



“The SURVIVOR Project: Enhancing Services for Refugee and Migrant GBV Survivors in Greece”

Exchange Visit Report, Sofia Bulgaria 2019

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LIST OF ABBREVIATIONS

APGBV Alliance for Protection from Gender-based Violence
AMIF Asylum, Migration and Integration Fund
A21 Abolishing Slavery in the 21st century
BGRF Bulgarian Gender Research Foundation
BNCCTHB Bulgaria National Commission for Combating Trafficking in Human Beings
BFW Bulgarian Fund for Women
CRC Committee on the Rights of the Child
CEDAW Convention on the Elimination of all Forms of Discrimination Against Women
CRWB Council of Refugee Women in Bulgaria Association
CRWI the Center Research for Women's Issues "Diotima"
DV Domestic Violence
EU European Union
IASC Inter-Agency Standing Committee
IOM International Organization of Migration
GBV Gender-Based Violence
GSGE the General Secretariat for Gender Equality
IRC International Rescue Committee
IPV Intimate Partner Violence
KETHI Research Centre for Gender Equality
LGBTI Lesbian, Gay, Bisexual, Transgender/Transsexual, Intersex
MdM Médecins du Monde
NGO Non-Governmental Organization
THB Trafficking in Human Being
UASC Unaccompanied and Separated Children
UNHCR United Nations High Commissioner for Refugees
UNICEF United Nations International Children's Emergency Fund
VAWG Violence Against Women and Girls

For the reader's convenience the present report is structured as follows: The second and third chapter is a desk research of Bulgaria's GBV available data, prevention, protection, prosecution, integrated policies. The fourth chapter is the interaction of meetings during the three days exchange visit in Sofia.



Finally the fifth chapter is focusing on Bulgaria's recommended practices/measure for combating violence against women and girls.

CHAPTER 1. Introduction

1.1. Objectives, Terms of Reference (ToR) Sofia, 27th -29th of May, 2019

The exchange visit in Sofia, Bulgaria was organized in cooperation with the EU partner “**Alliance for Protection from Gender-based Violence (APGBV)**” APGV is a structured network aiming to unite the efforts and expertise of 11 Bulgarian NGOs in the field of Domestic Violence (DV) and Violence Against Women and Girls (VAWG). It is focused on campaigning and lobbying for legislation and policy, elaborating standards for services on DV, ensuring sustainability of the protection of GBV survivors, applying the multisectoral approach, training the professionals and international cooperation. It took place on

The exchange visit took was organized within the framework Work package 5: Cross border learning and knowledge exchange (WP 5) “**The SURVIVOR Project: Enhancing Services for refugee and migrant GBV survivors in Greece**, co-funded by the DG-Justice program “Rights, Equality and Citizenship of the European Union (for the period of 24 months -3rd of September 2018 to 3rd of September 2020).

The project leader in Greece, the Center Research for Women's Issues (CRWI) Diotima, is a GBV prevention and response organization. Local consortium partners are the General Secretariat for Gender Equality (G.S.G.E.) Ministry of Interior, the Research Centre for Gender Equality (KETHI) and the International Rescue Committee (IRC), Hellas.

APGBV is one of the four EU non-financial partners of the SURVIVOR project, in specific for WP 5 which aims to **to strengthen GBV programming through transnational dialogue and sharing GBV best practices, resources and tools in Greece and Europe.**

GBV Exchange Visit “Terms of Reference” (ToR): Conduct exchange visits to boost cross-border learning, and European skills sharing on GBV best practices.

The exchange study visit will seek to improve the GBV knowledge and practices of the experts and their organizations, and to integrate the experience gained from the visit into their organisations. This exciting opportunity will enable members to share their work with others, learn from innovative GBV programming outside our own countries, connect with other activists, and reflect on how to enhance our own GBV prevention and response programs.



Members will also use the time of the exchange program to reach out to different Network members within the same town or city through a half-day meeting, sharing of experience, challenges and reflecting on lessons to enhance GBV programming in the region. In addition, it is crucial to ensure that the exchange visit is not based exclusively on theory but also in practical steps, experience, context and trends. After the study visit, participants will be required to document their experiences which will be shared with the rest of the members to further foster learning beyond borders and to explore the socioeconomic and cultural contexts and approaches to GBV prevention and response that are somewhat different or in the contrary have many similarities.

GBV Exchange Visit Learning Objectives

Connecting organisations to new information and opportunities across Europe (SURVIVOR project EU partners: Bulgaria, France, Italy, and Germany).

- Catalyzing innovative thinking and generating better development solutions for GBV prevention and response.
- Inspiring collaboration between individuals, institutions, EU countries/regions.
- Increased European access to best practices and resources.
- Understand the refugee and migrant law related to GBV issues and vulnerabilities in the specific context.
- Understanding changes that occur in the broader organizational or social environment, which are embodied in improved processes or in new GBV products and services.
- Providing concrete examples and understanding the advantage of subsequently adapting these GBV practices and applying them to organizational circumstances/context/needs.
- Giving feedback and applying lessons learned and making an equal contribution to achieving the objectives of the exchange visit.
- On return from the exchange visit, demonstration of a formal commitment to disseminate a plan with GBV information and knowledge acquired from the visit.

Description of the Host organization(s) profile: GBV Prevention and Response Organizations/Institutions for refugee and migrant women, girls, **LGBTQI+** people, persons with disabilities etc. An ideal framework for peer exchange (between people who have a similar profession or role), which will give the opportunity for acquiring new knowledge, making comparisons with one's own practices and experiences, opening up to new partners, discovering new environments and pausing to reflect on one's own situation.





- Organisations providing direct GBV Case Management/ Legal Aid Support / Psychosocial Support/ Healing Trauma/ Empowerment Activities etc.
- Women and Girls GBV counseling centers/Safe Shelter (state or NGOs)
- Women's and Girls Community Centers/Associations
- Medical organizations providing care to survivors of GBV
- Asylum authority's institutions/organisations in charge of vulnerabilities (chance to use in-depth group exchanges on laws and implementation of laws in the field of work with survivors from the refugee and migrants population)
- National bodies in charge for gender end equality

Impact of the study visit

The experience from the exchange visits will hopefully lead to organizational changes which can enable a new practice to be discovered, understood, assimilated, validated and subsequently applied. An exchange visit does not just enable organizations/institutions to learn about a new practice that they did not previously use, it also encourages to be more open minded and may motivate some of them to try a new GBV activity. Alternatively, assessments can be specifically worked into the organization's monitoring and evaluation mechanism.

Lessons learned/ Findings and Recommended Practices following the study visit

A dissemination plan from each consortium partner on how they apply best practices to their work or organisation will be developed after the exchange visits and the analysis of findings from exchange visits will be presented at the Regional GBV Workshop in Greece (end of 2019) in which representatives from each local and EU organisation will be invited to participate.

The Greek partners "GBV expert members" exchange visit in Bulgaria

Diotima's GBV Supervisor / Trainer and technical advisor
Sociologist/Criminologist, Scientific Responsible for the National Network of Counseling Centers and Safe Shelters for women survivors - Research Center for Gender Equality (KETHI)
GBV consultant and expert in the refugee crisis at General Secretariat for Gender Equality (G.S.G.E) under the Ministry of Interior
IRC's, Hellas –GBV Specialist



1.2 Three days Exchange Meetings Agenda (Sofia)

The agenda of the 3days meetings was as follows: the three days visit agenda was organized by IRC, Hellas and supported, by Elena Trifonova, a political scientist with more than 10 years' experience in gender research, education and equality between men and women.

Monday, 27th of May, 2019

10:00 – 12:00- Meeting with the Managing Director of Alliance, the BGRF and Director of the Women's Human Rights Training Institute (WHRTI) for young lawyers from Eastern Europe.

12:30 – 13:00 Meeting at APGBV premises with the representative of **Bulgarian Commission for Combating Trafficking in Human Beings (NCCTHB)**

13:45 – 13:45 – Lunch break

14:00 – 15:30 –Meeting at APGBV premises with **representative of Bulgarian Border Police**

16:00 – 17:00 – Meeting with **Deputy Ombudsman** - in their office

Tuesday, 28th of May, 2019 10:00 – 11:30 – Visiting the **Detention Center** in Voenna Rampa, Sofia, meeting with the state social worker and management of the center

12:00 – 13:00 - Meeting with the Founder and Chairperson of the **Council of Refugee Women in Bulgaria Association (CRWB)**.

13:30-14:30- Meeting with Bulgarian **National Council for Equality between Men and Women (NCEWM)**– experts in National council for equality between women and men – Ministry of labor and social policy.

