>31</sup> Here is a map of the country with all regions and regional centres.



<sup>30</sup>[http://sacp.government.bg/media/filer\\_public/2016/01/26/ustroistven-pravilnik-na-darzhavnata-agentsia-za-zakrila-na-deteto.pdf](http://sacp.government.bg/media/filer_public/2016/01/26/ustroistven-pravilnik-na-darzhavnata-agentsia-za-zakrila-na-deteto.pdf)

<sup>31</sup> Source also: Alliance for Protection from GBV, Final project report "Better protection of children against domestic violence and gender - based violence by sharing good practices between Norway and Bulgaria" September 2016, project under the NFM 2009- 2014

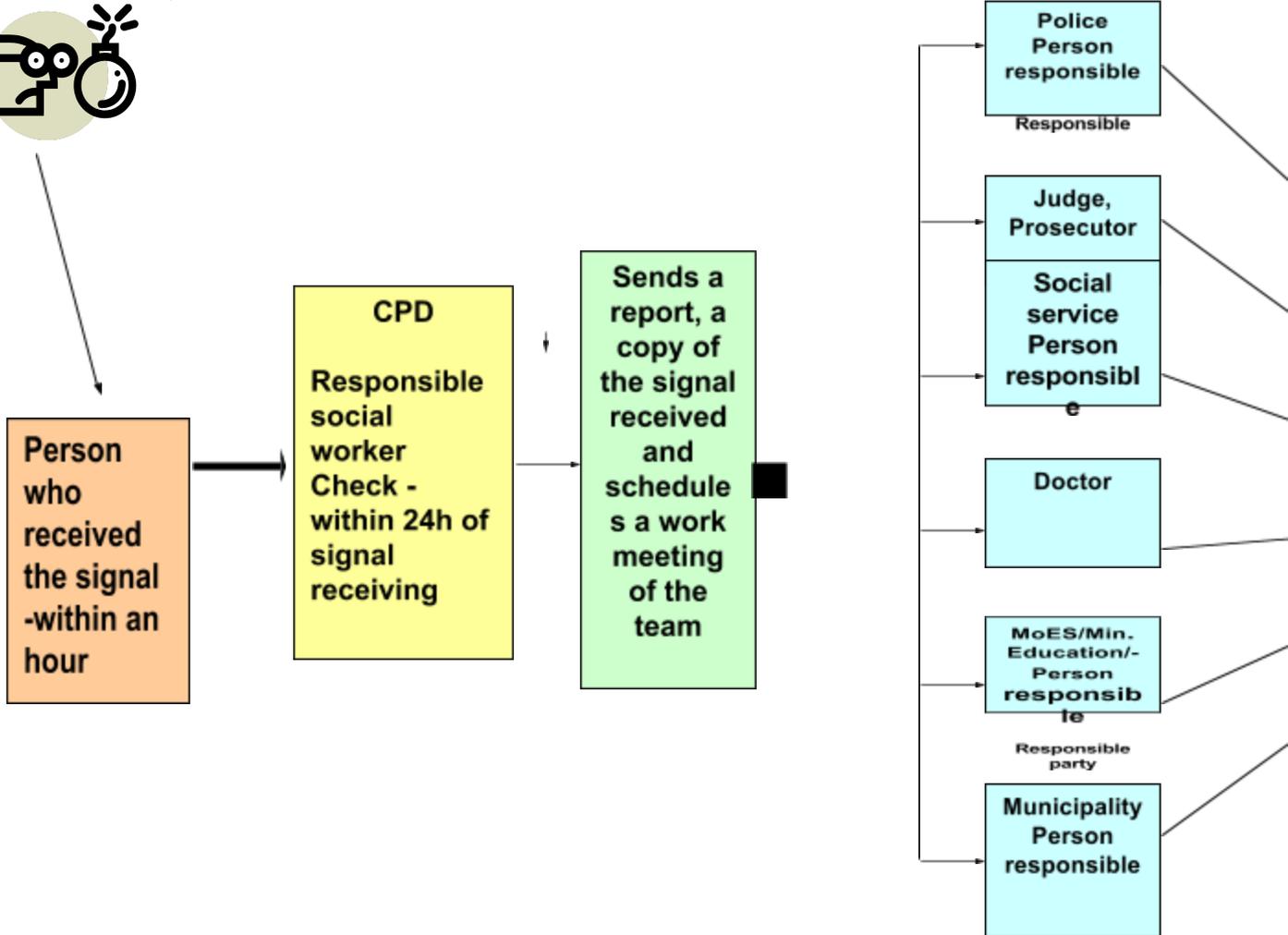
Child protection at local level is implemented by the Child protection departments (CPD) within the Social assistance Directorates (SAD), according to their competences and powers to define and implement specific measures to protect and carry out inspections on complaints and signals and to take appropriate measures for protection in case of violated rights of children. In the case of identified risk for the child, the authorities initiate the measures envisaged in the Law on Child Protection. At the directorates for social assistance, signals for children at- risk may be submitted by: the child, a physical person, a legal entity or NGO, or by government authorities.

At municipal level a Commission on Child issues with advisory and coordinating functions is established, chaired by the mayor as a coordinating unit on child policy in the municipality which ensures the implementation of local policies on child protection.

Upon receipt of a signal for child abuse, emergency measures are implemented to protect the child, according to the Coordination Mechanism for interaction in cases of children victims of violence (or children at risk of becoming victims of violence) and for interaction for crisis intervention.

Signals for children, who are at risk or victims of violence may be submitted to SACP, the Ministry of Interior or SAD, where a social worker from the Department "Child Protection" starts a check. An initial assessment of the signal and the risks to the child are performed, when necessary in cooperation with the police, medical personnel and other professionals. Within 24 hours of receipt of the signal, the responsible social worker from the CPD initiates the convening of a multidisciplinary team with representatives of relevant institutions and experts.

**Multidisciplinary mechanism for interaction when a signal for a child victim of violence or at risk of violence, is received<sup>32</sup>**



<sup>32</sup>Multidisciplinary mechanism for interaction when a signal for a child victim of violence or at risk of violence is received, Scheme contained in the Agreement on cooperation and coordination of the work of the territorial structures of the bodies for protection in case of children, victims or at risk of violence and in crisis intervention, [http://Projects-namrb.org/images/zanas\\_documenti/sporazumenie2010.pdf](http://Projects-namrb.org/images/zanas_documenti/sporazumenie2010.pdf)

The Regulation for the implementation of the Law on Child protection contains definitions of the notion of violence against children and of the types of violence, as well as of the notion of child at risk:

"Violence against a child" is any act of physical, psychological or sexual violence, neglect, commercial or other exploitation, resulting in actual or potential harm to health, life, development or dignity of the child, which can be done in a family, school and social environment.

"Physical violence" is causing bodily harm, including causing pain or suffering without health disorder.

"Psychological violence" are all actions that may have a damaging impact on mental health and child development, as underestimated, mockingly respect, threats, discrimination, rejection or other negative respect and the inability of the parent, guardian or the person caring for the child, to provide appropriate and supportive environment.

"Sexual violence" is the use of a child for sexual gratification.

"Neglect" is the failure of the parent, guardian or person caring for the child to ensure the child's development into one of the following areas: health, education, emotional development, nutrition, providing home and safety when able to do so.

"Child at Risk" is a child:

- a) whose parents are deceased, unknown, deprived of parental rights or whose parental rights are limited or child is left without their care;
- b) who is a victim of abuse, violence, exploitation or any other inhuman or degrading treatment or punishment inside or outside his family;
- c) for whom there is a risk of harm to the child's physical, mental, moral, intellectual and social development;
- d) suffering from disabilities, as well as refractory diseases identified by specialist;
- e) for whom there is a risk of dropping out of school or who has dropped out of school.

### **3.2 Penal legislation for protection from violence, gender-based violence and HRV. Rights of the victims in criminal proceedings**

**The Criminal Code**<sup>33</sup> contains penal provisions and sanctions against the crimes of murder( Article 116) and bodily injuries - severe, medium and trivial/ light bodily injury (Articles 128- 130). Murder of a mother, a father, son or daughter is aggravated murder, as well as bodily injury of a father or a mother. These crimes committed against a minor are always aggravated crimes.

Criminal sanctions against sexual violence - for ex. fornication and statutory rape against a person under 14 years old (Article 149- 151) and rape (Article 152) are regulated in a special section of the Criminal Code called "Debauchery". Rape of a female relative of a descending line and rape of a minor

<sup>33</sup> Criminal Code, Наказателен кодекс, Bulgarian version available at [www.lex.bg/laws/ldoc/1589654529](http://www.lex.bg/laws/ldoc/1589654529)

girl are aggravated crimes.

Incest - sexual intercourse between relatives of ascendant and descendant line, between siblings and between adopted parents and their children is criminalized as well (Article 154).

Besides these provisions of the Criminal Code, relevant provisions for HRV are contained in Chapter IV of the Criminal Code - "Crimes against marriage, the family and youth", and namely Articles 177-192 of the Criminal Code. They regulate sanctions against forced marriage, abduction of a female person for the purpose of a forced marriage; sanctions against factual cohabitation with minors under the marriageable age of 16 years and against facilitating such cohabitation.

Since these provisions are of importance in view of the groups and communities at risk of HRV in Bulgaria we present the respective provisions as follows:

.....Chapter IV

CRIMES AGAINST MARRIAGE, THE FAMILY AND YOUTH

.....

