

NATIONAL REPORT BULGARIA 2016

DETAILS REPORT WRITING ORGANISATION

Country: Bulgaria

Organisation writing report: Bulgarian Gender Research Foundation, Website:
<http://www.bgrf.org/?lang=11>

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Representing any other organisations? Yes

Names of these organisations: The Alliance for Protection from Gender-based Violence

1. ORGANISATIONS/PROGRAMMES

WHAT TYPE OF ACTIVITIES RELATED TO DOMESTIC VIOLENCE PREVENTION HAS YOUR ORGANISATION CARRIED OUT DURING THE LAST THREE YEARS?

The Bulgarian Gender Research Foundation (BGRF) is one of the leading NGOs in the field of legislation and provision of legal services for victims of domestic violence and other forms of gender-based violence (GBV). Between 2000 and 2005 the NGO was involved in drafting and promoting legislation regarding protection from domestic violence in Bulgaria. Over the past three years, the BGRF has worked on advocacy and service provision related to the implementation of this legislation. In addition, the BGRF has provided innovative mobile services, and services for perpetrators of violence, since 2010. The NGO also provides psychological services and legal services for victims of violence through its branches in Sofia, particularly the Haskovo branch. The BGRF also specialises in the field of education, training professionals on the issues of GBV with a particular focus on training

legal professionals. Further, for the past two years the BGRF's Haskovo branch has managed a crisis centre for women and children victims of violence. The BGRF's cooperation with partners at national and international levels is a particular strength of the organisation. In 2008 the BGRF, along with other NGOs working against GBV, started to establish the Alliance for Protection against Domestic Violence. This has since been renamed the Alliance for Protection from Gender-based Violence.

The Alliance for Protection from Gender-based Violence (APGBV, the alliance) was officially registered in 2009, and brings together various non-governmental organisations that are engaged in activities and services in the field of violence prevention and the provision of services and programmes for victims. The organisations have authority and recognised expertise at national and local levels. All organisations involved in the alliance are providers of social services and work actively with victims and groups at risk, providing social, psychological and legal support to victims in accordance with the law on protection against domestic violence. The APGBV has an active focus on advocacy and lobbies for changes in national legislation with a view to ensuring more effective protection and defence against violence. The alliance brings together organisations from 11 cities across Bulgaria, who utilise legal mechanisms for the protection of persons affected by domestic violence and participate actively in monitoring the enforcement of legislation and the implementation of prevention activities among high risk groups.

During the past three years, the BGRF, together with the alliance, has successfully campaigned and lobbied for legislative changes. For example, during 2015, the alliance submitted demands to the National Assembly for amendments to be made to the criminal code in order to enhance protections for victims of violence. These demands were partially accepted. The alliance and its NGO members also undertook a large national campaign for the ratification of the Istanbul Convention. They supported the national campaign "Open Your Eyes, Break the Silence", led by Maria Gabriel and partners, that advocated against

violence against women, and put pressure on the Republic of Bulgaria to sign and ratify the Istanbul Convention. The convention was signed at the end of April 2016.

WHAT WOULD YOU DEFINE AS THE BIGGEST OBSTACLES/CHALLENGES REGARDING VIOLENCE PREVENTION TO YOUR ORGANISATION/S? PLEASE FOCUS ON THE LAST THREE YEARS.

The main challenges are

- A lack of political will to carry out important legislative changes, and to ratify the Istanbul Convention,
- The issue of fragmented financing for services for victims of violence and programmes for perpetrators, and
- The absence of effective and state-supported prevention programmes.

2. COUNTRY

PLEASE GIVE AN OVERVIEW OF GENERAL SITUATION IN YOUR COUNTRY REGARDING WORK WITH PERPETRATORS.

The main relevant regulation of civil law is the Law on Protection from Domestic Violence.

