

I. EXECUTIVE SUMMARY

- 1. Domestic violence and violence against women crimes continue to be a serious and growing problem in Bulgaria.** According to a 2017 report by the European Institute for Gender Equality (EIGE), at least 28% of women have experienced domestic violence. Yet, 48% of the women surveyed did not inform anyone, the highest non-reporting rate in the EU.¹ Another study estimated that in 2015, 70-80% of domestic violence cases went unreported; for Roma women, the rate of non-reporting is as high as 90% due to fear and lack of family and institutional support.² Another study found that domestic violence awareness and willingness to share information is so low that reported prevalence is significantly lower than actual occurrence.³
2. In the last three years, murders of women committed by spouses, partners, and close relatives increased by 50%. Every third intentional murder in Bulgaria in 2018 was the result of domestic violence.⁴ One study found that, in 75% of domestic violence court cases, the defendant had exercised physical or psychological violence against the victim in the past and the victim had reported that violence.⁵ According to a September 2016 survey by three Bulgarian non-governmental organizations (NGOs), 40% of police officers and 30% of social workers believe domestic violence has increased but that the government has not implemented policies with adequate funding needed to prevent and protect women from domestic violence.⁶
3. Furthermore, while authorities could prosecute spousal rape under the general criminal rape statute, they rarely do so. Data from the National Statistics Institute shows that statutory rape convictions in 2015 dropped by 31% compared to 2014 and by 80% compared to 2011.⁷
4. According to its mid-term UPR update, Bulgaria has taken some steps to improve its response to domestic violence and violence against women and hold perpetrators accountable. It repealed Article 158 of the Criminal Code which prevented prosecution of those who committed sexual abuse or rape of a minor if they later married their victims; adopted “Methodical Guidelines” for domestic violence cases to unify procedures and make investigation and pre-trial proceedings a priority; and implemented training programs to strengthen the efficiency and effectiveness of the judiciary and police in handling domestic violence cases and enhance the capacity of system actors to reduce domestic violence.⁸ Bulgaria also amended its Criminal Code to address gaps in its laws, including criminalizing stalking, expanding the definition of domestic violence, increasing penalties for domestic violence, and allowing for criminal charges to be filed in some cases of domestic violence.

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5. 2016 amendments to the Legal Assistance Act extended free legal assistance to survivors of domestic violence. Additionally, the National Program for Prevention and Protection against Domestic Violence was adopted in 2015. It requires the Council of Ministers to provide funding for services for domestic violence victims, build institutional mechanisms for coordinating, monitoring, and raising public awareness, implement trainings for providers, and provide protection of victims.⁹
6. However, serious problems remain with Bulgaria's legislation and its implementation, resulting in a systemic failure to protect victims and ensure abuser accountability. The considerable delay of the government to sign the Istanbul Convention, along with the Constitutional Court decision deeming ratification unconstitutional, or to align Bulgarian legislation and practice with this treaty, has harsh consequences for women and their children, particularly when severe and even lethal cases of domestic violence go unpunished. The Bulgarian public was particularly shocked by four brutal murders of women in less than a month between July and August 2017.¹⁰ Shortcomings in the law's implementation were noted: courts do not use the urgent procedure for issuing orders for protection; in cases of violation of an order for protection, the aggressor is not arrested as required by law and enjoys impunity; and perpetrators of violence have access to firearms.¹¹
7. The distorted application of the law by State institutions blames the victim and creates risk for women and their children who instead have to flee to find shelter. Instead of providing for urgent protection against 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.¹² Recent updates to its laws and policies do not address many of these issues, including poor implementation and harmful stereotypes about women and violence.
8. Information in this report was gathered from a review of current State laws and policies, as well as materials, reports, and analyses prepared by partner organizations and governmental and non-governmental bodies. In addition, interviews were conducted in 2019 with legal professionals and NGOs providing direct services to victims and their children, to inform this report.

II. BACKGROUND AND FRAMEWORK

9. Bulgaria has ratified or acceded to several human rights treaties, including the Convention against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC).¹³
10. Bulgaria has signed, but not ratified, the Council of Europe's Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention).¹⁴ In 2018, Bulgaria's Constitutional Court ruled that the Istanbul Convention is unconstitutional, thus making ratification extremely unlikely.

A. 2015 Universal Periodic Review of Bulgaria

11. Bulgaria received 14 recommendations addressing domestic violence, and an additional 18 recommendations regarding gender equality and violence against women during its last UPR Review in 2015. Bulgaria accepted all of these recommendations, and detailed the process of implementation for some of them. This section identifies whether the government has fully implemented, partially implemented, or not implemented select recommendations.