Article 177

*(1) A person who has induced another in compulsory manner to enter in marriage, and therefore the marriage was proclaimed null and void, shall be punished by deprivation of liberty for up to three years.*

*(2) A person who abducts a person of the female gender for the purpose of forcing her to enter into marriage, shall be punished by deprivation of liberty for up to three years, and if the victim is not of full age, the punishment shall be deprivation of liberty for up to five years.*

Article 178

*(1) A parent or another relative who receives compensation to permit his daughter or relative to conclude a marriage, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred, as well as by public censure.*

*(2) The same punishment shall also be imposed on a person who gives or mediates in the giving or receiving of such compensation.*

.....

Article 191

*(1) A person of full age who, without having concluded a marriage, starts living as man and wife with a person of the female gender, who has not completed 16 years of age, shall be punished by deprivation of liberty for up to two years or by probation, as well as by public censure.*

*(2) An adult who persuades or facilitates an underage male and a female who have not completed 16 years of age, to start living as spouses, without concluding a marriage, shall be punished by deprivation of liberty for up to two years or by probation.*

*(3) If the act under the preceding paragraphs has been committed with a person who has not completed 14 years of age, the punishment shall be deprivation of liberty from two to five years.*

*(4) In the cases under paragraph (1) the perpetrator shall not be punished and the imposed punishment shall not be enforced, if prior to the enforcement of the sentence a marriage follows between the man and the woman.*

## Article 192

(1) A parent or another relative who receives compensation to permit his daughter or female relative, who has not completed 16 years of age, to start living as married with someone, shall be punished by deprivation of liberty up to two years or a fine up to BGN 3,000.

(2) The same punishment shall also be imposed on a person who gives or mediates in the giving of such compensation.

In the review of the penal legislation it is worth mentioning the provision of Article 296 of the Criminal Code which contains sanctions for the non-compliance with the orders for protection against domestic violence issued by the courts, including the European order for protection. The punishment is imprisonment from 3 to 5 years or a fine up to 5 000 leva.

Depending on how the criminal responsibility is realized the crimes under Bulgarian law are divided into publicly prosecuted crimes, or crimes of general nature- the majority of crimes, and privately prosecuted crimes or crimes of private nature- a smaller portion of crimes in the Code. For the first category the public attorney is in charge of prosecution, for the second type of crimes prosecution is triggered by private complaint of the victim who plays the role of private prosecutor.

Currently, Article 161 of the Criminal Code makes an important distinction between bodily injuries prosecuted by public prosecution and those of private nature. Namely, the medium and trivial injuries between spouses and close relatives are crimes of private nature and a complaint of the victim is required.

Criminal procedure and the rights of the victims are regulated in the **Code of Penal Procedure**<sup>34</sup> (CPP) from 2006. Under this Code victims, including victims of different forms of violence and human trafficking, are granted a series of rights:

### Right to participate in criminal proceedings

A victim may be involved in the criminal proceedings in several capacities:

- as 'injured party',
- 'civil claimant',
- 'private prosecutor,' including in the three capacities simultaneously.

#### a. *Injured Party (victim)*

In the capacity of an *injured party*, the victim in Bulgarian criminal proceedings has the following main rights:

- to be informed of his/her rights within the criminal proceedings including for the right to bring a civil claim;
- to obtain protection with regard to his/her personal safety and the safety of his/her relatives;
- to be informed of the progress of the criminal proceedings;
- to request the collection of evidence or to object to evidence;
- to appeal against acts resulting in the termination or suspension of the criminal proceedings;
- to have a lawyer.

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<sup>34</sup> Code of Penal Procedure, Наказателно- процесуален кодекс, available in Bulgarian at [www.lex.bg/laws/ldoc/2135512224](http://www.lex.bg/laws/ldoc/2135512224)

In order for the rights of the victim to arise, the victim needs to make a request to participate in the pre-trial proceedings and indicate a mail address in the country.

b. *Civil claimant*

The victim is entitled to bring civil action for compensation to be reviewed by the court in the course of criminal proceedings.

c. *Private Prosecutor*

A victim may participate in the proceedings as a private prosecutor maintaining the prosecution along with the public prosecutor. During the trial the private prosecutor may present evidence, make requests and arguments relating to the proving of the guilt of the accused and for determining the penalty. Those rights are specific for the private prosecutor capacity and differ from the rights of the civil claimant who can only participate on matters relating to the compensation.

Right to protection of privacy and safety

In Bulgarian criminal proceedings, one of the main procedural guarantees of privacy is the option for conducting of hearings behind closed doors. This is possible among others in cases where:

- this is required in view of safeguarding the morality;
- where this is necessary for preventing the disclosure of facts pertaining to the intimate life of citizens;
- a witness is afforded special protection measures.

The court may decide to hold the hearing behind closed doors at its own initiative or at the request of the victim. Whenever a child victim is to be interrogated, the court may also decide to close the courtroom for public and the press.

A good practice applied by Bulgaria is the introduction of the so called “blue rooms” – specialised facilities, equipped with one-way mirrors, used for interrogation of child witnesses and victims of crimes. This is an initiative introduced by civil society organizations. The aim of the blue rooms is to ensure non-threatening and less traumatic experience of the children within the criminal proceedings, by avoiding their direct contact with the accused offenders and the repeated interrogations in the formal setting of the court room.

- Physical protection of the victim

Personal physical protection can be provided to the victim witness upon request, including police escorts to hearings.

- Interrogation through videoconferencing

Victims can be interrogated through audio or video link. In case of victims with secret identity, voice or image alternation, and any interrogation through a video conference shall be conducted with the witness's image having been altered.

Children victims may be examined in close session and if necessary by a videoconference. After giving their testimonies, witnesses who are underage shall be removed from the courtroom, unless the court rules otherwise.

- Ban to approach the victim

At the proposal of the prosecutor with consent of the victim or at the request of the victim, the court may prohibit the accused from directly approaching the victim during the whole procedure.<sup>35</sup>

### **3.3 Other legislation for protection against violence - Equality, Gender equality legislation, legal aid for victims of violence**

Bulgaria has adopted a **Law on Protection from Discrimination**,<sup>36</sup> in force since the 1<sup>st</sup> of January 2004. The Law on Protection from Discrimination (LPFD) contains the prohibition of discrimination on a broad range of grounds, including on the ground of sex/gender. Besides prohibition of discrimination based on this ground, the ban encompasses the grounds of race, nationality, ethnicity, human genome, citizenship, origin, religion and belief, education, conviction, political affiliation, personal or social status, disability, age, sexual orientation, family status, property status, or any other ground, defined by law or in an international treaty, to which RBulgaria is a party. The law defines special measures for achieving equality which do not constitute discrimination and requires the adoption of measures against multiple discrimination.

**The Law on Equality between women and men**<sup>37</sup> was adopted in April 2016 with the purpose to promote gender equality through the regulation of State policy in the field, by creation of institutional environment and the mechanisms for its implementation. One of the main principles of the policy on gender equality is equal treatment of women and men and prohibiting discrimination and violence based on sex. (Article 2) The Gender equality law provides for the procedure for adoption of temporary special measures for achieving gender equality. The law is relatively recent and has not been implemented yet in the field of Gender- based violence and special measures.

**The Law on legal aid**<sup>38</sup> from 2006 provides for the terms and conditions for granting legal aid in criminal and civil proceedings.

The importance of access to justice for women victims of violence has been increasingly highlighted especially in the last 2 - 3 years in the framework of the Council of Europe and by the UN Treaty bodies and Special mechanisms. Some women and girls are at particular risk of violence, being victims of multiple discrimination and stereotyping. Women and girls from minorities and women seeking international protection, and migrant women are among these vulnerable groups. They face stereotyping and additional barriers- cultural, religious, language barriers, to their access to justice.<sup>39</sup> According to the Law on legal aid, among the persons who are entitled to free legal aid under Article 22 are the victims of domestic violence and sexual violence, and victims of trafficking who have not

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<sup>35</sup> Summary based on working paper prepared for BGRF by Vladimir Nikolov - Chief Prosecutor of the District Prosecutor's Office- Pleven

<sup>36</sup> Source: <http://www.kzd-nondiscrimination.com/>

<sup>37</sup> Law on Gender equality, Закон за равнопоставеност на жените и мъжете, available in Bulgarian at <http://lex.bg/bg/laws/ldoc/2136803101>

<sup>38</sup> Law on legal aid, Закон за правната помощ, available in Bulgarian at <http://lex.bg/laws/ldoc/2135511185>

<sup>39</sup> Genoveva Tisheva, *Access to justice for women victims of violence- analysis and highlights of international law and practice in the field*, thematic paper prepared in January 2015 for Women against violence Europe/WAVE/

sufficient financial means. Another group entitled persons are those who are in the process of international protection. Nevertheless, in these cases, like in other cases of entitled persons, a means test is applied which limits the access to legal aid and to justice for women victims of violence. The following circumstances are considered by the court: income accruing to the victim or their family; property status, as certified by a declaration; marital status; state of health; employment; age; other circumstances. After the court decision on the granting of legal aid, the ruling is immediately sent to the Bar association within the district of the court for appointment of an attorney.

Legal representation of children is subject to special regulation. Provision of legal assistance by the state is one of the main elements of child protection contained in the Child Protection Act. Children have the right to legal aid and appeal in all proceedings affecting their rights or interests. Legal representative of the child – parent or guardian, must accompany the child in legal proceedings and is empowered to request legal aid on behalf of the child. If the child's parents are unknown, the legal representative of the child is the director of the crisis centre, shelter or home where the child is placed. The social assistance directorate is empowered to bring claims to the court for deprivation or limitation of parental rights in the interest of the child or enter as a party into such court proceedings. In criminal proceedings against parents, a special representative – an attorney-at-law is appointed to a child whose interests are in conflict with his/her parents or guardian.