The Law on Protection from Domestic Violence (LPDV) provides a mechanism for victims of domestic violence in Bulgaria, allowing them to apply for protection before the regional court. Law Article 2 defines domestic violence as any act of physical, sexual, psychological, emotional or economic violence, including the attempt at such violence, and/or the 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 who are in a de facto marital cohabitation. Any domestic violence committed in the presence of a child is considered to be mental and emotional abuse.

Any person affected from domestic violence can seek protection under this law when the violence is committed by:

- 1) a spouse or former spouse;
- 2) a person with whom they are, or have been, involved in a de facto marital cohabitation;
- 3) a person with whom they have a child;
- 4) ascending;
- 5) descending;
- 6) a person, with whom there is kinship under lateral lines, up to the fourth degree inclusive;
- 7) a person, with whom there is or has been an affinity up to the third degree;
- 8) a guardian, trustee or adoptive parent;
- 9) an ascendant or descendant of the person with whom they are in a de facto marital cohabitation;
- 10) a person with whom a parent is or has been in a de facto marital cohabitation.

An application for protection may be submitted up to one month after the act of violence has been committed. There is no official form for applying for protection in Bulgaria, but the law regulates the necessary components of an application. Under the law, at the request of the victim, every doctor is obliged to issue a document to certify in writing the bodily harm, or other signs of violence, identified by him/her. There is no fee for submitting an initial application but, depending on the outcome, the applicant or the defendant must pay the costs associated with the case. Where there is an application for protection, the court must schedule a hearing within thirty days. In cases of direct, immediate or consequent risk to the life or health of victims, it is possible to apply for immediate protection. The court decides on such an application within 24 hours, in a closed session. The procedure for issuing the order for protection can be initiated at the request of:

- 1) the injured person, if they are above 14 years of age or under partial guardianship;

- 2) a sibling of the victim, or a person who has a straight line of kinship with the victim;
- 3) a guardian of the victim;
- 4) the director of the Directorate for Social Assistance in cases where the victim is a minor, is under guardianship or has disabilities.

Victims of domestic violence have improved access to justice under this law, because it is stipulated that, in the absence of other evidence, the court shall issue a protection order based solely on the statement of the victim and the allegations described in the application. 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 provided in the LPDV, which are the following:

- 1) oblige the perpetrator to refrain from committing domestic violence;
- 2) remove the offender from the jointly occupied dwelling for a period determined by the court;
- 3) ban the offender from approaching the victim's home, workplace and places for social contacts and leisure under the terms and conditions determined by the court;
- 4) temporarily determine the domicile of the child at the home of the parent who has not committed violence, under the terms and conditions determined by the court, as long as this does not contradict the interests of the child. (This measure is not necessary in pending legal cases between parents for custody, for determining the residence of the child or the regime of personal relationships);
- 5) oblige the perpetrator to attend specialised programmes;
- 6) direct victims towards rehabilitation programs.

Measures under paragraph 2, 3 and 4 are imposed for a period of three to 18 months.

Such orders are immediately enforceable. The police are responsible for the execution of measures 1 to 3 mentioned above. Under the LPDV, the state is also responsible for the

introduction of programmes to prevent domestic violence and assist victims; the selection and training of personnel in the field of protection from violence; working with individuals and legal entities registered under the Social Assistance Act; and supporting non-profit organisations in activities related to violence prevention and protection. The Bulgarian state budget and the budget for the Ministry of Justice allocate funding for non-profit organisations on an annual basis. Projects are funded according to the following thematic requirements: programmes for violence prevention and the protection for victims of domestic violence; programmes providing assistance to victims of domestic violence; training of professionals who carry out protection under the law; and specialised programmes for persons who have committed domestic violence, including social and psychological counselling.

As of January 11, 2015, victims of domestic violence can obtain protection throughout the European Union. Member states have introduced provisions in their national legislation under 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 respective changes in the civil procedural code, specifically the LPDV, is to ensure protection for victims of domestic violence when they are moving, travelling or working within the EU, and to provide procedural safeguards for affected persons.