14:30-15:00: Lunch Break

15:00-16:00: *Meeting with State Agency for Refugees-Was cancelled at the last moment*



Wednesday 29th of May, 2019

9:30-10:030: Meeting with Head of Office | **Médecins du Monde**

11:00 – 12:30 – Meeting at **UNICEF** Bulgaria premises, –Program Coordinator for Refugee and migrant Children.

14:00-15:30 - Meeting with Alliance's Lawyer Coordinator, specialized on child protection.

CHAPTER 2. General context: Bulgaria's GBV available data, prevention, protection, prosecution, integrated policies

This chapter's findings is a result of from desk research

1.2 The Bulgarian National Strategy for Promotion of Gender Equality

In Bulgaria, old stereotypes around the role of men and women in both public and personal life still exist, and they largely contribute to the existence of certain differences between the position of women and men. Certain attitudes still exist, according to which certain occupations, roles in the family or spheres of activity are more appropriate for one of the genders than the other, affecting women's and girls' lives. Vertical and horizontal gender segregation is observed in many sectors. Gender inequalities in employment, combined with the peculiarities of the social security system create a situation where poverty disproportionately refers to women or is "feminized". Sometimes, because of the fears and prejudices of some employers in respect to young women who are yet to have children it is more difficult for them to be employed. Bulgarian women, however, still have less free time than men, due to the insufficient development of a number of public services they are burdened exceedingly, both with unpaid work at home and mainly childcare and care for elderly and dependent family members.¹

In spite of the existing provisions for equal treatment of women and men in separate laws, conditions for guaranteeing equality in all spheres of public life have yet to be created in full. A mechanism for coordinating a uniform national policy of equal opportunities is needed, as well as a legislative framework that will promote equality. There are cases of inequality or disrupted balance in the participation of

¹Bulgarian Gender Research Foundation https://www2.ohchr.org/english/bodies/cedaw/docs/ngos/BGRF_for_the_session_en.pdf



women in various fields of public life in Bulgaria like employment, education, political representation, or in private life, which finds expression through violence on the basis of gender.²

2.2 Bulgaria's GBV available data

According to the data from the study conducted by Bulgarian Helsinki Committee (an independent non-governmental organization for human rights founded on July 14, 1992 in Sofia, Bulgaria.) on murder cases, in 2017 there were 29 sentences in cases of premeditated murders, attempted murders and deaths caused by negligence as a result of deliberate injury inflicted upon women aged above 14 years. All judicial acts ended with conviction. The defendants in 27 of the cases (93%) were men.³

According to a 2014 report by the European Agency for Fundamental Rights, 23% of women aged 18-74 had suffered physical and/or sexual violence from their intimate partners. Most cases of domestic violence (DV), however, go unreported. The Center for the Study of Democracy in Bulgaria estimated that in 2015, 70-80% of DV cases were also unreported. In the case of Romani women and girls in Bulgaria, the rate of non-reporting is as high as 90%, due to discrimination, fear and lack of family or institutional support. Romani women and girls are in greater risk for human trafficking in the EU, also due to the high poverty and institutional discrimination with which they are faced.⁴

Regarding the monitoring of legislation for the period 2013-2014, the Bulgarian Alliance for Protection against DV found an increase in the number of severe violence incidents of being reported, including femicide of seven women by their husbands, particularly within minority populations and in rural areas. It was also observed that elder abuse and DV by young people (aged 18-25) under the influence of drugs or alcohol had increased. With regards to rape incidents, while authorities could prosecute spousal rape under the general criminal rape statute, they rarely do so. Data from the National Statistics Institute shows that rape convictions in 2015 dropped by 31% compared to 2014, and by 80% compared to 2011. According to a September 2016 survey by three Bulgarian NGO's, 40% of police officers and 30% of social workers believe the rate of DV has increased over the previous several years but that the government has not implemented consistent policies with adequate funding for the services needed for the

² NATIONAL STRATEGY FOR PROMOTION OF GENDER EQUALITY FOR THE PERIOD 2009-

2015: <file:///C:/Users/liamo/Downloads/National%20Strategy%20for%20Promotion%20of%20Gender%20Equality%20for%20the%20period%202009-2015.pdf>

³ Human Rights in Bulgaria In 2017 http://www.bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2017_issn-2367-6930_en.pdf

⁴ Violence against women: an EU-wide survey: https://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-oct14_en.pdf



prevention and protection of women from DV. For example, Bulgaria's penal legislation does not criminalize all forms of violence against women; the Criminal Code continues to require private complaints by survivors of DV of harm; courts impose minimal punishments for violations of restraining orders; local authorities rarely provide financial assistance for operating domestic violence shelters; and government funding of domestic violence services is inadequate.⁵

Bulgaria ranks last in the European Union in gender equality with respect to the “time” indicator. That indicator measures the time that women and men devote to unpaid domestic work and care for children, sick and elderly people, as well as the time that they devote to themselves through participation in sports, cultural or other events. Thus, for example, the percentage of women involved daily with cooking or other domestic duties in Bulgaria is 72.9, whereas for men it is only 13. At the same time, the share of men who devote to entertainment at least one hour every other day is 60% higher compared to women. This results in lower remunerations (by 15.4%) and pensions (by 35%), as well as in higher risk of poverty and social exclusion for women in Bulgaria compared to men.⁶

2.3 Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Bulgarian legislation still does not recognise in any form the families of same-sex couples. Both the Constitution (Article 46, Paragraph 1) and the Family Code (Article 5) define marriage as voluntary union of a man and a woman. The prevalent majority of the political parties represented in Parliament have no positions on this issue, and they also don't promote policies on LGBTQI+ equal rights. The exception in this respect are the ultranationalist parties in Parliament, which have clear and consistent policies of opposition to the legitimizing of the families of same-sex couples in any form whatsoever.

In addition, the Bulgarian law does not recognize “hate crimes” based on sexual orientation and gender identity. NGOs asserted that because homophobia and transphobia were not recognized as crime motives calling for stricter punishment, authorities often refused to investigate and prosecute such crimes. While reports of violence against LGBTQI+ persons were rare, societal prejudice and discrimination, particularly in employment, remained a problem.

⁵ Bulgaria's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women https://www.theadvocatesforhumanrights.org/uploads/bulgaria_cedaw_loipr_final_3.pdf.

⁶ Human right Bulgaria in 2017 http://bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2017_issn-2367-6930_en.pdf



NGOs stated that it was common for persons suspected of being homosexual to be fired, and such individuals were reluctant to seek redress in court due to fear of being identified as belonging to the LGBTIQ+ community. NGOs complained that most parties in the National Assembly, government ministers, and municipal authorities were reluctant to engage in a dialogue on the challenges facing the LGBTIQ+ community and the related policy issues. On the 10th annual LGBTIQ+ pride in 2017 parade that took place in downtown Sofia in xyearx, more than 2,000 people participated. The municipality allowed an anti-pride counter event that drew approximately 70 participants to proceed next to the parade starting point, but heavy police presence prevented any attacks at the parade participants.⁷

2.4 Sexual Violence-Legal Framework in Bulgaria

- Criminal Code, Article 152: Sexual intercourse with a female who is unable to defend herself and without her consent; by force or threat of force or by bringing her into a helpless state. This act is punishable with imprisonment of two to eight years in Bulgaria.
- Rape in a family context is not specifically recognized as a crime (Article 152 of the Penal Code).
- According to Article 158 of the Penal Code, a perpetrator of sexual violence is not punished if he marries the victim before the end of the trial.
- Under the Penal Code, domestic violence is not recognized as a separate crime. The Protection against Domestic Violence Act (PDVA) was enacted in March 2005. It provides for administrative measures in cases of domestic violence. Only the violation of a protection order under the PDVA was criminalized in 2009 (Article 296 (1) of the Penal Code).⁸
- According to Article 161 (1) of the Penal Code and within the context of domestic violence, are prosecuted in a private complaint procedure, i.e. on the initiative of the victim.
- According to Article 191 (4) of the Penal Code a person living in a marital relation with a girl 16 years old and below, is not punished by law if he marries the girl before the end of the trial.
- Under the Criminal Proceedings Code, the victims of trafficking have the right to be legally represented during the criminal proceedings both in their capacity of civil claimant and witness (Articles 75 (1) in fine and 122 (2)).