### **3.4 Legislation and structure of social services with relation to Gender-based violence and HRV**

There is no piece of legislation explicitly on social services in Bulgaria. This matter is regulated in the **Law on social assistance** <sup>40</sup> from 1999, along with issues of social assistance. The provision of specialized social services for victims of different forms of violence is not explicitly regulated, at the exception of services for trafficking victims.

In accordance with Bulgarian legislation, providers of social services in the country are: the state; municipalities; physical persons of Bulgarian nationality, registered under the Commercial Law, and legal entities (trade companies, cooperative societies, non-profit legal entities (NGOs). Generally providers of social services are divided into two categories: public providers – the state and/or the municipalities (or their structures and units), and the so called private providers. If private providers – both physical persons and legal entities, Bulgarian or foreign, intend to deliver social services they are obligated to register with the Social Assistance Agency, and in cases when they offer services to children under the age of 18 they need to be additionally licensed.

The social services in the country are decentralized and the municipality is the body which initiates the development of specific types of social services on a local level on the basis of preliminary studies and analysis of the needs in the community. The management of the social services is entrusted to the mayors of the municipalities, who in turn may announce competitions for provision of social services from external suppliers. They are registered in the Agency for Social assistance. Currently, the register contains a total of 29 non-governmental organizations providing social services in support of the victims. 22 organizations are registered to provide residential care services, and 7 for counseling services.<sup>41</sup>

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<sup>40</sup> Law on social assistance, Закон за социално подпомагане, available in Bulgarian at [www.lex.bg/laws/ldoc/2134405633](http://www.lex.bg/laws/ldoc/2134405633)

<sup>41</sup> Ref. G. Tisheva and A. Nikolova - Monitoring report on SGBV in the context of international protection in Bulgaria

The social services claimed by municipalities as needed for their respective communities and approved by the government for financing through the central budget, are called “delegated social services delivered in the community”.

The types of social services provided in general to the citizens are provided for in the Regulation for application of the Social Assistance Act. The main community-based social services related to support and protection from violence and gender-based violence include Centre for social rehabilitation and integration; Centre for social support; Crisis Centre for victims of violence. Therefore according to the acting normative framework at the moment the “Crisis Center” is the sole specialized service delegated by the state and designed for women victims of domestic violence and human trafficking. In accordance with the obligations of Agency for social assistance for the provision of methodical help to the providers of social services, a Methodical handbook for the delivery of the “Crisis center” social service was elaborated in 2012. It systematizes the minimal requirements for delivering the service such as: conditions for setting and functioning, standards for management and quality of work; requirements for the personnel and the facilities; mechanisms for planning, monitoring, evaluation, and more.

The non-profit organizations, duly registered for the protection of domestic violence victims in Bulgaria<sup>42</sup> offer services, partly supported by the state such as one - stop centres, counseling, legal support, telephone lines, rehabilitation and empowerment centres, specialised programmes for perpetrators of domestic violence and programmes for recovery of the victims. The activities of the NGOs working in the field of combating violence and trafficking are subject to a regulation by the Ministry of Justice and the National Commission for Combating Trafficking in Human Beings, and in cases where their activities are aimed at providing services to children also to regulation by the State Agency for Child Protection.

Services for children in the context of DV exist but no services targeted at mothers and children victims. Yet there are no shelters fully supported and run by the State, except for trafficking cases. Services are not yet available in rural areas and not run in all local languages, besides Bulgarian. State funded child protection services are available, as well as creches, with limited space in bigger towns. Some NGOs provide on project basis mobile services for prevention of domestic violence for people living in the small settlements.

In spite of all above listed services of NGOs available to victims of violence, there is still lack of coherent policies and commitment to regular and adequate funding of activities to prevention and protection from violence. The NGOs bear the burden of providing services and other activities for prevention and protection without having the constant support of the state and municipalities. Therefore services are missing in many places and they have been underfunded.

### **3.5 Adherence to international and European standards related to protection from GBV and HRV**

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<sup>42</sup> National Report on appraisal and review of the implementation of the Beijing Declaration, the Platform for Action and the outcomes of the twenty-third special session of the UN General Assembly (2000) in the context of the upcoming global review of the “Beijing+20” process in 2015, Sofia, June, 2014, [http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national\\_reviews/bulgaria\\_review\\_beijing20.aspx](http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/bulgaria_review_beijing20.aspx) , last consulted 14.09.2015

Republic of Bulgaria adhered to the **UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, an international act which is in force in Bulgaria since 1982.<sup>43</sup> The country ratified also the Optional Protocol to CEDAW (OP CEDAW) in 2006. The provisions of the Convention and their interpretation by the Committee on the Elimination of Discrimination against Women, called General recommendations (ex. GR 19/ 92 on violence against women, or GR 33/2015 on access to justice for women) are obligatory for Bulgaria. According to Article 5 paragraph 4 of the Bulgarian Constitution, the international treaties, duly ratified and entered into force for Bulgaria are obligatory standards and prevail over domestic legislation which contradicts them.

As party to the OP CEDAW Bulgaria recognizes the validity of the decisions of the CEDAW Committee issued under specific cases of violations of the Convention. Three of the major cases of the Committee related to violence against women were issued against Bulgaria- *V.K v. Bulgaria*- a case of domestic violence, *V.P.P. v. Bulgaria*- a case of sexual abuse against a child, and the case of *Isatou Jallow and her child v. Bulgaria*- a case of domestic violence against a woman from Gambia.<sup>44</sup> Bulgaria is also party since 1992 to the **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)** which ensures protection also against violence against women, including in some case law against VAW as GBV. The Bulgarian cases which contributed to the practice of the Court in Strasbourg on cases of sexual and domestic violence are *M.C. v. Bulgaria* (2004) and, respectively, *Bevacqua and S. v. Bulgaria* (2008).

It is worth mentioning that Bulgaria ratified also the **Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse**, also known as “the **Lanzarote Convention**”.

As an EU country Bulgaria has to fully transpose Directive **2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime**. Notwithstanding the progress in this direction, the rights of adult victims of violence have not been sufficiently addressed yet. Particular attention deserve, according to the Directive, victims with specific protection needs, namely, among them the victims whose relationship to and dependence on the offender make them particularly vulnerable- like victims of human trafficking, gender-based violence, violence in a close relationship, sexual violence.

Pursuant to the signing of **the Istanbul Convention** in April 2016, R Bulgaria is aiming at its ratification based on analysis of the legislation and its implementation, both national analysis and from foreign experts.

The Convention adopted by the Committee of Ministers of the Council of Europe on April 7, 2011, is the first legally binding instrument in Europe in this matter and scope and it contains the highest standards in this area. It is aimed at zero tolerance towards violence against women and domestic violence and is an important step forward in making Europe and European region a safer place. It was opened for signature on 11 May 2011 in Istanbul and has so far been signed by 22 countries, with another 22 countries have ratified it. The Convention entered into force on August 1, 2014. Its monitoring mechanism (a group of independent experts - GREVIO) will monitor and ensure the

<sup>43</sup> UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>44</sup> All three cases were brought as a result of the training conducted in the framework of the Women's Human Rights Training Institute ( WHRTI) - a long - term programme of the BGRF (since 2004) aimed at the training of lawyers on litigation skills in the field of women's rights.

implementation of the Convention. Bulgaria signed the Convention on 21 April 2016. For the aims of ratification was formed a working group at the Ministry of Justice by Order of the Minister of 25. 05. 2016 (Working Group aiming at introducing in Bulgarian legislation the principles and requirements of the Istanbul Convention).

Parties have obligations to provide specialist support services for women victims of sexual and other forms of gender-based violence, and should have the conditions for immediate, short- and long- term support. Services must provide recovery of women after violence as they take the form of telephone helplines, legal and psychological counseling, financial assistance, housing, education, training and assistance in finding work. Parties should provide appropriate and timely information about women victims at a language they understand. Moreover, states must ensure access to legal assistance and justice for women. The Istanbul Convention provides for the creation and maintenance of countries of specialized programs for perpetrators of violence that are related to ensuring the safety of women victims. It requires a coordinated and interdisciplinary approach and response to all forms of violence.

With aim of ensuring special protection for children, besides the protection to any person affected by domestic violence, special rights and best interests of the child should be at the center of all interventions of the authorities in cases of domestic violence. It should be ensured that the child witness to violence and a model of domestic violence in the family is properly protected. The Convention also requires legal protection against gender-based violence to be associated with decisions on custody and contact with the child. For safeguarding the safety of the child and of one of the parents who is victim of violence the Istanbul Convention excludes mediation in cases of violence.

For the purposes of protection of women against HRV, the non – discrimination clause of the Istanbul Convention (Article 4) is of particular importance.

*“The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.*

*Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention. “*

The substantive provisions of the Convention contain obligations to criminalize all types of forced marriages, including the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage.

The Convention stipulates that custom, religion, tradition or so-called “honour” shall not be regarded as justification of any act of violence against women. For this purpose, the Istanbul Convention, similar to CEDAW Convention, requires that States abolish laws and practices which discriminate against women.

### **3.6 Gaps in legislation and implementation. Good practices**

Not all forms of violence against women, including all acts representing HRV, are criminalized, adequately investigated, prosecuted and punished. The most striking problem is the private prosecution of medium and trivial injuries between spouses and close relatives. In such cases the victim has to file a complaint and prosecute on her own. This poses considerable challenges to the victims of domestic violence who are dependent on or are under the control of the perpetrator; most often such victims do not file complaints out of fear. It is necessary that these crimes are recognized

as criminal offenses of general nature prosecuted by the state.