Article 296 paragraph 1 of the criminal code regulates the penal responsibility for violating an order for protection, including a European OFP. The sanction is up to three years of imprisonment or a penalty of up to BGN 5000 (approximately EURO 2500). The provision is rarely applied, however there has been progress in recent years.

It is problematic that Bulgarian criminal law is not yet in compliance with the Istanbul Convention, particularly in relation to the prosecution of average and light injuries between spouses and close relatives. Such cases are still based on the complaints of victims, and

because public prosecution is often not realised, police are unable to arrest aggressors. The fact that an act is a result of DV is not taken into account as an aggravating circumstance.

PLEASE TELL US ABOUT THE PROGRESS YOUR COUNTRY HAS MADE IN RELATION TO ISTANBUL CONVENTION.

The decision to sign the Istanbul Convention was adopted on 16 April, 2016. The Council of Ministers stated that this decision was taken “in view of forthcoming ratification”.

There has been strong pressure from civil society for the government to ratify the convention, particularly from the APGBV as well as from other initiatives and NGOs. However, there has been no specific debate in parliament for undertaking an imminent step in that direction. The government has advanced a number of reasons for non-ratification, including the legislation’s lack of full compliance with the IC, as well as the financial and budgetary implications of ratification.

Several areas of Bulgarian law remain particularly problematic in relation to the convention. For example, the concept of rape in Bulgarian law does not comply with the main standards of the Council of Europe (CoE). In Bulgarian law, the concept of rape is not based on a lack of consent and is considered an act against the sexual integrity of women only. Also problematic is the treatment of the majority of criminal acts of domestic violence as crimes of a private nature, requiring a complaint from the victim in order to be prosecuted. Further, there is no criminalisation of acts such as stalking. Finally, there is no system in place for the continuous support of active NGOs working in the field. There is no explicit legislation and no special policy encompassing all forms of VAW and GBV, and no effective mechanism for integrating policies against VAW and DV. Reviews of legislation have been carried out by the government, by experts of the CoE and by civil society organisations. Independent reviews have consistently shown the need for amendments in

criminal law, in civil legislation and in policy. 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.

Between June and October 2016 the Ministry of Justice organised two working groups for the elaboration of amendments to legislation within civil law and criminal law. Currently, a new restricted working group has been formed and will work on elaborating the draft changes until February 2017.

3. BEST PRACTICES

TELL US ABOUT BEST PRACTICES IN WORK WITH PERPETRATORS IN YOUR COUNTRY.

Since 2011, NGOs in Bulgaria have been developing programmes for the treatment of perpetrators based on models developed in Europe and the USA, particularly the Duluth model. The NGOs that have been most active in developing this practice have been the BGRF, the Demetra Association in Burgas, and the Open Door Association in Pleven. Both individual and group counselling programmes have been developed in several locations: Sofia, the branch of the BGRF in Haskovo, Dimitrovgrad, Burgas and Pleven. Over time, additional programmes have been developed through the APGBV centres of various towns as well as by other NGOs outside the alliance. Most programmes are located in towns with an APGBV presence, and most combine individual and group work, in line with good practice. Initially, three NGOs in particular introduced programmes through the development of specific projects. Later, every NGO involved in work with perpetrators developed their own programme, with a shared ideology in common. Each NGO provides interdisciplinary support and shelter for women victims, thus their programmes for perpetrators of violence are closely linked to programmes for the protection of victims, and aim to enhance the safety of women victims. This approach is in compliance with the Istanbul Convention.

A further example of good practice is the combination of theory, methodology and services provided for perpetrators of violence under the APGBV's programme for training specialists in its Academy for the Prevention of Violence.

4. NEEDS AND RECOMMENDATIONS

WHAT HAS TO BE DONE TO PREVENT DOMESTIC VIOLENCE IN YOUR COUNTRY (REGARDING WORK WITH PERPETRATORS)?