1. Compliance with International Human Rights Standards

Status of Implementation: Accepted, Partially Implemented

12. Bulgaria accepted a recommendation that it ratify the Istanbul Convention.¹⁵ Bulgaria responded that it is making an effort to bring national legislation “in line with the standards of the Council of Europe.”¹⁶ Bulgaria signed the Istanbul Convention. However, Bulgaria’s Constitutional Court has ruled that ratification is unconstitutional. Therefore, Bulgaria cannot ratify the Istanbul Convention at this time.

2. Investigation and Prosecution of Domestic Violence

Status of Implementation: Accepted, Partially Implemented

13. Bulgaria received several recommendations to improve investigation and prosecution of domestic violence cases by repealing Article 158 of the Criminal Code, amending legislation, and increasing punishment for crimes of domestic violence and marital rape.¹⁷ In its response to one recommendation, Bulgaria indicated that all crimes of domestic violence are “adequately prosecuted and effectively investigated.”¹⁸ Bulgaria has repealed Article 158 and has increased criminal penalties for some crimes related to domestic violence; however victims must prove three violent incidents before enhanced penalties apply. Persistent negative attitudes towards victims continue to impede effective investigations and prosecutions of crimes.

3. Prevention of Domestic Violence

Status of Implementation: Accepted, Partially Implemented

14. Several countries made recommendations concerning prevention of domestic violence, including awareness-raising campaigns and legislation to promote gender equality.¹⁹ Bulgaria accepted all of these recommendations. Stakeholders report that, while the State has published or proposed programs on preventing domestic violence, such initiatives are vague, unenforceable and lack adequate funding for implementation. Additionally, the Act on Gender Equality lacks specifics and is not being implemented by the State. Finally, stereotypes regarding women in society and the family persist.

4. Promotion of Victims’ Rights and Victim Services

Status of Implementation: Accepted, Partially Implemented

15. Bulgaria received several recommendations to improve protections for victims during prosecution and to increase services, such as shelters.²⁰ Bulgaria accepted all of these recommendations. Bulgaria has amended its criminal procedure and similar laws to provide victims with certain “special protection” remedies. However, the State continues to severely underfund victim services, particularly shelters. Judges still deny victims adequate protective measures due to a lack of understanding of the dynamics of domestic violence.

B. Domestic Legal Framework

16. The Bulgarian Parliament adopted the Law on Protection against Domestic Violence (LPADV) in 2005. The LPADV creates a civil remedy for victims in Bulgaria by allowing them to petition the regional courts for protection.²¹ It defines domestic violence as any act or attempted act of physical, mental or sexual violence, as well as the forcible restriction of individual freedom and privacy.²² The court can grant an emergency, as well as a longer-term order, for protection that can include temporary child custody and other forms of relief.²³ The Bulgarian government adopted amendments to the LPADV on several occasions to address challenges contained in the initial law.²⁴ For example, in 2009, the LPADV was amended to expand the scope of persons entitled to file an application for an order for protection.²⁵ Bulgaria also criminalized violations of protective orders.²⁶

17. Bulgaria amended its Criminal Code in 2019 to expand the definition of domestic violence to include psychological violence and some elements of coercive control, as well as enhanced criminal penalties for several crimes committed “in conditions of domestic violence.”²⁷ Previously, Bulgaria had no specific criminal penalties for crimes related to domestic violence and incidents were punished with an administrative penalty and/or a fine.²⁸ Crimes with higher penalties include homicide, bodily harm, kidnapping, illegal constraint, compulsion, threat or stalking.²⁹ A crime is considered committed in conditions of domestic violence “if it is preceded by systematic physical, sexual or psychological violence, placing the person in economic dependence, coercive restriction of personal life, personal liberty and personal rights, and is enforced against [a parent or child], a spouse or ex-spouse, a person with whom one shares a child, a person with whom one is or has been in a de facto marital cohabitation, or a person with whom one lives or has lived in a common household.”³⁰ While what constitutes “systematic physical, sexual or psychological violence” is not defined in the Criminal Code, stakeholders report that Bulgarian courts have interpreted the term “systematic” to mean that victims must document three prior instances of violence by the same perpetrator for a public prosecution to be opened.³¹

18. Bulgaria amended its Penal Procedure Code and the Law on Execution of Sentences and Detention in 2019 to oblige the court, the prosecutors or prison/jail staff to inform a victim with “specific protection needs” if a perpetrator is released from prison or released after arrest. The Penal Procedure Code defines a victim with “specific protection needs” as a victim for whom additional remedies are needed to protect against further harm, intimidation and retaliation, emotional or mental suffering, including preserving the dignity of a victim during questioning.³²

19. Other amendments to the Criminal Code include imposing criminal penalties for stalking, as well as the inclusion of other forms of violence against women, such as forced marriage.³³ If no public prosecution is triggered, domestic violence crimes are treated as private or private-public prosecutions. For example, for average bodily harm caused to an ascendant, descendant, spouse, brother or sister, the prosecution is private-public, which means that the criminal prosecution of general nature shall be instituted upon a complaint of the aggrieved to the prosecution and it cannot be terminated at her request.³⁴ This would also apply to stalking crimes that are not committed in conditions of domestic violence.³⁵ Other instances of domestic violence require a victim to pursue the matter privately and could be withdrawn.

III. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 29.2. Gender-based violence

A. Ratification of the Istanbul Convention

20. Bulgaria did not sign the Istanbul Convention until 2016. Recently, the State retreated even further from ratification and thus, from its international legal obligations to protect women from violence. On July 27, 2018, the Bulgarian Constitutional Court ruled that ratification of the Istanbul Convention was unconstitutional. The ruling was based on sensationalized misinformation about the term “gender” that appears in the Convention. The Court stated that the definition of “gender” in the Convention removes the boundaries of the two biologically determined sexes and risks turning efforts to combat violence against women into “a formalistic and unattainable commitment.”³⁶
21. The rejection of the Istanbul Convention and its comprehensive measures to protect women and prevent violence perpetuates existing prejudices and hinders enforcement policies.

B. Domestic violence laws are not enforced and victims lack access to justice and important services.

22. The number of petitions for protective orders has risen since the LPADV’s enactment, indicating increased awareness. Yet, the criminal penalties imposed against abusers who violate these orders have decreased, thus perpetuating the perception that domestic violence is not a serious offense.³⁷ Stakeholders report that, in some cases, lenient sentences without adequate survivor protection have forced women to leave the country to find safety for themselves and their children.³⁸
23. Currently, a victim must apply for an order for protection within 30 days of an act of violence; after 30 days, the victim is time-barred and must experience a new act of violence before seeking protection.³⁹
24. Stakeholders report that judges continue to exhibit misconceptions about domestic violence, leading to inconsistent or no enforcement of the LPADV’s provisions, including protective orders. Although some judges are issuing evictions against the perpetrator under the LPADV, there still are judges who will not remove the perpetrator from the home out of concern for his

living situation or because of their belief that the victim provoked the violence.⁴⁰ These beliefs also are pervasive among police and social service providers.⁴¹ Police, likewise, repeatedly issue warning protocols to perpetrators but do not enforce them or follow up with stronger penalties.⁴² As a legal practitioner stated, “there are some good judges who ‘get it’ and some very bad judges who don’t like the LPADV or the victims.”⁴³ This results in many victims being denied the protection to which they are entitled unless they can successfully appeal their case.⁴⁴ In general, orders for protection are difficult to obtain, unless a survivor is well-prepared and has access to legal counsel.⁴⁵

25. Provisions that enhance victim protection and abuser accountability are not systematically integrated into all areas of Bulgarian law. Article 6 of the LPADV requires the government to create conditions for the implementation of domestic violence programs, including adoption of an annual National Program for Prevention and Protection against Domestic Violence.⁴⁶ The annual Programs, even when adopted by the Council of Ministers, have proven to be too general in their parameters, lacking in specific action items, and they provide no set budget allocations.⁴⁷ In fact, the 2016 Program was delayed six months, and no Program was adopted for 2017.⁴⁸ As one attorney stated, the National Program is “just a piece of paper that provides no help in practice.”⁴⁹
26. Moreover, the amount of money the State is required to allocate under the Program for the work of NGOs for domestic violence is “woefully short” of what is needed and not sufficient to open a second domestic violence shelter in Sofia, a city of two million people with only 14 shelter beds.⁵⁰ This is drastically short of the international standard for adequate housing and shelter for victims of violence and their children.
27. The LPADV provides that the Ministry of Justice shall annually include a line item in its budget to provide funding for the development and implementation of programs on domestic violence, including crisis centers, social support centers, training of protection officers, and NGO projects.⁵¹ The amounts allocated are inadequate to meet the growing need for service providers. In 2016-2018, the Ministry of Justice made no adequate funding allocation despite annual amounts disbursed to the Ministry’s budget from the State budget.⁵² As a result, there are only 10 domestic violence shelters in the entire country, and they are often full; there are two privately-funded domestic violence hotlines that often do not operate 24 hours a day; there are insufficient counseling centers for victims; and legal representation often is dependent on the jurisdiction where the victim is located.⁵³
28. Despite Bulgaria’s recent criminalization of crimes related to domestic violence, significant gaps remain. Survivors must prove at least three prior incidents of domestic violence before the State will pursue public charges against the perpetrator under the new amendments to the Criminal Code. Women must provide evidence or documentation of the prior incidents, such as witness statements, medical certificates or police reports.⁵⁴ Surveys have found that Bulgarian women are among the least likely in any European country to report domestic violence. Requiring victims to endure, then document and report, three incidents of domestic violence before the State will prosecute an abuser exposes survivors to the repeated risk of serious violence, particularly if a perpetrator retaliates against a victim for reporting.