Article 161 (1) of the Penal Code has not been repealed despite the fact that it constitutes discrimination against women and survivors of different forms of GBV within the family. It is ascertained to be such as it is expected of the survivors of DV – who are usually humiliated, threatened, beaten, coerced and their

⁷ 2017 Country Reports on Human Rights Practices: Bulgaria: <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/bulgaria/>

⁸ <https://www.lex.bg/laws/ldoc/2135501151>



life and health are in danger – to initiate private criminal proceedings against their abusers and to become “private prosecutors” to the perpetrators – usually an impossible option for a survivor of domestic violence whose prime consideration might be how to physically survive and remove her children in order to save their lives. The burden of proof would be upon her and she would face all the difficulties of an expensive and a time consuming judicial process which would require her to meet her abuser from whom she just managed to escape and leave after years of experiencing different forms of domestic violence, which is the usual case. According to data collected by Bulgarian NGOs, the number of teenage girls living in marital relations with older men has been on the rise in recent years because of the lack of criminal investigation and punishment of the perpetrators of sexual violence against girls.

As marital rape in the Bulgarian family context is not specifically criminalized, no special support is offered for the women survivors of such rape, including counseling and case management. This legislators’ decision diminishes the importance of the problem and sustains perpetrators’ understanding that rape within a family is not worth serious attention. On the other hand, the lack of State involvement in addressing it confirms the general society’s understanding that it is more of a private matter and the State does not bear the responsibility for preventing such violence and adequately punishing its perpetrators. By its failure to condemn and adequately respond to the serious problem of family rape, the Bulgarian State has demonstrated its complicity with the widespread violence against women in the country.

2.5 The Committee on the Elimination of Discrimination Against Women (CEDAW) and the Criminal Code in Bulgaria.

The CEDAW reiterates its concern about the persistence of stereotypical patterns regarding the roles and responsibilities of women and men in the Bulgarian family and society that overemphasize the traditional roles of women as mothers and spouses and continue to affect their educational and professional choices. It also notes with concern that the media and the advertising sector systematically convey sexualized and commercially exploitative images of women. While noting the information provided regarding the current review of the Criminal Code in Bulgaria, the Committee is deeply concerned about its article 158, a provision enabling the termination of criminal proceedings against rapists when they marry their victims.⁹

Despite the CEDAW recommendation to amend the Criminal Code in 2012 and to bring it into compliance with CEDAW, Bulgaria has failed over the past years to make the necessary changes to better

⁹ Bulgaria’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BGR/INT_CEDAW_ICJ_BGR_29043_E.pdf



protect survivors and punish abusers. The Criminal Code does not criminalize all forms of domestic violence and continues to require survivors of domestic violence who sustain light or medium injury to initiate criminal prosecution with the survivor being required to collect evidence and prove the accusation. In many cases, survivors lack the resources or capacity to go forward, to locate and call witnesses, and to present evidence in court. The law, in essence, sends a message to survivors of domestic violence that, unless seriously injured, they are responsible for holding their abusers accountable. This denies domestic violence survivors effective access to the criminal justice system and equal protection before the law, thus not providing an effective remedy for most survivors.¹⁰

The Bulgarian Criminal Code also does not require prosecutors to inform domestic violence survivors about their rights and does not require the investigating authorities to conduct a risk assessment. Such an assessment is key to determining the risk of further injury to or death of the survivor and should be used by the police, prosecutors and judiciary in formulating appropriate relief for the survivor. Ineffective investigation and assessment, and insufficient penalties for abusers discourage domestic violence survivors from seeking help from Bulgarian authorities because they feel they will not be taken seriously or be protected. Moreover, monitoring of domestic violence shows that at least one third of domestic violence cases involve sexual violence including marital rape. Exceptionally severe cases of domestic violence, including femicide murders, are increasing as are the frequency of acts that endanger life such as suffocation or strangulation. Yet, these types of violence are not defined as sufficiently egregious as to warrant severe punishment under the Criminal Code. Additionally, there is no defined right to privacy in criminal domestic violence cases. This lack of privacy is a strong deterrent to reporting sexual violence.¹¹

2.6 Harmful stereotypes about women persist in society and the media, and current legal reform efforts do not adequately address these misperceptions.

Persistent stereotypes and prejudices regarding women in the family perpetuate violence against women in Bulgaria, contributing to underreporting of violence against women. The Law on the Protection Against Domestic Violence (LPDV) lays the groundwork for protection of survivors of domestic violence and accountability for abusers. It also requires the State Party to implement programs to prevent domestic violence, including training for relevant persons, to develop prevention and education programs, and to assist municipalities and NGOs in establishing services for survivors and perpetrators. Despite these

¹⁰ United Nation Human Rights <https://www.ohchr.org/en/countries/enacaregion/pages/bgindex.aspx>

¹¹ BGRF, The Advocates for Human Rights, and The Alliance for Protection of Domestic Violence, Domestic Violence in Bulgaria: Report to Dubravka Simonovic, Special Rapporteur on Violence Against Women (2017), 9.



mandates, sexist stereotypes remain pervasive in all levels of society, including in the judiciary and law enforcement that can impact these systems actors' responses.

Monitoring of LPDV implementation by the Alliance found that still some judges hesitate to remove an abusive husband from his home out of concern that he has no place to live. Investigating authorities continue to believe that domestic violence is a private or individual matter that the survivor must resolve or overcome. A serious consequence is that domestic violence is considered socially acceptable and that survivors are hesitant to report the crime. In addition the fact that the light and average injury that occurred between spouses and relatives is a privately prosecutable offense, under which the survivor **may file a complaint within 6 months**. This poses considerable challenges to the survivors of domestic violence who are dependent on or are under the control of the perpetrator; most often such survivors do not file complaints out of fear. It is necessary that these crimes are validated as common criminal offenses prosecuted by the state. Likewise, courts, law enforcement, and government authorities continue to believe that the rights of an abusive father to visitation with his children in cases of domestic violence supersede the rights of the non-violent parent to security. As a result, survivors are pressed to mediate or negotiate such meetings with their abuser, thus re-victimizing them.¹²

CHAPTER 3. Bulgaria's National Response on GBV

3.1 Bulgaria's National Info Helpline, Women's Shelters and Services for Survivors of Domestic Violence (DV).

Survivors of domestic violence continue to face practical obstacles to their protection from domestic violence including insufficient social and legal services, and inadequate funding for hotlines, shelters, counseling services and legal aid. The Law Protection Against Domestic Violence (LPDV) provides that the Ministry of Justice shall allocate – annually- specific funding for the development and implementation of programs for the prevention of and protection against domestic violence, including funding for crisis centers, social support centers, and NGO projects addressing domestic violence. The amounts allocated annually to date have been inadequate to meet the growing need for service providers. In 2016 and 2017, the Ministry of Justice made no adequate allocation of funds, in spite of the annual amounts disbursed to the ministry's budget from the Bulgarian State budget. The problem area is still the rare prosecution under the criminal law and the relatively low criminality of the cases of domestic violence which should be considered crimes.

¹² The Alliance for Protection Against Domestic Violence (the Alliance), Monitoring of the Legislation related to protection against domestic violence and other forms of gender-based violence: A Summary of Main Findings from 2013-2014, 8.



As of February 2016, Bulgaria ran five crisis centers that provide crisis intervention and psychological services across the country with a total capacity of 166 places. In response to this inadequate number of domestic violence shelters, police and social services workers refer domestic violence survivors to 20 NGO-run crisis centers but local authorities rarely provide financial assistance for their operating costs. NGOs also run a free domestic violence hotline for women in crisis. As of September 2016, the Animus Association Foundation hotline, funded through a two year government grant, worked with 1166 clients, including 790 domestic violence survivors and 13 sexual violence survivors. However, government funding was only sufficient to operate the hotline 12 hours per day rather than 24 hours. Also, the NGO members of the APGBV operate their hotlines in 10 locations throughout Bulgaria and have provided support for the last two years to more than 4500 women survivors of GBV. There is no clear governmental commitment to support these services.

In addition, services officials are not sufficiently informed of the powers, roles, and responsibilities of other government institutions. Lack of inter-agency knowledge impedes coordination and delays necessary interventions in domestic violence cases. Moreover, lack of communication between agencies often leads to contradictory actions by different institutions (e.g., between social assistance directorates and the Police, or the social services suppliers, or the NGOs providing legal aid or crisis shelters). These attitudes towards survivors of domestic violence and lack of coordination efforts by institutions often lead to reoccurrence of the violence against the survivor and survivor's loss of trust in the system for protection and assistance.¹³

3.2 Sexual Reproductive Rights in Bulgaria

At the start of the 1990s, Bulgaria exhibited the generic state socialist pattern of reproduction. Women married early and almost universally and quickly had a first child, but reproductive activity also came to an equally early end (Carlson and Bernstam 1991). Because the state socialist reproductive model created a long period of sexually active adult life after a brief early childbearing period, birth control became a highly salient concern in Bulgaria.