It is important that programmes for perpetrators are officially recognised and supported by the state, in principle and financially (while still preserving the priority financing of services for victims). A common framework and ideology must be adopted by NGOs working together in a network. Regular training sessions for relevant experts should be provided at a national level, with opportunities for further training at a European level. Connections between the alliance and members of the WWP EN Network are crucial.

WHAT ARE THE MOST IMPORTANT TASKS AND STEPS THAT YOU FEEL SHOULD BE FOCUSED ON IN YOUR COUNTRY IN ORDER TO TACKLE DOMESTIC VIOLENCE ON A GENERAL LEVEL?

- The ratification of the Istanbul Convention
- The criminalisation of all forms of serious acts of GBV, the strengthening of civil protection against DV and other forms of GBV, and the strengthening of legislation regarding equality
- Adequate support and financing for services for victims of violence and all related services, ensuring access to justice

- The provision of special services that are able to reach the most vulnerable groups of victims of violence, without stigma and discrimination
- Recognition and support for women's NGOs in Bulgaria
- Continuous education and training, international networking

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**OAK**
FOUNDATION

ANNEX

List of member organizations of the "Alliance for Protection from Gender- Based violence" and the services they provide

Varna, 21 "Sinchets" street

Tel : 052 609 677; 0888 436 754, Tel / Fax : 052 613 830

Sofia, bul. Levski № 33

02 96353757

Email: bulgarian_alliance@mail.bg, office@bgrf.org, sos@mail.bg, sos@ssi.bg,
www.alliancedv.org

1. "Bulgarian Gender Research" Foundation /BGRF/ - Sofia

CONTACTS:

Sofia 1142

bul. "Vasil Levski " 33

Phone: 02/963 53 57, Mobile: 087 9133021

Fax: 02/9635357

Email: office@bgrf.org

www.bgrf.org

Contact person: Genoveva Tisheva - Manager and Daniela Gorbounova - Director Legal advice

The Foundation has branches in Haskovo and Plovdiv and an office in Veliko Tarnovo.

Petya Petkova - Manager Branch Haskovo

Haskovo 6300

Address: Haskovo, Pirin str. No 9

Telephone: 038/624 685

Mobile: 0878 567659

e-mail: bgrfhaskovo@mail.bg

Contact person: Petya Petkova – Manager

Services provided: counselling centres for legal and social-psychological services for victims of domestic violence, sexual violence and other forms of gender based violence and for victims of discrimination. Programme for working with perpetrators of domestic violence.

Crisis centre for women and children victims of violence (BGRF–Haskovo) situated in Dimitrovgrad.

Contact numbers for provision of services:

0879133021 - hotline for referral

0878567620

02/9635357

2. Women's Association "Ekaterina Karavelova" - Silistra

CONTACTS:

Silistra 7500

str. "Vaptsarov" 51 fl. 2

P.O.B 283

Phone: **086/820 487**

Fax: 086/820 487

E-mail: ceta@mail.bg

Website: www.ekaravelova.org

Contact Person: Hristina Georgieva - Chairwoman

Services provided: counselling centre for legal and social-psychological services for individuals, victims of domestic violence, sexual violence and other forms of gender-based violence, as well as child victims of violence. Programme for work with perpetrators of domestic violence.

Crisis centre for women and children victims of violence.

3. Foundation "Positive skills of the individual in the society" P.U.L.S - Pernik

CONTACTS:

Pernik 2300

str. "Sredets" 2

Phone: 076/60 10 10

Fax: 076/60 10 10

Email: pulse.women@gmail.com

Contact Person: Mariana Evtimova - board member

Services provided: counselling centre for legal and social-psychological services for victims of domestic violence, sexual violence and other forms of gender based violence, child victims of violence.

Crisis centre for women and children victims of violence.

4. Foundation "SOS - Families at Risk" - Varna

CONTACTS:

Address: Varna 9002; str. "Sinchets " 21

Phone: 052 609 677,

Tel./ Fax: 052 613 830

Email: sos@ssi.bg;

Website: www.sos-varna.org

Contact person: Anna Nikolova - Manager

Provided services: counselling centre for legal and social-psychological services for victims of domestic violence, sexual violence and other forms of gender-based violence, child victims of violence.