In some cases related to HRV, like illegal cohabitation with a minor girl, it is still possible for the perpetrator to escape responsibility through a subsequent marriage with the girl.

Victims of violence have difficulties in their access to justice due to prejudice and stereotyping of women in situations of violence, which is even more valid for women from vulnerable communities.

The means test applied for allocating legal aid to victims of violence poses obstacles to their access to justice, causes delays in granting legal aid and often, if obtained, competence of the attorney-at-law in the theme of violence is missing.

There are not enough specialist support services for women victims of different forms of violence provided by law, and for placement of women victims and their children, services are not enough financially supported by the state and municipalities.

There are no specialized services for women victims of GBV among persons seeking international protection, services are not tailored to their specific needs and women face language, cultural, religious barriers and stereotypes.

State institutions, namely child protection services, do not make clear connection between violence against women and violence against children, do not use their competences to claim protection of children against domestic violence through orders for protection.

Perpetrators' programmes are not enough spread and not supported by the state.

NGOs main providers of services for victims are not sufficiently supported in their activities and their interventions are not sustainable. Worth mentioning here that in order to provide qualified assistance to victims women and children, the Convention requires that States recognize, encourage and support at all levels the work of the NGOs that are active in combating violence against women and as states should allocate and adequate financial resources about these activities.

There is no systematic training provided for state officials and the judiciary on GBV.

All these shortcomings of the legislation and its implementation were addressed by the Treaty Bodies in their observations and recommendations to the Bulgarian government, like the **CEDAW Committee** in 2012, the **Human Rights Committee** from 2011 and the **Committee on Economic, Social and Cultural Rights** from 2012. The outcomes of the Second **Universal Periodic Review (UPR)** of Bulgaria by the Human Rights Council from May 2015 contain extensive recommendations to Bulgaria for enhancing penal protection and ensuring sustainability of services for victims of violence.

By aligning with the requirements of the Istanbul Convention and the recommendations of the Treaty Bodies Treaty we are convinced that a great part of these gaps will be overcome. Namely, some of the **good practices** to be mentioned are in compliance or in view of with the Convention:

The Law on Protection from DV is an achievement with the possibility for quick judicial protection of victims of domestic violence, including through emergency protection orders.

Furthermore, through pressure of NGOs, and namely the Alliance for Protection from GBV, in September 2015 the provision of Article 158 of the Criminal Code was repealed. It provided that in

cases of sexual violence against a minor girl, besides the cases of rape, the perpetrator shall not be punished and the imposed punishment shall not be enforced, if prior to the enforcement of the sentence a marriage follows between the man and the woman. It is a major success of civil society in the direction of elimination of HRV.

Upon signing the Istanbul Convention by Bulgaria and in view of its ratification, draft legislation was proposed for harmonization with the requirements of the Convention in the field of penal and civil law. An expert group convened by the Ministry of Justice elaborated by January 31<sup>st</sup>, 2017 the drafts and they will be, hopefully, presented for public debate by the future government and then for adoption by the future parliament.

The proposal contains suggestions for major changes in the following areas:

- The Law on Protection from domestic violence to be a law on protection also from all forms of GBV
- Specialized services for victims of all forms of GBV to be explicitly regulated in the law
- Homicide and bodily injuries committed in the circumstances of domestic violence to become aggravated crimes
- Almost all types of bodily injuries to be publicly prosecuted
- More severe criminalization of forced marriages and forced cohabitation, repealing the non-punishment in cases of subsequent marriage with the victim is proposed
- More effective protection of the victims of violence during the penal proceedings is proposed, in line with the Istanbul Convention and Directive 2012/ 29.

#### 4. Institutional and policy framework and responses in relation to HRV

The main elements of the institutional framework are the equality body under the Law on protection from discrimination and the mechanisms on gender equality under the Law on Gender equality.

The Commission for Protection from Discrimination was created in 2005 as an independent jurisdiction under the law, and its mandate covers all types of direct and indirect discrimination prohibited by law and by international instruments to which Bulgaria is a party. The Commission has broad competences, including initiating discrimination cases of its own violation and assisting the victims of discrimination in bringing a claim.

The Council of Ministers determines the state policy on gender equality and adopts National Strategy for equality between women and men and plans for its implementation. The Council of Ministers creates the National Council on Equality between Women and Men, which is a body for consultations, cooperation and coordination between central and local executive authorities and civil society. The Minister of Labour and Social Policy chairs the National Council and manages, coordinates and supervises the gender equality policy in Bulgaria.

De lege ferenda - The suggestions for legislative changes in view of achieving compliance with the Istanbul Convention provide for the establishment at the Council of Ministers of a National Council for prevention and combating domestic violence and GBV.

A priority area in the National Strategy for Gender equality 2016-2020 is Combating GBV and protection and support of women. The annual plans on gender equality usually contain a chapter that focuses on the measures for protection against GBV, also in relation to child abuse. No such plans have been adopted for the last two years.

Relevant to HRV are the National programmes for prevention and protection from domestic violence. The programmes contain the commitment for prevention of violence and protection of women and girls from vulnerable groups.

In the period 2013-2016 was adopted a National Plan for the implementation of the recommendations of the CEDAW Committee. This document contains concrete commitments for more effective protection and access to justice for vulnerable groups of women.

A general concern is that all these policy documents are not connected with concrete obligations for action and clear assessment of implementation. No targeted budget is envisioned for the implementation of these plans and programmes which makes the documents declaratory and ineffective.

There are no specific plans and programmes on HRV, no specific mechanisms for co-ordination of respective actors aimed at combating HRV in Bulgaria.

The National Strategy for Children for the period 2008-2018 examines violence in many of its manifestations such as domestic violence, sexual and labour exploitation, trafficking, violence in schools, child pornography, etc., and in response sets activities, targeting prevention of violence and reintegration of children victims of violence.

A major shortcoming of the implementation of policies and measures against early marriages as an

entry point for HRV practices has been identified in practice and based on research findings. The report by UNICEF "*Study of social norms that impede the access of Roma girls to education*" contains conclusions that there is still no effective mechanism for implementation of the legislation by all involved stakeholders, as most institutions consider dropping out of Roma girls from the education system as 'tradition of the ethnicity.'<sup>45</sup>

Thanks to the activities of the State Agency for Child Protection (SACP) and the signed agreements with Prosecutor's offices more cases were filed and more sentences were imposed for co-habitation with underage mothers. The main problem in the work of the SACP and other institutions is the fact that actions are taken only after identified violations of children's rights, and the potential of the planned preventive measures has not been used. Currently institutions still work through the mechanism of sanctions and not for prevention of child marriages, although the legislation contains preventive measures at the level of local and national authorities.

Other gaps identified in that UNICEF report "*Research on the social norms which prevent Roma girls from access to education*"<sup>46</sup>:

*"In communities where there is practice of early marriages, there is a lack of commitment of local government to solve the problem. Social workers are perceived as sanctioning and bureaucratic, not as providers of services to the community. Workers themselves due to limited resources and working capacity with the community fail to realize their preventive work. There are not enough Roma in the fields of social services and education. In most places, Roma participation in school management and teaching staff is less dismissive, even in schools with Roma children. Overcoming the practice of child marriages occurs not as a result of the possible or already imposed sanctions, but as a result of other factors such as: gradual popularisation and expansion of the higher level of education among Roma girls and perceiving completion of education as an important part of the life cycle; the multiannual work of local organizations based in Roma neighborhoods, working with schools and all institutions; the active role of schools in working with parents, organizing extra-curricular activities, "the opening of schools"; the mobility of family and labor migration in the country or abroad."*

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<sup>45</sup> Zahova S., "Research on the social norms which prevent Roma girls from access to education" , UNICEF, Sofia, 2016, <https://www.unicef.bg/bg/article/lzsledvane-na-sotsialni-normi-koito-vazprepyatstvat-dostapa-na-romskite-momicheta-do-obrazovanie/1001#close>

<sup>46</sup> Ibid.

## **5. Brief analysis of role and responses to HRV. Role of NGOs and prevention programmes**

### **5.1 Responses of Institutions**

The main elements of the institutional framework are the equality body under the Law on protection from discrimination and the mechanisms on gender equality under the Law on Gender equality.

The Commission for Protection from Discrimination was created in 2005 as an independent jurisdiction under the law, and its mandate covers all types of direct and indirect discrimination prohibited by law and by international instruments to which Bulgaria is a party. The Commission has broad competences, including initiating discrimination cases of its own violation and assisting the victims of discrimination in bringing a claim.

The Council of Ministers determines the state policy on gender equality and adopts National Strategy for equality between women and men and plans for its implementation. The Council of Ministers creates the National Council on Equality between Women and Men, which is a body for consultations, cooperation and coordination between central and local executive authorities and civil society. The Minister of Labour and Social Policy chairs the National Council and manages, coordinates and supervises the gender equality policy in Bulgaria.

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A major shortcoming of the implementation of policies and measures against early marriages as an entry point for HRV practices has been identified in practice and based on research findings. The report by UNICEF "Research on the social norms which prevent Roma girls from access to education" contains conclusions that there is still no effective mechanism for implementation of the legislation by all involved stakeholders, as most institutions consider dropping out of Roma girls from the education system as 'tradition of the ethnicity.'<sup>47</sup>

Thanks to the activities of the State Agency for Child Protection (SACP) and the signed agreements with Prosecutor's offices more cases were filed and more sentences were imposed for co-habitation with underage mothers. The main problem in the work of the SACP and other institutions is the fact that actions are taken only after identified violations of children's rights, and the potential of the planned preventive measures has not been used. Currently institutions still work through the mechanism of sanctions and not for prevention of child marriages, although the legislation contains preventive measures at the level of local and national authorities.