Abortion is legal in Bulgaria, allowed on request up to 12 weeks, allowed for medical reason up to 20 weeks (list of acceptable indications) and beyond (= at any gestation) for gross fetal anomalies or to save the life of the woman. Bulgaria has one of the highest abortion rates in Europe and the highest rate of teenage abortions in Eastern Europe. Reasons for this include a poor level of sexual education and the fact

¹³ The Alliance for Protection Against Domestic Violence (the Alliance), Monitoring of the Legislation related to protection against domestic violence and other forms of gender-based violence: A Summary of Main Findings from 2013-2014, 16.



that contraception is not always readily available. Abortion is free of charge for special cases, not on request and in mainstream cases; just with social indications, under medical conditions.

Reports on verbal and physical abuse of women by hospital staff during abortion and delivery are very common in Bulgaria, albeit primarily verbal. Therefore, they leave very little trace. Socially, the most typical and omnipresent ill-treatment of labouring women, such as shouting at them, making sarcastic and vulgar remarks, forbidding them to scream, and slapping them, is widely accepted as the natural way of birth.

Emergency contraception is available in Bulgaria and is used as a method for family planning. However, emergency contraception is not reimbursed or covered by social security. In addition, for girls under the age of 16 it is only available by prescription. The Bulgarian Family Planning and Sexual Health Association (BFPA) provides information and free of charge or subsidized contraception, targeting the young in general. It runs health care centres for women and sex education programmes for the 14 to 19 year olds in seven cities in Bulgaria.

3.3 Violence Against Women and Children - the “Istanbul Convention” -

The Istanbul Convention, which focuses solely on violence against women, has become the Council of Europe's most popular treaty, and its ratification among member states has moved fast. It is currently ratified by 34 states, including all other Balkan countries. The Convention is fully positioned in the European legal framework and provides for the possibility of accession for countries which allow same-sex marriage as well as those which do not, including because of constitutional prohibitions. It is one of the few international human rights treaties which the European Union itself has deemed of utmost importance to accede.

The process of ratification of the Istanbul Convention by the states was accompanied by a careful review of its constitutionality by each one of them. So far, no national judicial authority in a member state has uncovered problems and internal contradictions. However, the **Bulgarian Constitutional Court on July 27th 2018, announced that the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) is unconstitutional.**

The main contradiction according to the Constitutional Court is with Article 4, para. 1 of the Constitution stating that Bulgaria shall be a State governed by the rule of law. This decision is flawed and a serious obstacle to human rights in Bulgaria, the integrity of the Bulgarian judiciary, and the international reputation of Bulgaria. It is the worst decision issued by the Constitutional Court in its history since 1991. According to the court, the convention "separates the biological and social dimension of sex and goes



beyond the scope of the belief that sex is binary.” It is deemed to be “internally contradictory,” containing “two parallel and mutually exclusive concepts of “sex” - biological and social - which the imperative for legal certainty, engrained in the concept of rule of law, does not allow.¹⁴.

In February, 18 parliament members requested a ruling on the convention’s compatibility with Bulgaria’s Constitution, amid claims that the convention’s calls for gender equality aim to encourage homosexuality, and warnings that it could lead to “questioning traditional values of Bulgarian society.” According to the court, the “boundaries between the two sexes, male and female, which are biologically determined” are “relativized”. And, finally, according to the court’s decision, the Istanbul Convention introduces a hidden “gender ideology” by providing an opportunity for one to choose their gender identity. In this and in a number of other points, the decision actually leaves the domain of legal argumentation and embarks into politics, gender stereotyping and transphobic propaganda. It goes as far as to deny the right to protection and recognition of the identity of transgender and intersex people. It also reproduces stereotypes, which the Convention itself is set out to combat.

In an eight-to-four ruling, the Constitutional Court declared that the convention’s use of “gender” as a social construct contravenes Bulgaria’s Constitution, which specifies a binary understanding of “sex” – male and female – that is “determined at birth.” Despite the Bulgarian constitution’s protection against sex-based discrimination, the court says this “does not mean equal treatment of both sexes” because biological differences must be taken into account.

The Bulgarian Constitutional Court's decision blocks the possibility of the Convention’s ratification. Thus, **Bulgaria is likely to remain the only EU member state and the only Balkan country that will not join this international treaty.** The decision of the Constitutional Court places us in the same group with Russia and Azerbaijan, the only other member states of the Council of Europe that have not signed it. The Court’s decision places Bulgarian institutions and Bulgaria as a member of the EU family in a difficult position regarding the respect for human rights. But most of all it does not protect and support women and girls. Thus, Bulgarian women and girls who are mostly discriminated are paying the price.

Of all 28 EU member states, Bulgaria fared worst in a 2017 European Institute for Gender Equality analysis of the prevalence, severity, and underreporting of violence against women. Over 30 percent of Bulgarian women in a 2016 study reported experiencing domestic or other gender-based violence. Ripple effects from the Bulgarian ruling are also already apparent. Following the decision, the Bulgarian

¹⁴NGO statement available in <http://bghelsinki.org/en/news/bg/single/decision-constitutional-court-humiliated-us-all/> ([English](#)) and in Bulgarian <http://bghelsinki.org/bg/novini/press/single/20180727-statement-istanbul-convention/>). Full decision by the Constitutional Court available <http://www.constcourt.bg/bg/Acts/GetHtmlContent/f278a156-9d25-412d-a064-6ffd6f997310>



Academy of Sciences announced it would halt work on a program to support teachers in addressing gender inequality. The Education and Science Ministry had already reportedly stopped a school-based survey that addressed gender, violence, and stereotypes.

Despite these efforts, many serious problems remain with Bulgaria's violence against women legislation and its implementation, resulting in a systemic failure to protect domestic violence survivors and promote abuser accountability. The resistance of the government to ratify the Istanbul Convention and to align Bulgarian legislation and practice with this instrument has highlighted that effects when severe and even lethal cases of domestic violence go unpunished. The public was particularly shocked by four cases of brutal murders of women in less than a month between July to August 2017. The APGBV and its members expressed their indignation and appealed for action and recognition of these crimes as crimes of femicide. The shortcomings in the implementation of the law were noted on this occasion, and specifically: the court does not use the urgent procedure for issuing orders for protection for the survivors and their children; in case of violation of the order for protection, the aggressor is not arrested as required by law and enjoys impunity; and perpetrators of violence have access to firearms. The distorted application of the law by the state institutions blames the survivor, creates risk for women and their children who instead have to flee through the country to find shelter. Instead of providing for urgent protection against the violence, the court gives priority to the parental and visitation rights of the perpetrator, insisting on hearing an indefinite number of expert opinions, and assigning the survivor to mediation sessions with the aggressor, a bad practice of power that places the survivors at higher risk of violence.

Reviews of legislation have been carried out by the government, by experts of the Council of Europe and by civil society organisations. Since 2011, CSOs have been exerting pressure on the government to address needed amendments, and have offered their cooperation in order to achieve compliance earlier. Within new amendments of the Bulgaria Penal Code – DV is a crime of general nature and after February 2019 stalking also is criminalized – in the Penal Code.

The Istanbul Convention is one of the most comprehensive legal instruments that introduces effective prevention and protection measures against all forms of domestic violence. The delay in its ratification perpetuates existing prejudices, stereotypes and enforcement policies at all levels of the Bulgarian society. The Council of Europe, European Parliament, European Commission and European Union member states should urgently condemn the Bulgarian Constitutional Court decision, take robust action to dispel the myths it promotes, and take serious measures to address such blatant disregard for Europe's self-proclaimed core values. And in the wake of a sexual assault and femicide murders that has shaken the public, **Bulgarian authorities should take action to show they are committed to tackling violence against women and girls in any form.**



3.4 Bulgarian National legislation and policies for protection against GBV in the context of international protection.

Bulgaria is one of the transit EU country, a starting point in the seeking of protection and of a better life. In recent years there has been a constant increase in the number of migrants seeking international protection in Bulgaria. For 2015 and 2016 the top five countries of origin are Iraq; Afghanistan; Syria; Pakistan; and Iran. Worthy of note is the increase in 2015 and 2016 of the number of Afghan citizens who represent over 46 percent of the total number of migrants detected by Border Police for 2016 and 40 percent of the new asylum seekers for 2016.