Crisis centre for women and children victims of violence.

Programme for work with perpetrators of domestic violence.

Shelter for victims of human trafficking (National Commission for the Fight against Human Traffic).

5. Foundation "H&D Gender Perspectives" – Haskovo and Dimitrovgrad

CONTACTS:

Dimitrovgrad 4600

Address: Dimitrovgrad, boul. Kliment Ohridski№ 1, fl. 1

Telephone: 0391 2 50 55

Mobile: 0878 567 659

Email: hdgender@gmail.com

Contact Person: Nevena Milcheva- Manager

Services provided: counselling centre for legal and social-psychological services for individuals, victims of domestic violence, sexual violence and other forms of gender-based violence. Programme for work with perpetrators of domestic violence.

Crisis centre for women and children, victims of violence in Dimitrovgrad, together with BGRF - branch Haskovo.

6. Association "Demetra" - Burgas

CONTACTS:

Address: Burgas,

Str. "Shejnovo" 102 and

Phone: 056/81 56 18

Fax: 056 83 66 57; mob. 0896 82 15 91

Website: [http:// Demetra - bg.org/index.html](http://Demetra-bg.org/index.html)

Email: demetra@unacs.bg

Contact person: Anna Burieva - Chairman

Services provided: counselling centre for legal and social-psychological services for individuals, victims of domestic violence, sexual violence and other forms of gender-based violence, as well as child victims of violence. Programme for work with perpetrators of domestic violence.

Crisis centre for women and children victims of violence. Crisis centre for children affected by violence.

Two shelters for victims of human trafficking (National Commission for Fight against Trafficking in Human Beings).

New service offered - support centre for victims of sexual violence.

7. Association NAIA - Targovishte

CONTACTS:

Targovishte 7700, str. "Antim I" No 37

Phone: 0601/6 28 89

Fax: 0601/6 28 89

Hotline 0601/ 6 70 25

Mobile: 0879 606 855

Email: naia_s@abv.bg

Webpage: www.naia.cf

Contact Person: Svetla Sivcheva - Chairwoman

Services provided: counselling centre for legal and social-psychological services for individuals, victims of domestic violence, sexual violence and other forms of gender-based violence, and for children who are the victims of violence. Programme for work with perpetrators of domestic violence.

8. Association "Centre Open door" - Pleven

CONTACTS:

Centre "Open Door"

Pleven 5800, str. "Neophyte Rilski" 55

Tel./fax 064 846 713

Email: opendoor_centre@hotmail.com

Contact Person: Zlatka Macheva - Chairwoman

Services provided: counselling centre for legal and social-psychological services for individuals, victims of domestic violence, sexual violence and other forms of gender-based violence and for children who are the victims of violence. Programme for work with perpetrators of domestic violence.

Crisis centre for women and children who are the victims of violence.

9. Association "Center Dynamics" - Ruse

CONTACTS:

Ruse 7012

str. "Panayot Hitov" 9

Tel./Fax: 082/82 67 70

Email: centre_dinamika@abv.bg

Contact Person: Deana Dimova - Manager

Provided services: counselling centre for legal and social-psychological services to individuals, victims of domestic violence, sexual violence and other forms of gender-based violence, and for children who are the victims of violence. Programme working with perpetrators of domestic violence.



Crisis centre for women victims of violence.

10. Association "Knowledge, success, change" - Dupnitsa

CONTACTS:

Dupnitsa 2600, str. "Solun" 2

Tel.: 0895 76 22 93

Email: ksc_association@abv.bg

Contact Person: Sylvia Ovcharchenska - Chairwoman

With a branch in the town of Blagoevgrad

Provided services: counselling centre for legal and social-psychological services for individuals, victims of domestic violence, sexual violence and other forms of gender-based violence, and child victims of violence.

NB: Most of the relevant NGOs also have programmes for perpetrators.