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## 5.2 Role of NGOs

Non-governmental organizations, and namely those dealing with DV and GBV are the central actors in prevention and interventions to such violence, including HRV practices. This is confirmed both by the review of legal and policy framework and by practice on the spot. NGOs are the main stakeholders involved in protection of victims of violence.

Among specialized NGOs it is worth mentioning the registered network of 11 NGOs working on these issues in different cities and towns in Bulgaria- **the Alliance for protection from GBV**. The NGOs members of the Alliance provide safe accommodation in shelters and also consultative help: legal, psychological and social support. They help victims to find a job and reintegrate in society. The

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<sup>47</sup> Zahova S., "Research on the social norms which prevent Roma girls from access to education" , UNICEF, Sofia, 2016, <https://www.unicef.bg/bg/article/lzsledvane-na-sotsialni-normi-koito-vazprepyatstvat-dostapa-na-romskite-momicheta-do-obrazovanie/1001#close>

<sup>48</sup> Ibid.

Alliance gathers the main organizations providers of services for women and children victims of different forms of violence and trafficking. NGOs from the Alliance developed practices and programmes for individual and groups work with perpetrators of violence and the experience and results from these programmes will help to formulate new strategies for combating GBV and involving men in this work.

They joined their efforts for the achievement of the following causes:

- Protection and prevention
- Elaboration of standards for social services
- Cooperation between NGOs and institutions
- Adoption of specialised legislation and monitoring legislation
- Lobbying for adherence to all relevant international standards for prevention and protection of women and girls against gender -based violence and domestic violence
- Enhancing of educational initiatives and youth work
- International cooperation and exchange of good practices.

The NGOs members of the Alliance initiate and participate at local level in coordination mechanisms for response to different forms of violence.

They cooperate with other active NGOs in the field, like Animus Association, for example. A National hotline for victims of violence 02 981 76 86 is run and operated by "Animus Association". The NGOs members have their own telephone lines for their services and also the Alliance is planning to open a specialized national hotline only for domestic violence cases.

Police officers disseminate information related to the national line and other lines-provide numbers to victims of domestic violence through Regional police departments.

### **5.3 Good practices**

Among the recommendation of the CEDAW Committee to Bulgaria from 2012 is to "...Provide mandatory training of judges, lawyers, law enforcement bodies of the protection from domestic violence, including recognition of domestic violence or stereotypes based on gender." Such training is conducted in the Police Academy of the Ministry of Interior. In the adopted curriculum course "Maintaining public order", studied in higher regular and part-time courses of Police faculty in order to acquire a "Bachelor" degree in "Fighting crime and public order" a place is provided of the issue of police protection victims of domestic violence in accordance with the UN Convention on the elimination of all forms of discrimination against women and the Law on protection from domestic violence.

Important NGO initiatives are worth to be mentioned for their contribution to working with vulnerable communities and with Roma NGOs. The Alliance for Protection from GBV and its members work directly with women from Roma communities and provide specialized services. Among them are mobile services for women and girls from these communities. Specialized in this work are most of the NGOs members but of particular important are the programmes of "Open door" Association- Pleven and Association NAIA – Targovishte. They maintain national programmes and work on EU projects related to interventions for Roma women and girls.

Since the end of 2015 the Alliance as a registered network started working on the project “There are many ways to tackle violence”- a project funded through the Norwegian Financial Mechanisms, and focused on work with its members in 10 towns in Bulgaria for collecting knowledge on the phenomenon in Roma communities and spreading knowledge on the standards in the field and, namely, the forthcoming Istanbul Convention. The main partner of the Alliance is the Regional Roma Union - Burgas. The project is still ongoing but main conclusions so far are the need for NGOs dealing with violence with Roma NGOs and groups in order to adopt solutions tailored for specific Roma communities. Practice for working with Roma NGOs expanded in the Alliance, and for example the BGRF branch in Haskovo started working closely with a local Roma NGOs for allowing increased reporting of women and girls victims of violence and seeking support through the proposed NGO services.

In the course of the project the Alliance and Roma partner discussed also practices of alternative justice in some Roma communities, of their so- called “tribunals” and it became clear that there are no practices for these traditional institutions to deal with cases of violence against women and girls in the community, that they do not deal with blaming and punishing women.

The specialists from the NGO "Open Door" (Pleven) have developed and implemented a program for work with families with a history of early marriage. Its territorial scope is in the city of Pleven. The target group are: families whose children are accommodated in the crisis center for women and children victims of domestic violence of "Open Door". The objectives of the program are:

- To raise awareness of parents about the risks of "forced marriage" during the childhood
- Developing partnerships with institutions for joint activities in working with families whose children continue the tradition of early cohabitation.

The program was developed in two modules and includes individual and group work with parents and children and a module for professionals working with children. In accessible language the essence of the phenomenon is explained, together with further clarification about early marriage - that it relates to cohabitation, founding a family, and is not a "marriage", as in many cases is lacking and it is impossible to conclude a marriage. In Roma communities early marriages are a topic that is currently increasingly provoking public attention. On one hand, early marriages often go hand in hand with "forced marriages". Among the topics discussed are - How is initiated the cohabitation of the child with another child or adult, how this is accepted by the children and by the parents, early drop-out from school, limiting future appropriate realisation of the girl, often for the boy also. The programme is being further developed and the present European project HASP will be largely used for that.

Another example, outside organizations from the Alliance is a European project “Early Marriage – Culture or Abuse?”, supported by Daphne program (implemented in Slovenia, Bulgaria and Italy)<sup>49</sup> and which received an award was listed as good practice example because was aimed at raising awareness of the actions of Roma mediators with the aim to prevent early/forced marriages. The target groups of the project are Roma, teachers, social workers, experts in the field of counseling and health, non-governmental organizations and the police. Project activities included: training on mediation, visits from door to door and creation of a prevention program aimed at students on reproductive health, violence, cultural diversity and peaceful conflict resolution, and a sociological research on the problems of early marriages practices in some Roma communities.

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<sup>49</sup> <http://early-marriage.eu/>

It is worth mentioning LERI project, which is a qualitative action research project under FRA's multi-annual Roma Programme.<sup>50</sup> The initiative gathers together local authorities and residents, in particular Roma, to investigate how they can best be involved in Roma integration actions, and identify which aspects of these actions are effective, which are not, and why.<sup>51</sup> The aim is to enhance the engagement of all local stakeholders, including Roma, in joint efforts to enable Roma inclusion. These actions will help improving the design, implementation and monitoring of Roma integration policies and actions at the local level. The Leri project started in 2013 and is ongoing. It is implemented as well in Bulgaria, in the town of Pavlikeni and addresses the following identified needs: 1. Limited access to quality healthcare; 2. Intra-community tensions: A research in the first stages of the project identified that a certain share of the Roma community "continues to follow traditional practices that limit the participation of women and young people in economic, public and political life. These include early marriages and little or no education for the girls. At the same time, there are only a few well-educated Roma in the community and this limits the influence of Roma on local policy."<sup>52</sup> The project can be classified as a good practice because it uses participatory action research aiming to empower Roma community and help overcome intra-community tensions.<sup>53</sup> The project will as well improve the quality of the health services and as a pilot initiative will be developed a community fund for facilitating the access of Roma to the health insurance system.<sup>54</sup> The municipality is expected to support the initiative by allocating EU funds and other financial means.<sup>55</sup>

Specifically in relation to media information exposed in the last year about arranged marriages in some Roma communities and the practices of "selling brides" given large publicity, the work of the Alliance and its members with Roma groups revealed that these are more practices for displaying traditions, rather than real practices and that more and more young people meet and conclude marriages freely. It is interesting that young Roma women react in the last years to these publicized traditions and claim they are free in their choice and they do not want to be stereotyped and shamed in that way. This is a big progress and a huge potential for prevention of violence and social change.

With regards to communities of persons seeking international protection, we would like to mention the initiatives of the Alliance for Protection from GBV and the UN HCR – Sofia for research and monitoring the situation on SGBV (as presented above) but also conducting information sessions with groups of women and groups of men from different communities. These sessions which started in 2016 shall be established as good practice as they reveal attitudes, concerns and individual cases in need of intervention and support by women's NGOs.

Finally, an important initiative which the Alliance started since 2013 is the Black Sea Academy for Prevention of Violence. It aims at building the skills of different professionals for improving and strengthening their awareness and work in the field of Gender Based Violence. The main goal of the Black Sea Academy is to develop and present training programs for GBV specialization for building and upgrading the skills of the specialists-social workers, psychologists, lawyers, policemen, magistrates and other experts who in their practice work with the problems of GBV. The Black Sea academy is designed for training for professionals in Bulgaria and in near future will develop and deliver courses also for professionals from other countries. The training duration is 1 year minimum or until the acquisition of the necessary knowledge and skills. The training is conducted on the basis of a

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<sup>50</sup> <http://fra.europa.eu/en/project/2015/local-engagement-roma-inclusion-leri-multi-annual-roma-programme>

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

training programme, validated by the Alliance for protection against GBV. The training sessions are conducted in training centers in the Black Sea towns in Burgas and Varna.

Practical activities are conducted at the centers in the different cities and towns, where the NGO members of the Alliance are situated. The main training elements of the Black sea academy are the following: Modules under the form of seminars and lectures for acquiring specialized knowledge on GBV and consulting. The programme consists of two participatory modules of 5 days each and the rest of the training hours from the curriculum are under the form of e-learning (including training materials, presentations and papers).