The refugee and migrant women themselves have, even if limited, information that the women survivors of violence can receive protection in the EU countries. Women and girls from minority groups in Bulgaria, women seeking international protection, and migrant women are among these vulnerable groups. They face stereotyping and additional barriers cultural, religious, and language barriers—to their access to justice. Legal aid and representation is an important element aimed at ensuring women's rights. Protection against sexual and other forms of GBV in all of its forms can be sought by everyone on the territory of the Republic of Bulgaria, regardless of the nationality and the citizenship and whether they are legally residing or not. The Law on Protection from Domestic Violence (LPDV) establishes a tool for protection of survivors of domestic violence in Bulgaria, by allowing them to apply for protection to the District Court. Article 2 of the law defines domestic violence as 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 family relation which are or have been in a family relationship or de facto marital cohabitation. Also, any domestic violence committed in the presence of the child is considered mental and emotional abuse for the child¹⁵. If a protection order is issued, the defendant must pay a fine ranging from 200 to 1,000 BGN (between 100 and 500 EUR). Most undocumented migrants who are detected by the Border Police initiate a procedure for seeking international protection.¹⁶

¹⁵Victim Support Services in the EU: An overview and assessment of victims' rights in practice Bulgaria, 2014
https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-bg.pdf

¹⁶ <https://www.asylumineurope.org/reports/country/bulgaria/statistics>



3.5 Border Push backs in Law and Practice - Guarantees for access to asylum at the border¹⁷

Extreme nationalist parties used anti-migrant rhetoric in their political campaigns. Most other political parties' election platforms called for restrictions on migration flows and for increased border security. Negative coverage of migrants appeared in some media, claiming they were mostly fanatics and terrorists or that most of them were economic migrants and not legitimate asylum seekers—repeating negative stereotypes that encouraged societal intolerance.

The interplay between refugee protection and border control in Bulgaria raises complex legal questions, as well as often conflicting policy considerations. On the one hand, Bulgarian state is required to grant access to an asylum procedure to those seeking protection, both under international law and the European Union (EU) asylum acquis, namely the recast Asylum Procedures Directive. The Directive specifies obligations to inform people in need of protection of the possibility to apply for asylum, as well as to promptly register claims when they are made. On the other hand, Bulgarian state must deny entry into their territory to those who do not fulfil the conditions set out in the EU law such as the Schengen Borders Code, though allowance may be made “on humanitarian grounds, on grounds of national interest or because of international obligations.” Although zero push backs were officially reported in the country throughout the whole of 2017, other indirect information from the media indicate a continuation of push backs at a large scale. Push backs, excessive use of force by Border Police and engagement of the authorities in refoulement, including in respect of individuals with specific needs or vulnerabilities, are also mentioned as a matter of concern by UN bodies in their monitoring of Bulgaria.

During the period May-July 2018 alone, a total of 39 push backs involving 457 persons were identified, following official reports of a decrease in arrivals that have been linked to requests from the Bulgarian government to Turkey to tighten border controls for the duration of the Bulgarian Presidency of the Council in the first half of the year.¹⁸

Under the 2010 triparty Memorandum of Understanding between the Border Police, UNHCR and the Bulgarian Helsinki Committee, with funding provided by UNHCR, the parties have access to any national border or detention facility at land and air borders, including airport transit zones, without limitations on the number of monitoring visits. Access to these facilities is granted without prior permission or

¹⁷ Bulgaria: UN expert concerned about pushbacks on women's rights and misinterpretation of the term “gender” that stopped the ratification of the Istanbul Convention:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25178&LangID=E>

¹⁸ Access to protection in Europe Borders and entry into the territory http://www.asylumineurope.org/sites/default/files/shadow-reports/aida_accessi_territory.pdf



conditions on time, frequency or circumstances of the persons detained. In 2017, the Bulgarian Helsinki Committee carried out 791 border monitoring visits, 516 of which concerned the border-crossing areas of Kapitan Andreevo and Novo Selo near Greece and Turkey, and 27 of which concerned Sofia Airport. During these visits, the organisation can also obtain information from police records when needed to cross-check individual statements, but has access only to border detention facilities, not to border-crossing points per se.

NGOs expressed concern that the government has no administrative mechanism for the early identification, referral, and provision of adequate services to vulnerable asylum seekers, such as children, including unaccompanied and separated children (UASC), persons with disabilities, the elderly, pregnant women, and survivors of rape, torture, or other forms of severe physical or sexual violence.

CHAPTER 4. Highlights of main activities and discussions during the 3 days GBV study visit in Bulgaria

The visit was hosted by the APGBV in Sofia. Experts presented their programmatic methods and the locations of their work with GBV survivors in Sofia and Greece, plus practices in each country. They had the chance to use in-depth group exchanges on laws and implementation of laws in the field of work with survivors, to broaden their knowledge and exchange of practices. The people responsible for and coordinating the visit were Ms. Elena Triffonova from APGBV and Ms. Lia Mocka from IRC, Hellas.

The visit proposed very good opportunities for exchange between Greek and Bulgarian experts at national, regional, organizational and community level approach. A broad range and variety of protection and organizations experts were present at the three days meetings (government bodies, regional, local/international organizations & associations).

Meetings of day one (27.05.2019): Sofia

4.1 Meeting with partner Alliance for Protection from Gender-based Violence

Following the warm welcome of APGBV EU partner and the introduction to the SURVIVOR project, Greek experts presented briefly the main context updates related to refugees and migrants in Greece, and provided an understanding of the existing GBV prevention and response programming at national, organizational and community level.

APGBV, with Head Quarters in Sofia since 2009, is acting through research, education, advocacy programs and fundraising for its supportive programmatic network and crises centers in order to respond to survivors of GBV across the country. APGBV has a strong participation, as for state delegation on



state funds for violence against women and girls as well as participation in the UN –Human Rights Committee.

In specific Ms. Genoveva Tisheva she is also the Director of BGRF and Director of the Women’s Human Rights Training Institute and Elected Member of UN Committee on Elimination of Discrimination Against Women. Ms Genoveva initiated the drafting of a law on protection against domestic violence and successfully lobbied for its endorsement. The law was adopted by the Bulgarian parliament on 16 March 2004.

APGBV outlined several problems and challenges for women and girls, such as social exclusion, human trafficking (especially for the vulnerable Roma) and violence. APGBV stressed that Bulgarian state failed to assume full responsibility when people’s rights are being violated and called for better monitoring of EU and state funding for tackling GBV as often the money is not used correctly. Main problems according to APGBV include gaps exist in the referral system between law enforcement agencies and the specialised counselling centers for women and girls survivors of GBV. Implementation of the provisions of the law is becoming more complicated due to lack of co-ordination between various actors responsible for preventing and combating violence against women and girls. Information around available services is missing and in combination with the absence of first line response services for victims of violence puts them at further risk. Furthermore, qualified help for survivors, including a sufficient number of shelters for temporary accommodation and trauma healing centers are lacking, while there is absence of early support programs for families in crisis. With regards to responding to cases of violence, there is not effective legal treatment for the perpetrators and for the protection of survivors and their children at all levels.

Promising factors and good practices:

There is a need for adopting a common understanding of GBV and of the patterns of GBV in Bulgaria. The limited number of women NGOs need to operate with stronger gender-based and survivors-centered approach. These NGOs need ongoing support in order to offer tailored and specialized counseling, case management services and adequately use risk assessment tools and practices. Strong commitment and willingness for efficiency of officials involved, for example law enforcement is highly recommended by APGBV.

To be highlighted that even though there were discussions to visiting one of Alliance’s crises centers out of Sofia, due to time limitations this was cancelled. During the visit, Greek experts met only with APGBV Head Quarters in Sofia, but did not have the chance to meet with any of their NGO’s they support across the country.



4.2 Meeting with Bulgarian Commission for Combating Trafficking in Human Beings (BNCCTHB)

The Bulgarian government has not established a National Rapporteur for Human Trafficking. However, BNCCTHB, established in 2004, de facto fulfills the same function as a national Rapporteur. The BNCCTHB is a collective body of the Council of Ministers, chaired by a Deputy Prime Minister and composed of high-level officials from twelve ministries and institutions.

The responsibilities of the BNCCTHB include organising and conducting information and education campaigns for at risk groups as regards THB; managing and supervising the work of the local anti-trafficking commissions, shelters and support and protection centres for victims of trafficking; and taking part in international cooperation for preventing and counteracting THB.

The main THB policy implementation body in Bulgaria, also receives signals for potential victims of trafficking as the institution responsible for the coordination of the National Referral Mechanism. High-risk groups in Bulgaria vis-à-vis potential involvement in trafficking are women involved in the commercial sex industry, residents of rural and less developed regions, unemployed people, those illiterate or with lower levels of education, the Roma minority, and people with disabilities and low education level.

The main countries of destination for Bulgarian survivors of trafficking are Greece, the Czech Republic, Switzerland and Norway. Domestic trafficking is happening from poorer regions of the country to big cities and resorts. The most prevalent form of trafficking has been that for the purpose of sexual exploitation, followed by trafficking for labour exploitation – mostly to countries in Western Europe. The majority of victims are female. Other forms of trafficking include those for forced begging, for the sale of newly born children and for sham marriages. Some conspicuous trends include the steady rise in registered victims of trafficking for labour exploitation, also among women, the targeting of mentally disadvantaged people by traffickers, the relative decrease in the use of violence by the criminals in exchange for more sophisticated methods such as deception and emotional dependency and the increasing use of internet and social networks by traffickers for recruitment.

Since the beginning of the refugee and migrant crisis in 2010, a high-risk group have also been unaccompanied refugee and migrant children passing through the territory of Bulgaria. Some noticeable trends regarding vulnerable groups include a rising risk for young and educated people in big cities due to the increased use of internet and social networks by traffickers, for pregnant women in certain regions, for



women potential victims of trafficking for sham marriages with non-EU nationals and for men and boys to be trafficked for sexual exploitation.¹⁹

At present, there is a total of eight specialised services: five residential services (three shelters for temporary accommodation; one shelter for long-term reintegration; and one crisis centre for children) in Sofia, Varna and Burgas, as well as three counselling services in each of these cities. Currently, the state finances and manages, through the institutions, municipalities and through strategic partnerships with NGOs the largest number of services for victims of trafficking. The total capacity of the specialised services launched with funding from BNCCTHB and under its methodological guidance is 34 persons.

One challenge since the beginning of the refugee and migrant crisis has been the identification of victims of trafficking among third-country nationals. **Since Bulgaria is mainly a transit country for this group, potential Trafficking in Human Beings (THB) victims among them are unwilling to seek help and cooperate with Bulgarian authorities.** There is also scarcity of information available about them from their countries of origin.

To be highlighted that BNCCTHB is in close cooperation with the NGO A21 & IOM in Greece for Bulgarian victims that are trafficked in Greece. Members committed to exchange contacts for victims that might need support, such as translation support or other information required for case management for Bulgarian women and girls that are trafficked in Greece.

4.3 Meeting with Bulgaria Border Police

Information on the asylum procedure is provided through information boards and brochures produced by NGOs with UNHCR funding under a bilateral agreement with the Bulgarian Border Police. These are displayed at the main border-crossing points, namely Kapetan Andreevo, Elhovo, Lesovo, Bolyarovo and Malko Tarnovo, the main border exit point in Kalotina near Serbia, the border detention facility at the port of Burgas, and the Sofia Airport transit zone. The Bulgarian Helsinki Committee assisted the Border Police with a translation of the leaflet on the general rights of detained persons and the template content of detention orders in the main languages spoken by persons apprehended at the Bulgarian border. Asylum seekers referral mechanism from border police to migration department includes all bunch of documents and all belongings of the person, consent of declaration of human rights is given as well, standard template that every person receives, as well as communication with other embassies in case of UASC or women and girls travelling alone.

¹⁹Bulgaria, General Information - Situation On Trafficking In Human Beings: https://ec.europa.eu/anti-trafficking/member-states/bulgaria_en



According to Border Police, if the person claims asylum in the border, the police must stop any administrative procedures against the person. In 24hrs border police should refer the person to refugee state agency. If the person does not claim asylum they will be arrested for 24hrs and after that they will be referred to the department of Migration –However in most cases people in concern do not hold any legal documents. The Department of migration under the Ministry of Interior is also in close cooperation with Frontex and its guidelines are followed by the Border Police. Asylum seekers will be referred to detention centers (for UASC, women and their children).

With regards to GBV, if a survivor discloses violence to the border police, this information will be just included in the health record and given to the Bulgarian Migration department. With regards to LGBTQI+ refugees and migrants, Border Police does not have official instructions to follow, despite the fact that they are recognized as vulnerable groups. However, since the start of refugee and migration arrivals in Bulgaria, only one LGBTQI+ person was seeking for international protection at the Bulgarian Borders. The case finally did not have a positive outcome and according to Ms Emilia Nikolova the person most likely left the country illegally.

With regards to capacity building trainings and sensitization of the Border Police around refugee and migrant vulnerabilities, including international protection, UNHCR, APGBV and IOM organize and deliver every year trainings to front line police officers (border police in airports they have rotation).

A good practice that the Bulgarian border police is following is the increase of the number of women border police officers that do also speak English. They are also trained on how to perform physical body checks and following a specific checklist. Translators and interpreters from different languages (even rare languages) are also available in the Bulgarian Borders seven days per week. In addition, migrants and refugees detained have free of charge legal advice by the regional representatives of Bulgarians Helsinki Committee. However, due to high rotation-turnover, not all border police officers have received such training, while those trained have not received any follow –up training.

At the end the representative of the border police highlighted that refugee and migrant women and girls need to trust authorities but in practice survivors are hesitant to seek help from the Bulgarian authorities since it is considered a transit country for migrants and refugees; seeking help may delay their reaching their destination and/or reporting may also carry (real or perceived) risks..

4.4 Meeting with Bulgaria Deputy Ombudsman

Meeting with Ms. Diana Kovacheva Bulgarian Deputy Ombudsman - in their premises. Topics of discussion included violence against women and girls with a special focus in domestic violence, rape and early marriage. The situation of refugee and migrant women and their children in Bulgaria and the

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Istanbul Convention was discussed as well ([Online press release of the exchange visit at Bulgarian Ombudsman website](#))

Briefly, the Bulgarian Ombudsman is an independent constitutional body elected by the National Assembly with a five-year mandate. The Ombudsman reviews individuals' complaints against the government for violations of rights or freedoms. The Ombudsman can request information from authorities, act as an intermediary in resolving disputes, make proposals to end existing practices, refer information to the prosecution service, and request the Constitutional Court to abolish legal provisions as unconstitutional. The Ombudsman is the body protecting the rights of all citizens, including the rights of children, persons with disabilities, minorities, foreigners etc. The Ombudsman enjoys a broad scope of powers concerning all citizens' rights – political, economic, civil, social, and cultural as well as delivers through social media awareness raising activities. The Deputy Ombudsman stated that in 2016 a law on equality between women and men was adopted in Bulgaria, which remains on paper only, since it does not actually implement specific measures to support, for example, women in their workplace, to be able to combine family commitments at the work place, including for equal pay.

According to Ms. Kovacheva, the position of women, even in a modern country that Bulgaria considers itself to be, is not equal. It is obvious to everyone that the number of women in politics, at parliament, in the government, the women mayors, is much smaller than men. It is also a fact that rarely women are in leadership positions in successful companies, which proves that women in Bulgaria are the underrated gender. In addition, statistical data from NGOs in Bulgaria show that every fourth woman in Bulgaria is a survivor of domestic violence. According to these data, there are at least four cases of domestic violence that resulted in death since the start of the year (2019). The signing of Istanbul Convention brings clear engagements on behalf of the country to undertake actions, including legislative actions, as well as amendments to the protection against domestic violence act, adoption of the gender equality act, amendments to the penal code, as well as concrete practical measures that provide support to the women, who are survivors of domestic violence. The Ombudsman's institution has been extremely active over the years and has made numerous recommendations to protect the rights of GBV survivors and their children. The institutions in Bulgaria are not sufficiently involved in the prevention of domestic violence and there are limited crisis centers to support women that suffered violence. The Deputy Ombudsman noted that there is only one such center in the capital of Sofia, with the capacity of hosting only eight women. According to Ms. Kovachev, this is a big problem because women survivors are afraid to speak, and are often dependent on their abuser.

Ms. Diana Kovacheva also drew attention to education as a prevention of violence and early child marriage, especially among the Roma community. She stressed that the institution supports the return of



children to school and stated that the institution has launched a campaign to reduce fees in kindergartens and increase the reach of children in pre-school forms by supporting families.

The Deputy Ombudsman emphasized that the institution had prepared and submitted to the Steering Committee a special report on unaccompanied refugee children, with the main recommendation being to create a protected space for such children, in which they would have access to education and health care. Ms Kovacheva said that the first such a safe zone in Bulgaria is expected to open soon.

At the initiative of the Bulgarian Ombudsman, Ms. Maya Manolova, the Balkans Ombudsman Network, in which Bulgaria and Greece are members, provides an opportunity to discuss challenging cases and is another tool for solving transnational cases of GBV and trafficking in women and girls.