Over 80 specialists have been trained through this initiative so far, in the last two year about 40 magistrates from all over the country were trained.

## **6. General Recommendations based on the specific recommendations in the different sections**

1. Improvement of the legal framework and its implementation for filling the identified gaps, namely with the ratification of the Istanbul Convention and the harmonization of civil and penal legislation. Ensuring the rights balance between civil and penal legal interventions.
2. Ensuring regular training of all involved professionals, like social workers, police, judiciary, health sector on the issues of DV, GBV, including specificities of HRV and support for NGO initiatives in that field
3. Along with more effective protection and intervention, to ensure prevalence of prevention measures with respect to the communities most at risk, namely through education of women and girls, focus on youth and reinforcement of guarantees for realization of social- economic rights of persons from vulnerable communities
4. Promoting interventions and protection of women with respect to their culture and identity and with their direct participation and empowerment
5. Direct involvement of interested communities at risk and elimination of stereotyping and blaming attitudes, stigma and discrimination
6. Guaranteeing the involvement of all persons from the vulnerable communities in the prevention activities- men, women, all ages and positions
7. Promoting joint work of NGOs dealing with protection of violence and Roma NGOs and groups and ensuring financing of such initiatives and programmes
8. Ensuring the needed support and financial support by the State for the main activities for prevention and combating DV, GBV and HRV.
9. Increased attention at the role of men and boys also from vulnerable communities and making them factors for change
10. Promoting alliances between NGOs and actors at regional, national and international level.

## **7. Empirical research on attitudes towards the issue of HRV practices**

The results of the research are based on conducted in-depth interviews with representatives of NGOs and institutions. Two types of questionnaires were used for obtaining the results presented. The research was conducted among two groups of respondents and is divided below into Study 1 and Study 2. All respondents are experts in their respective field and with focus on HRV.

### Study 1

6 NGOs have been interviewed in relation to the following issues:

- existence/availability of own definition of honor related violence
- existence/availability of elaborated specific policies/references for work in cases of HRV
- what kind of available support and services do they provide to the victims of HRV
- opinion regarding the existing legislation and policies
- prevention against HRV
- successful and good practices in terms of support/prevention in cases related to HRV
- knowledge about other NGOs that work on HRV issues; - initiatives of other organisations in this field
- cooperation with other organisations
- planned future projects/support/resources for victim of HRV
- what kind of support need the victims of HRV in short-term and long-term scale

Half of the NGOs interviewed do not have their own definition of honor - related violence. Those who use own definitions share that they are based on the assumption that the phenomenon of HRV is based on a “form of discrimination and violation of women’s human rights – namely violent gender-based acts. Besides being physical and sexual violence, gender-based violence includes also forms of psychological violence – threats, forced acts, imposing limitations in the personal and public life of the victim, humiliations”. Other NGO uses the definitions of the CEDAW and the Istanbul convention.

Regarding the availability of elaborated specific policies/references for work in cases of HRV four of the interviewed organisations do not have such. Among the remaining two: one has specific working policies for victims of gender-based violence and the other quotes that the team provides: consultative support, inclusion of victims in rehabilitation programmes and specialized programs for work with the perpetrators of gender-based violence.

In relation to the available support and services provided by the interviewed NGOs to the victims of HRV – all of them provide legal and social support. Three of them provide a shelter (one for victims and cases of DV) and the fourth organization, which has not had a HRV case yet, states that in future if such case happens, the shelter service can be provided. Two NGOs provide services for preservation of the health of the victims and another organization is able to offer a limited financial support (the other 5 NGOs are not able to do this yet).

Five of the interviewed organisations acknowledge that the main problems encountered in their work are of a financial nature. Other quoted problems are due because of a political (1 response) issues, as well as of structural/organisational nature – 3 responses, as here 2 NGOs point out that: - the coordination of their activities with the institutions is not so easy; - and that generally the difficulties are related to the actions of and the coordination with the State institutions.

Vision regarding the existing legislation and policies: Two of the interviewed NGOs consider that a public financial support should become practice in Bulgaria and to be stable in the time. The other three responses stress that legislation and State policies should be changed and amended to respond to the issue of HRV. More concretely, this would mean harmonization with the texts of CEDAW, Istanbul convention and the Convention of human rights and fundamental freedoms. Other considerations expressed in relation to tackling with HRV consists of the opinion that the State currently is “not ready to tackle this issue and there are no clear mechanisms for identification. The communities, where this form of violence is mostly spread are closed communities and this hampers the process of identification of victims and the motivation to look for help. There is no sensitivity around this issue.”

One example was mentioned by an interviewed NGO as a successful and good practice in terms of support/prevention in cases related to HRV: 1) Established center for consultations and prevention of gender-based violence, including work with perpetrators. Conduction of trainings of specialists and work with young people; 2) provision of shelter for victims in a crisis center; 3) long-term support with consultative help and if needed – accommodation in a Transit home “Resilience”. This NGO was the one that was able to respond about good practices of other NGOs and quoted that the organization that are members of the Alliance for protection against gender-based violence implement such successful practices. The NGO considers that the support offered to the victims should be holistic/complex one.

Asked about their knowledge of other organisations in the country, working on the issues of HRV, 4 of

the inquired responded. Three times the Alliance for protection against gender-based violence was mentioned, and other known NGOs were Bulgarian Gender Research Foundation and “Chance and support”.

In terms of their cooperation with other organisations, almost all of the organisations do cooperate with others at local and national level: - with the Alliance for protection against gender-based violence for exchanges, good practices and legislative changes; conduction of various initiatives at local, regional and national level; - UN High Commissioner for refugees (conduction of a study “Sexual and gender-based violence among women looking for international protection”, informative sessions for women who are in procedure of acquisition of international protection and residing in “Centers for registration and acceptance”, within the structure of the State Agency for refugees, trainings of the staff of the Agency), Bulgarian red cross, National Alliance for work with volunteers, organization “For our children”.

Three of the organisations are willing to have future cooperation with the following stakeholders: State institutions and business sector, Bulgarian Gender Research Foundation, “Chance and protection” Foundation and the institutions at local level, dealing with HRV, and “all related structures”. One of the inquired NGO plans future activities related to honor-related violence and two other respondents would like to develop such actions and namely programs for prevention of gender-based violence, including HRV; and work with schools and prevention activities among Roma communities. In terms of type of support needed for the victims of HRV (girls, boys, men and women) in short-term and long-term scale: at short – term scale the victims need legal, economic and social support. Other respondent considers that boys and girls need training/education and men and women- consultative help, another NGO expert thinks that all the groups need information and consultation. In long-term scale the victims of HRV need:

- psychological assistance
- Girls and boys – education; women – consultative and financial support; men – consultative support.

In general these groups need “a complex of prevention measures, support through accommodation, specialized services”.

## Study 2

The research on the project HASP included also another nine in-depth interviews with stakeholders in Bulgaria and namely with representatives of 6 NGOs, 2 lawyers, attorneys-at-law and a representative of the Prosecution/court.

The studied institutions/organizations are from the towns of Sofia, Razgrad, Haskovo and Dimitrovgrad, Stara Zagora, Pleven, Razlog, Pernik and Bobov dol.

Asked about how they would define the term “honor- related violence”, five respondents give answers and provide the following definitions: “domestic- conservative relations, related to archaic imaginations about the happiness of the family”; “among Roma community there are so- called family systems, where in fact unwritten rules do exist and everybody takes them into consideration and if they are breached, this is considered as a big problem and the one who has breached them is being seriously punished, not only by the parents but also by the relatives”. A representative of another organization adds: “tradition and religion, followed in the small settlements, small and big closed communities and

in some bigger families". Another connotation about HRV according to the respondents means "Exercising of different kinds of violence towards a family member with the aim of preserving of a model of attitude". Another expert defines the phenomenon as "violence in the name of honour means that it is implemented with the aim to impose forcedly the person's own views about honour in the name of the family, religion or the traditions". One of the interviewed lawyers added the following: "every coercion against a person with the aim to enact or the refrain from execution of certain activities, related to imposed traditions, customs and views of the surrounding people". HRV was defined also as a "violence, whose origin is rooted in the patriarchal attitudes of some communities, and which violence affects mainly women".

In relation to the question to what extent they agree with the statement that honor- related violence does not need to be specially distinguished from all other forms of domestic violence and gender-based violence the inquired experts gave the following replies: 1 respondent completely agrees, 3 people "rather agree" and two "rather disagree" and two disagree (of whom one disagrees completely and another 1 person "does not agree")

On the question whether HRV has rare occurrence in Bulgaria the replies vary from complete disagreement (3 replies) to disagreement in a certain degree (relative disagreement) – 4 people. Only 1 person rather agrees that HRV has rare manifestations.

For the needs of the study the interviewed were acquainted with a definition for honor- related violence:

Physical, sexual, psychological or emotional abuse, including shame, within the patriarchal family structures and communities, mostly to girls and women. The motivation for exercising is preservation of the honor of the family/clan or community – according to approved behavioral values and norms. In these cases the violence isn't only encouraged by family and/or the middle of the offender but also supported by the victim's family.