During the one hour meeting with the Bulgarian Deputy Ombudsman it was mentioned several times that refugee women and girls do not trust the authorities (especially the Police) and while they are in transit they do not disclose any GBV incidents. A fact that raises concerns regarding the lack of service providers to adequately support refugee and asylum seekers and people on the move.

Meetings of day two (28.05.2019): Sofia

4.5 Visiting the Open Center in Voenna Rampa, Sofia

Meeting with the state social worker and management of the open center.

The Bulgarian State Agency for Refugees in collaboration with IOM Bulgaria in Voenna Rampa provide accommodation, food and primary health care to asylum seekers. The application for the 1st interview for international protection is happening in the open center and interviews are conducted by government staff. The capacity of the center is for 800 people with the total of 25 state workers supporting the open center (psychologists, social workers, permanent staff for registration, doctor, nurse, cooks).

According to the site management authority, on the day of visit the center was accommodating mostly people from Pakistan, Iran, Afghanistan, with the total of 60 UASC boys, 5-6 families, 100 single men and two single women traveling alone from Iraq.

The majority of the asylum seekers in the open center are single men from Afghanistan (average age 30-40 years old) using Bulgaria as a transit country in order to reach upper northern European countries. According to the manager of the center, Afghan people who claim asylum to the Bulgaria asylum agency - so as to be granted with international protection, either refugee status or subsidiary protection - **are**



usually rejected. While their application is processed, they are hosted in the center and they remain there also for 2nd appeal, if rejected at first instance. If the court confirms the rejection they are transferred to the Bulgarian State Department of Migration.

As for mitigating GBV risks in the open center, the site management in cooperation with IOM has followed the separation of people according to nationalities, protection zones for single women and UASC (separate boys /girls).

*According to the site management and the state social worker in charge for UASC, **there was no GBV case or violence incident reported during the last five years**, which once again raises concerns about refugee and migrant women and girls not having trust to authorities and service providers not minimizing barriers to access for protection, case management, legal aid etc. However, according to APGBV this statement cannot be true, as there were known (by state and no state actors) cases of GBV in this center.*

4.6 Meeting with the Founder and Chairperson of the Council of Refugee Women in Bulgaria Association (CRWB)

Meeting with the Founder and Chairperson of the CRWB²⁰. The CRWB is a non-profit association established in Bulgaria in 2003 and since then officially registered as a non-governmental organization, funded by UNHCR, UNICEF, AMIF, BFW and other State funds.

The organization fulfills its mission by setting the following goals:

- Protect the human rights of community members;
- Support the social integration of the refugees in the Republic of Bulgaria;
- Create a better environment for respecting the right to human and equitable treatment, guaranteeing equal rights regardless of race, social status, religion, gender; or nationality;
- Attract Bulgarian citizens and institutions in the process of guaranteeing the right to ask for help and to receive it without harming human dignity.
- Initiatives related to education and adjustment of refugee children in local Bulgarian schools.
- Supporting refugees and asylum seekers meeting basic needs - clothes, shoes, baby food e.tc

²⁰ <http://crw-bg.org/en/our-team/linda-auanis>



The project focuses on:

- 1. Community Program for social services:** Refugee facilities, psychological assessment and, if necessary, psychotherapeutic assistance, provision of funds to cover urgent needs (social/health) for vulnerable people)
- 2. Group sessions (including men and women) for asylum seekers and refugees:** Within the project, group sessions to discuss issues such as equality, social values in the host country, available services and organizations are planned.
- 3. Multidisciplinary casework meetings:** Since 2018 the CRWB expert's team introduced as a good practice the conduction of regular multidisciplinary meetings for the discussion of complex cases, regarding GBV survivors or extremely vulnerable persons.

To be highlighted that during the one hour discussion around GBV case management methodology, especially for Intimate Partner Violence (IPV) survivors from the refugee community, the CRWB staff is following “couple orientation sessions” in the center or “sessions along with the abuser” (via phone, individually, e.tc).

According to Ms. Linda, the founder of CRWB, her refugee background enables her to better understand the culture and the special needs of men and women. Due to lack of accommodation facilities for women survivors in Bulgaria, the CRWB sees the “couple orientation” or “working with the abusers” as the only way of supporting those women that do seek for help.

As for the exchange of proven good practices around GBV case management, it was highlighted as well by the GBV Greek expert that “Couple Mediation” is frequently requested for Psychosocial Support (PSS) assistants by survivors of Intimate Partner Violence (IPV), but we know, mediation is dangerous to both survivors and caseworkers. We need to understand the risks and have common guidelines on what the role of case workers and support staff role can and should be.

The *survivor-centered approach* guidelines were shared with CRWB, proven tools of GBV Case Management guidelines, core concepts, which are helpful tools in order to increase the quality of services for GBV prevention and response²¹.

²¹ Interagency Gender-based Violence Case Management Guidelines <https://gbvresponders.org/response/gbv-case-management/>



4.7 Meeting with Bulgarian National Council for Equality between Men and Women (NCEWMMs)

(Online press release of the study visit at NCEWMMs website)

The National Council on Equality between Women and Men (NCEWM) was set up by Government in 2004. **The Council acts as a consultative body to the Council of Ministers and develops and implements the national policy on gender equality in collaboration and coordination between the government authorities and the non-governmental sector.** The NCEWM consults the Council of Ministers, discusses drafts of legislative acts or secondary legislation, and presents positions on them for their relevance with the objectives of the Gender Equality Policy. It supports the implementation of important national and regional projects of the social partners and the NGOs in the sphere of gender equality. The National Council is chaired by the Minister of Labour and Social Policy and its permanent members are deputy ministers from each Ministry, as well as from the State Agency for Child Protection, the Executive Agency for Promotion of Small and Medium Enterprises, the State Refugees Agency, the National Social Security Institute and the National Statistical Institute. Associated members of the NCEWM are representatives of other organizations, academic institutes, national organizations of the social partners or NGOs, invited for the purpose form the National Council' Chair."

With regards to domestic violence, the delegation stated that the Government, in cooperation with NGOs, is trying to implement measures to combat domestic violence. Regarding the scope of sexual assault offences, the delegation stated that those offences were included in the legislation and that lack of consent was a necessary precondition for fulfilling the corpus delicti and the consent must be given based on the survivor's free will.

The National Action plan for 2 years in priorities are:

1. Increasing female market independency, economic independency
2. Violence against women
3. Gender pay gap/earning gap between men and women
4. Equality between women and men
5. Combating GBV
6. Gender stereotypes (social life) social roles, family roles, education opportunities for boys and girls

According to NCEWMMs the existence of Gender Advisors in all Bulgarian Ministries and the gender equality advisors who operate in a local/municipal level are in charge of addressing gender-based stereotypes is a proven good practice. However, one of the few commitments of the government, explicitly

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formulated in the law is to adopt plans for implementation of the [National Strategy for Equality between Women and Men](#) – remained unfulfilled in 2017²². The circumstance that women are more capable than men to take care of the dependent members of the family and for the household remained among the most sustainable and harmful gender-based stereotypes in Bulgarian society.

Meetings of day three (29.05.2019): Sofia

4.8 Meeting | Médecins du Monde (Mdm) Bulgaria

Since the start of 2004, Mdm has managed an information and advice centre on SRH in Sliven, in the Nadejda “area” where marginalized Roma live in conditions of extreme hardship. The residents are educated as to the importance of family planning and informed of their rights to public health services. They can also find modern contraceptive methods free of charge. They also deal with getting families to leave the area and go into town for gynecological consultations and family planning. Residents of other underprivileged villages in the vicinity can also visit this centre and obtain advice and support.

In regards to GBV prevention and response the Mdm, Bulgaria is one of the five EU countries (Belgium, France Italy, Croatia & Bulgaria) to implement a DG-Justice project named, **WE ACT**.

The overall aim is to combat GBV and prevent children and migrant and refugee women from facing GBV in EU countries, including Bulgaria. The project will result in established/improved protocols, enhanced capacities, and migrant and refugee women & children being informed of their rights and accessing support as GBV survivors. Moreover the project will address language/cultural barriers, lack of coordination and capacities, fear of reprisals and apathy of professionals when supporting survivors of GBV.