According to the above-mentioned definition the interviewed define the number of HRV cases in the following way: "80% among the Roma community (some groups make exceptions, like Bulgarian Roma)"; "occurs very often, but the victims and the perpetrators do not give publicity and the issue is not made known. Very often this is considered as normal by the community and the neighbours. The data available could not be considered as real if we suggest for example about 27% registered victims. The non- registered victims are much more and they remain hidden for the society in terms of data and information". "In most of the cases of domestic violence they are rooted namely in patriarchal models that provoke various forms of violence and which are accepted by the community as a norm. In most of the cases those patriarchal models continue to be spread and there are tendencies of continuous violence against women and young girls, lasting from generations". Four respondents confirm that the cases really occur, and the replies are at variations from "usual occurrence" to "very high occurrence", as well as "widely disseminated" and the opinion that "definitely there are cases". "HRV happens often in "in the small settlements, small and big closed communities and in some bigger families. It occurs more rarely in families and generations/clans living in the big cities".

According to the interviewed the vulnerable/risk groups in Bulgaria, among which this phenomenon may be more widespread and efforts are needed to address it are the following groups: minority groups and Roma groups, Muslims, poor and isolated communities and quoted in the following manner:

- minorities, families from patriarchal communities, families living in the small settlements;

- among Roma community (four Roma groups);
- among Roma community (2 Roma groups) and within the community of some Muslim groups (6 groups) and among some very poor Bulgarian families, living in almost abandoned villages of the quoted region;
- Roma group (1 group);
- Roma, Muslims, refugees and small settlements where live Bulgarians;
- Roma community;
- rural regions and isolated ones, which are for sure a source for developing patriarchal models;
- all ethnic and social groups.

The results related to the question whether honor- related violence cases are common or rare in the following indicative locations are presented below:

- 1) Rich neighborhoods/complexes with controlled access – the replies are that in those places HRV has mostly rare manifestations (4 opinions) and only 2 respondents consider that HRV there has common occurrence.
- 2) Eight of the nine respondents agree that in the neighbourhoods of the big cities inhabited predominantly by Roma population honour - related violence cases are common.
- 3) Regarding the opinions about the occurrence of HRV in the neighbourhoods of the big cities inhabited by substantial number of immigrants half of the respondents consider that this is common and three other people are not familiar and do not know.
- 4) Small settlements with predominantly Bulgarian population – according to the majority of the respondents (5 opinions) in those places HRV is common and the rest (3 opinions) think that this rare.
- 5) Eight of the nine respondents agree that in the small settlements with predominantly Roma population HRV is common.
- 6) Small settlements with predominantly Bulgarian Muslim population – the opinions about the occurrence of HRV in these places vary for the half of the respondents (4 people) who consider the occurrence as common, followed by three responses for rare occurrence.
- 7) Regarding the occurrence of HRV in the refugee camps the opinions are separated almost equally between the considerations that the cases there are common (3 people) and between the lack of information and opinion about this (3 other people respond that they do not know). Two respondents think that the occurrence is rare.

Five of the respondents have faced in their practice HRV cases and few of them share example of real case including: rape of Roma girl by her stepfather (and the family didn't trust the girl and they sent her away from home), physical violence against woman with Turkish origin (living in small village) because of non-obedience toward her husband or to his mother. Other quoted examples include physical and psychological violence against the daughter in a family with the aims to preserve the traditions of the ethnic group. Another example from a NGO expert is about "violence against a mother and daughter and subsequently manifestations of violence against the younger woman and in her relationship. Both women are placed in a Crisis center after aggressive act of the partner of the younger woman. Before the placement in the center there was also sexual violence, as well as periodic acts of physical violence and constant psychological violence. The facts reveal also an economic dependency and isolation. The perpetrator is very jealous and paranoid, with firm warning signs to his partner that he knows what is the best for them because he is the MAN in the family and he won't shame his family with her. The woman! (is guilty – note of the redactor)".

Cases known to other respondent include barriers for a girl to go to school, early marriage and pregnancy. Her parents were "hiding her" at home, in order to prevent her from being stolen, after which she left the home. She is already a mother.

Half of the respondents give the following definitions of good practice in the sphere of honor related violence (working with victims and/or prevention of the phenomenon):

- work on prevention
- Psychodrama seminars with presentation of gender stereotypes, group work and analyzing of the stereotypes, change of roles and education module
- help from the director of the local school for coping with a case of violence.

The knowledge of the respondents about some kind of activities (project, campaign or something else related with this phenomenon – honor related crime) relates to seminars, conferences and training on the issue and work in the field. Other NGOs are familiar with the work of NGOs at local level, specialized on domestic violence and prevention, having also a crisis center in the city. The activity of a cultural club there also contributes to popularization of practices for prevention of violence against women. Two respondents point out activities of the BGRF, such as an already implemented project with participation of the BGRF called Rapvite (Daphne program, project implemented in 2010-2011), and an ongoing campaign for prevention of violence among Roma community.

To the question „Which organization/institution/person according to your opinion has to have leading role about prevention of cases of honor related violence and assistance to victims, the results are grouped in the following way:

- In terms of prevention the leading role should have the Police, NGOs, Social services, Court, Prosecution, Directorates of the State Agency for social assistance “All NGOs and social institutions working in this field to be encompassed in a network at local level, to cooperate with each other, to coordinate and to involve volunteers”. Another person refers to “the society as a whole, State institutions and NGOs. A complex and coordinated response of the community is needed”. The NGOs should be supported by the State. The school also should have preventive role.

- For the assistance to victims: almost all of the respondents agree that the leading role should be those of the NGOs (6 responses), followed by the Police (4 responses) and Social assistance directorates/social workers (total 4 responses). Other stakeholders mentioned were: the medical sector; “NGOs in cooperation with the Court”, Ministry of Labour and Social policy, psychologists and the need of availability of safe homes. Again it was pointed out that the NGOs should be supported by the State.

The respondents were asked to reveal more about the most serious problem faced in relation to their work (irrespectively if the work is connected to assistance to victims/and/or prevention of violence) and they shared about the following challenges:

- Low level of sensitivity towards domestic violence.
- Difficulties faced after the violation of the order for protection against domestic violence. Another respondent provides more detailed explanations: “often the protection due to the victims according to the Law on protection against domestic violence is not granted to the victims. Physical and psychological violence is not taken into account, the perpetrators are not prosecuted and the society and the authorities do not understand gender-based violence. The NGOs are not funded adequately”. Those assumptions are supported by additional arguments – the issue is not well known by the related institutions and professionals. There are no programs and projects and thus the forms of HRV remain unidentified. The victims themselves are not aware of the problem and the worst scenario with lethal end happens to them. The families are not supportive to the victims of HRV.

- “Economic dependency, faced by the women and the family model that they do follow. Very often for women from the community domestic violence is not realized and early marriages are not associated with rape”.
- “the unemployment and the low level of salaries of the local population”.

The results of the respondents’ assumptions about the seriousness of the problems in relation to the following statements reveal the following trends:

	1. Very serious problem	2. Somewhat serious problem	3. Not a serious problem	4. I cannot decide
Insufficiently adequate legislation	5 answers		2 answers	
Quality of cooperation between different institutions	4 answers	2 answers	3 answers	
Quality of cooperation between institutions and NGOs	4 answers	2 answers	1 answer	
Lack of reliable and organized data of the prevalence of the phenomenon	4 answers	2 answers	1 answer	
Entering/the access to vulnerable communities	5 answers	2 answers		1 answer
Language barrier	1 answer	3 answers	1 answer	2 answers
Social attitudes to these problems (Low sensitivity)	6 answers	1 answer		
Other - please specify	1 – there is no enough of social activity, a wide publicity and prevention are needed	2	3	1 answer

Six respondents provided opinions about the spreading in the country of cases of honor related violence that are not considered with enough attention by the institutions and organisations. Three people think that this happens often. The others consider that:

- “Nobody pays attention to those cases because people do not understand them. One should have lived in such a society in order to understand it.”
- “Most of the cases of HRV are not treated as such. The authorities are not trained and the legislation do not identify HRV as a separate form of gender-based violence. There is a lack of any State policy for entering into vulnerable communities and dissemination of information”. There is no critical view and sensitivity even among professionals, social services, Ministry of Interior etc.
- “HRV is a fact in every Roma neighborhood and in every city and the results from this in depth interview should be made known to the responsible focal points of the local police.”

The reasons for the existence of such cases vary from the assumption that the cases are viewed as something usual (traditions and customs) by the victims. The cases are “tolerated”, unrecognized and many of the specialists dealing with them are also subject to their own patriarchal views. The reason for improper reaction to the HRV is the lack of interest and neglect towards the problem.

If there are such cases of honor related violence that are not considered with enough attention by the institutions and organizations the respondents quote the following reasons about this:

- "Admitting HRV as something usual (traditions and customs) by the victims"
- "There are no such cases officially described within the Roma community"
- "Lack of interest on behalf of the society and the institutions. The NGOs remain the only ones that are trying to change the situation"
- Tolerating the cases
- Lack of interest
- Neglecting the problem and admitting that "this is common for them. The situation is like this".

The respondents were asked whether according to their opinion the treatment for victims of different groups is equal (they were asked also to share ideas for improvement) and they provided the following answers:

- *"The attitude towards different ethnic groups is not equal because in the small settlements there is almost no civil society and therefore Roma are most unprivileged. Bulgarian and Turks receive more attention. Roma receive the lowest level of communication on behalf of the institutions and the organs involved in the work for preserving the public order."*
- *"Roma women and the representatives of other ethnic groups in the society are neglected. The situation can be improved thanks to legislative changes and information campaigns"*
- *"The attitude is not equal"*
- *"The attitude is not equal to the various groups. It is not rare to see also in the media space the attitude of the people towards the refugee community. The cases of discriminatory attitude from the practice towards victims of trafficking and violence are not rare"*

The suggested ideas for improvement are the following:

- opening of an office for accepting the victims, organizing of information meetings for different sub-groups.
- wide campaigns for changing the stereotypes and the discriminatory attitude.