However, Mdm team in Bulgaria is facing several challenges in regards to the implementation of the WE ACT project. The main challenges according to Head of the Office are around reporting of rape cases within the time limit of one month and due to the two years court process. Survivors of rape often have to prove the violence, as no survivor-center approach is followed by the state social workers in the detention centers or open centers. In addition, according to Mdm Bulgaria, State Agencies will report to the Police any GBV incident even if the survivor (adult) does not wish to report it. In these cases the state staff will be deciding post violence response, without the real involvement of the survivor, resulting to women and

²²Gender Equality Index 2019: Bulgaria: file:///C:/Users/liamo/Downloads/20190385_mh0419035enn_pdf.pdf



girls finally being afraid to report. It is not clear if Post Exposed Prophylaxis (PeP) for rape cases is available at the Ministry of Health Hospitals in Bulgaria.

Moreover, even if service providers have received basic trainings on GBV case management, according to MdM they do lack basic human rights knowledge. Additionally, the risk assessment/screening tools for UASC and vulnerable women used by the state social workers are not proven tools that assist in preventing and responding to violence.

MdM Bulgaria highlighted the important need of creating an official “Referral PathWay” and “Service Mapping” for survivors of GBV as well as the need for all NGOs to have a “Common Advocacy Integration Working Group”, led by UNHCR, Bulgaria.

4.9 Meeting with UNICEF, Bulgaria

According to an UNICEF- Bulgarian analysis, the causes of insufficiently responding to GBV in Bulgaria are the lack of an efficient mechanism of identification, and communication of cases of violence; the lack of practices and mechanisms that are based on the best interests of the survivors; poor inter-sectoral cooperation between healthcare, education and social services systems; insufficient capacity of multidisciplinary teams and lack of trained specialists from the child protection, social work, police and justice system. Throughout 2019, UNICEF will continue to prioritize the needs of children and women on the move and those seeking asylum in priority countries – such as **Greece**, Italy, Bosnia and Herzegovina, **Bulgaria** and Serbia –, pursuing a two-pronged approach, which combines humanitarian service delivery with system strengthening through capacity-building, child rights monitoring and policy reform to ensure all vulnerable children and women have access to protection in a sustainable manner.

In specific for GBV prevention and response UNICEF Bulgaria is trying to achieve the following goals:

- Enhancing the knowledge and skills of frontline workers on GBV in cooperation with the Alliance
- In cooperation with IOM and MdM establish a referral pathway and available services for GBV response in detention centers and open centers for refugees and migrants.
- Work with the State agency for Refugees and other partners to support initiatives for ensuring sustainability and building upon the results achieved so far.



-Fund Bulgarian local organizations (such as CRWB) for preventing and responding to GBV programming for refugees and migrants in Bulgaria²³

According to Ms. Antonia Seizova the coordinator of UNICEF, Bulgaria there are limited capacities of the state social workers, social services to address the needs to refugee and migrant children and their mothers, even limitations to Bulgarian citizens but harder for refugee and migrants women and children.

4.10 Meeting with APGBV Lawyer Coordinator.

According to Ms. Elena Krasteva, GBV does not ensure that a woman will obtain asylum in Bulgaria. The **Gender Identity Claims** (Genève conventions) victims of persecution because of Gender can be granted with asylum; in practice it is considered as well-founded fear of persecution due to belonging in a specific social group.

In regards to **women GBV survivors with no legal documents**, if they report an incident of violence to the police, first of all they will be administratively detained and the public prosecutor will be informed about the case.

The law on the protection against domestic violence in Bulgaria creates a remedy for the survivors by allowing them to petition the regional court for protection. To warrant protection under the law, the violence must have occurred **within one month of the petition**, and between the following persons: current and former spouses; current and former cohabitants; persons with a child in common; ascendant and descendants (e.g. parent/child); siblings; relatives within two degrees; guardian/foster parent and child relationship.²⁴

It is worth mentioning that Diotima's legal coordinator and Alliances legal coordinator were encouraged to be introduced and if needed start exchanging (via email communication) knowledge and experience in regards to law and GBV.

²³ UNICEF Refugee and Migrant Response in Europe Humanitarian Situation Report # 32:

<https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Refugee%20and%20Migrant%20Crisis%20in%20Europe%20Humanitarian%20Situation%20Report%20No%2032%20-%20June%202019.pdf>

²⁴ Implementation of the Bulgarian Law on Protection against Domestic Violence

https://www.theadvocatesforhumanrights.org/uploads/final_report_2_3.pdf



CHAPTER 5. Lessons Learned-Findings- Recommended Practices Following the Exchange Visit in Bulgaria.

Women in Bulgaria are routinely denied their basic, fundamental right to be free from violence. By failing to respond appropriately to the problem of GBV and by discriminating against the survivors of domestic violence through the enforcement of its laws. Bulgaria should take legislative, judicial and administrative measures for combating violence against women and girls. Legislative reforms should be undertaken to deal effectively through criminal law and administrative measures for GBV, which is widespread and affects predominantly women and girls. **Steps should be taken to ensure that all rape offences, including those occurring within an intimate relationship, are treated as equally criminalised offences.** In addition, Bulgaria needs to ensure that Prosecutors, the Police, and Judges inform DV survivors of their rights under laws and treaty obligations, monitor and review the performance of the Police, the Prosecutors, and the Judges relating to the adjudication of cases involving violence against women and girls.

The Bulgarian government should strongly support the efforts of women organizations and other non-governmental organizations actively working on the issue of violence against women and girls and should cooperate with them at local, national, regional and international levels. This support should include, among other activities, promoting research, collecting data and compiling statistics relating to the prevalence of different forms of violence against women.

Taking actions to increase the number and operational capacity of NGO-run current DV programs and not limited to other forms of GBV, programs such as crisis hotlines, shelters and services. Increase as well funding through the Ministry of Justice for the development, implementation, and operation of programs for the prevention of and protection from all forms of GBV as well (sexual, physical, emotional and psychological violence, harmful traditional practices and socio-economic violence).

In regards to women and girls from the refugee and migrant communities, despite the fact that most of women and girls seeking international protection are not intended to stay and integrate in Bulgaria, the issue of GBV identified definitely deserves more and in-depth consideration. It will be in the interest of more effective protection of those women and girls. Another issue which deserves attention is the continuous nature, the pattern of GBV, which 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, Bulgaria is one of the first EU countries refugees and migrants reach after they escape, and a starting point in the seeking of protection and of a better life. The women themselves have, even if



limited, information that the women survivors of GBV can receive protection. **This argument was valid for almost all meetings that were held in Sofia during the three days exchange visit.**

It is very important that Bulgaria ratifies the Istanbul Convention. This is also an obligation under international law, in order to protect human rights. The provisions of the Universal Declaration of Human Rights and numerous other human rights instruments, such as the Declaration on the Elimination of Violence Against Women, define Bulgaria's human rights obligations as a member of the international community.

The **inter-institutional cooperation** for the specific needs of women and girls from the Roma, refugee and migrant communities should be further developed in Bulgaria and regulated in the country's legislation. **Regular GBV Inter-agency knowledge and coordination within NGOs and state staff, the “cluster approach”,** offers an explicit structure in which GBV coordination can be established, ensuring good coordination of multi-sectoral interventions for GBV.

Moreover, professionals should meet the needs of the survivors, including more and **better trained human resources**; regular supervision and professional support; improved material resources for implementation of the tasks, as well as better cooperation with and more active contribution from other state and municipal institutions. Involve tailored trainings of professionals e.g. health practitioners, public and asylum officers etc., notably on gender issues and GBV risk mitigating and case management.

In addition, as for GBV response programming, local NGOs in Bulgaria are encouraged to follow **proven case management guidelines in a survivor-centered approach**, in the best interest of the survivor and her children. Establishing a relationship with the survivor that promotes their emotional and physical safety, building trust and helping the person restore some control over their life. Working with abusers in the frame of “couple orientation” due to IPV it is not recommended. We know mediation of IPV cases causes further harm violating one of the main principles in humanitarian service delivery and is difficult - if not impossible- to do because of the power imbalance between abusive perpetrators and those they abuse.

To summarize, being aware that the majority of Bulgarian citizens use “gender” as a derogative term, the following suggestions would improve the prevention and response to GBV.

- Raising awareness activities (including for the Roma, Refugee and Migrant community)
- Building the Capacity of State actors
- Being able to recognize needs of LGBTIQI+ women and men on the move.



- Documenting the current situation in order to establish the gaps and ensure a systematized, coordinated approach (service mapping, produce of a national strategy document, establish referral pathways, Standard Operational Procedures (SoPs, Situation reports etc.)
- Enhancing the identification of cases of forced marriage (integrate services for children in GBV Programming)
- Establishing sex education systems in public schools and safe zones
- Using innovative techniques to address needs of children and women on the move.