The respondents were asked to make recommendations for measures and actions that need to be done in the first place for combating honor related violence:

- *"To be differentiated as a separate institute in the frame of civil and penal law. After that are needed trainings of professionals, establishment of social services (at local and appropriate level) and information campaigns."*
- *"Legislation"*
- *"Prevention of the phenomenon"*
- *"Public awareness and effect from the prevention"*
- *"Make the issue popular and studying its scale through a national survey. The results and the consequences of honour related violence should be presented."*
- *"Higher sensitivity toward the problem among the society and on behalf of the victims"*
- *"Uniting the efforts of the NGOs with those of the institutions for discovering and revealing the problem, periodic exchange of information and data, sanctions"*
- *"to inform and train women"*

The study ends with some additional comments: *"The individual is born and grows up with different beliefs and convictions, which he/she learns from his/her community and social environment. If this environment has attitudes and stereotypes, related to whatever it may be, they are transmitted as a "virus" and the devastations are massive. It depends on us what and how we educate the future generations."*



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## **Annex 1 – Questionnaire for the in-depth interview with the stakeholders**

Questionnaire 1 used for the research by Gender Project for Bulgaria Foundation

### **Project „HASP – Honour Ambassadors against Shame Practices“**

#### **Questionnaire for interview on the issue of Honor related violence**

1. Name of the organisation/institution
2. Address, telephone, fax, web page and name of the interviewee (optional)
3. Type of the organization (NGO, institution, other) and year of establishment
4. For how long the organization works on the issues related to honor related violence/gender-based violence?
5. What are the main activities in this field?
6. Does your organization have an elaborated/implemented definition for “honor related violence”? What is the definition?
7. Has the organization specific policies/guidelines elaborated for the work on the cases of honor related violence? What are they?

#### **Support for girls/women, boys/men who are victims of honor related violence**

8. Does your organization provide supporting services for the groups enumerated below, who have suffered or are currently victims of honor related violence?
  - a. Girls
  - b. Women
  - c. Boys
  - d. Men
9. What kind of support, service, action do you offer and for what kind of violence?
  - a. Financial
  - b. Legal
  - c. Social
  - d. Protection of health
  - e. Shelter/refuge
  - f. Other
10. What are the main problems encountered by your organization in the work for support of girls/women, boys/men  
For example:
  - A. Structural
  - B. Financial
  - C. Organisational
  - D. Political

E. Other

What is your opinion for the existing legislation and State policies in this field?

### **Prevention activities in relation to honour related violence**

11. Do you work on prevention of the phenomenon honor related violence?
12. What kind of prevention do you exactly implement?
13. According to you, what is the prevention work, necessary for coping with honour related violence?

### **Good practices**

14. Could you share a successful and working practice for support/prevention of honour related violence
15. Do you know a practice, implemented by another organization?
16. How do you define and why this practice as a successful one and good working?
17. How the assessment of this practice is made?
18. For how long is this practice being implemented, what are its components, aim etc.

### **Cooperation with other organizations**

19. Do you know which other organizations work on the issue of honour related violence? Please list them.

Do you know about initiatives of other organizations in this sphere (for example seminars, researches, advocacy etc.)?

20. Does your organization cooperate with other organizations on the issue? If yes

a/ with whom?

b/ how?

c/ with whom would you like to cooperate?

21. Do you plan some projects/support/resources that will target girls/women, boys/men, victims of honour related violence

ii) Do you want to start or to cooperate with other organizations for activities, focused towards these groups?

iii) What exactly would you undertake?

22. According to your opinion, what are the needs of the following groups for what kind of support in a short term scale:

a. Girls

- b. Women
- c. Boys
- d. Men

23. What are the needs of the following groups for what kind of support in a long term scale:

- a. Girls
- b. Women
- c. Boys
- d. Men

24. How do you implement the assessment of your work?

25. Would you like to add something else?

**Thank you for your cooperation!**

Questionnaire 2 used for the research

## Bulgarian Gender Research Foundation

### In-depth Interview

#### PROJECT HASP - HONOUR AMBASSADORS AGAINST SHAME PRACTICES

RESEARCH ON THE ISSUES RELATED TO VIOLENCE IN THE NAME OF HONOUR, EXERCISED AGAINST WOMEN

**Organization/Institution:**

**Position:**

**Date:**

**1. You are representative of:**

1. *Social Assistance Directorate*
2. *Department "Child Protection"*
3. *Police*
4. *Prosecution/Court*
5. *Other state institution (please, describe):* \_\_\_\_\_
6. *NGO*
7. *Lawyer (attorney-at-law)*
8. *Medical profession*
9. *Other (please, describe):* \_\_\_\_\_

**2. Location of work of your institution/organization**

\_\_\_\_\_

**3. How would you define the term "violence related to the preservation of the honour of the family" (HRV – honour related violence)?**

**4. To what extent do you agree with the statement that there is no need honor related violence to be especially distinguished from all forms of domestic violence and gender-based violence?**

1. *Completely agree*
2. *Rather agree*
3. *Rather disagree*
4. *Completely disagree*
5. *I do not know*

**5. In what extent do you agree with the statement that honor related violence is a rare phenomenon in Bulgaria?**

1. *Completely agree*
2. *Rather agree*
3. *Rather disagree*
4. *Completely disagree*
5. *I do not know*

Now we are asking you to get acquainted with a definition of honor-related violence and taking into consideration this definition to respond to several questions that follow below:

**Physical, sexual, psychological or emotional abuse, including shame, within the patriarchal family structures and communities, mostly exercised against girls and women. The motivation for exercising is preservation of the honor of the family/clan or of the community – according to behavioral values and norms, approved by the community. In these cases the violence isn't only encouraged by the family and/or the surrounding circle of the offender but also supported by the family of the victim.**

**5. According to the definition above, based on your experience how would you define the quantity of the cases of this kind of violence in Bulgaria?**

**6. The acts of violence including domestic violence happen among representatives of all social groups and classes. However, acts of violence related to honor are more prevalent among communities that are more patriarchal. Can you identify vulnerable/risk groups in Bulgaria, among which this phenomenon may be more widespread and efforts should be focused to overcome it - please specify:**

**8. According to your opinion to which extent the cases of honor related violence are common or rare in the following indicative locations:**

Rich neighbourhoods/complexes with a controlled access	1. common	2. rare	3. do not know
Neighbourhoods in big cities with predominantly Roma population	1. common	2. rare	3. do not know
Neighbourhoods in big cities, inhabited with significant number of immigrants	1. common	2. rare	3. do not know
Small settlements with predominant Bulgarian population	1. common	2. rare	3. do not know
Small settlements with predominant Roma population	1. common	2. rare	3. do not know
Small settlements with predominant Bulgarian Muslim population	1. common	2. rare	3. do not know
Refugee camps	1. common	2. rare	3. do not know
Other – please, describe	1. common	2. rare	3. do not know

**9. Have you personally faced such kind of cases in your practice?**

1. Yes
2. No

**10. If you have had such case, please, share briefly what kind of case it was – who was the victim and what kind of violence was exerted against him/her and what was the motivation for exercising the violence?**

*Who:*

*What:*

*Why:*

**11. Do you know a case that could be defined as good practice in the work of the sphere of honor related violence (working with victims and/or prevention of the phenomenon)? If yes,**

**please describe shortly:**

**12. And do you know about some activity – project, campaign or something else related concretely to the phenomenon honor related violence? If yes, please specify:**

**13. Which organization/institution/person according to your opinion has to have leading role about:**

**A) Prevention of cases of honor related violence – please, specify**

**B) Assistance to victims - please specify**

**14. If we return to your work related to assistance of victims and/or prevention of violence, irrespectively of the motivation for this violence, which is the most serious problem that you are facing?**

**15. To what extent do you think all of the following statements are serious problem - please answer each row:**

	1. Very serious problem	2. Somewhat serious problem	3. Not a serious problem	4. I cannot assess
Insufficiently adequate legislation	1	2	3	4
Quality of cooperation between different institutions	1	2	3	4
Quality of cooperation between institutions and NGOs	1	2	3	4
Lack of reliable and organized data about the prevalence of the phenomenon	1	2	3	4
Entering into/access to the vulnerable communities	1	2	3	4
Language barrier	1	2	3	4
Social attitudes to these problems (Low sensitivity)	1	2	3	4
Other - please specify	1	2	3	4

**16. In your opinion, to what extent are spread in the country cases of victims if honor related violence that are not considered with enough attention by the institutions and organisations?**

**17. If you meet such cases what is the reason for them according to your opinion?**

**18. In your opinion, to what extent is equal the treatment of victims from different groups? If you think that there may be improvement in this area, please indicate in which direction exactly?**

**19. What would you recommend that has to be done at the first place for combating the phenomenon of honor related violence?**

**20. Is there anything else you that you would like to share as a comment, observation or consideration?**

## **Annex 2 –**

### List of abbreviations

CEDAW - UN Convention on the Elimination of All Forms of Discrimination against Women

CPD - "Child Protection" Department

CPP - Code of Penal Procedure

GBV - Gender-based violence

HRV - Honour related violence

FRA - European Union Agency for Fundamental Rights

LPDV - Law on protection from domestic violence

NSI - National Statistical Institute

Mol - Ministry of Interior

SAD - Social Assistance directorates

SACP - State Agency for Child Protection

SGBV - Sexual and gender - based violence

UNHCR - UN refugee agency