29. Additionally, requiring victims to privately prosecute, on their own time and expense, incidents of stalking that are not committed under conditions of domestic violence ignores the seriousness of these crimes. Incidents include abusers harassing women from prison (where cell phone use is common) by, for example, having a victim's car set on fire.⁵⁵ Additionally, the purpose of protecting women from harassment and stalking is to prevent serious or even deadly acts of violence before they happen.

C. Harmful stereotypes of women persist in Bulgaria, undermining legal protections and services for survivors of violence.

30. Persistent stereotypes regarding women in society and the family perpetuate violence against women, contributing to underreporting of violence against women. Patriarchy and misogyny remain pervasive in all levels of public and private life, including in the judiciary and law enforcement, negatively impacting the State response to domestic violence.⁵⁶ These stereotypes also impact individual citizens' responses to violence against women. As a legal practitioner explained, in 2017, a woman was tortured and murdered by her boyfriend. The neighbors, despite hearing her screams for hours, did not call the police.⁵⁷ Investigating authorities hold misperceptions that domestic violence is a private matter for the victim to resolve. A recent study found that police often refuse to register a domestic violence case or give a warning protocol to a perpetrator.⁵⁸ Another consequence is that domestic violence is considered socially acceptable and victims are hesitant to report the crime. These responses and attitudes complicate a victim's ability to document three domestic violence incidents under the new Criminal Code.⁵⁹

31. Judges reportedly also harbor dangerous stereotypes about women and violence; they just have "no sensitivity to gender-based violence," particularly in rural areas and despite trainings on domestic violence.

32. Social assistance directorates and health care providers, likewise, are hindered in their efforts to protect and provide services to victims of domestic violence by stereotypes about the role of women. Health care workers will provide medical treatment to victims but often fail to issue the medical documentation required to file a claim.⁶⁰ Social service officials underestimate the risk faced by victims and rely on personal beliefs about women rather than acting in compliance with the law. As a result, many victims are prevented from obtaining adequate and timely assistance and are not directed to appropriate providers for protection and assistance.⁶¹ Lack of inter-agency knowledge impedes coordination and delays interventions. Moreover, lack of communication between agencies often leads to contradictory actions by different institutions (e.g., between social assistance directorates and police, or social services providers, or the NGOs providing legal aid and/or crisis shelters).

33. These attitudes towards victims and a lack of coordination efforts by institutions often lead to reoccurrence of violence against the victim and the victims' loss of trust in the system.⁶² Likewise, courts, law enforcement, and social service providers continue to believe 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, victims are pressed to mediate or negotiate such meetings with their abuser, thus re-victimizing them.⁶³ Abusive fathers are also often able to convince courts to deny custody rights to survivors.⁶⁴

34. Reflecting these attitudes about women and violence, Bulgaria still has no mechanism for the systematic collection of statistical data or centralized analysis of data related to domestic violence. As a result, the real dimensions and specifics of the problems and issues cannot be easily identified.⁶⁵ As one legal practitioner stated, the government has no interest in women's human rights and thus, they refuse to collect data on domestic violence.⁶⁶

IV. RECOMMENDATIONS

35. **This stakeholder report suggests the following recommendations for the Government of Bulgaria:**

- Regarding the Constitutional Court's decision declaring the Istanbul Convention unconstitutional, the State should acknowledge that there is no legal obstacle for the Constitutional Court to adopt a new decision recognizing that norms of the Istanbul Convention are in accordance with the Bulgarian Constitution.
- Create and implement a system for collection of verified statistical data on cases of domestic and gender-based violence against women, accompanied by a study analyzing why cases are not reported or prosecuted.
- Review family law, procedure and case law in Bulgaria to determine how often and why custody of children is awarded to a domestic violence perpetrator or awarded to a father who has been accused of violence. Propose, enact, implement and fund any necessary legislative or procedural changes to protect women and children from further violence or the threat of violence in family law proceedings, including a rebuttable presumption of granting custody to the non-violent parent.
- Actively counter harmful stereotypes about women and domestic violence, including through comprehensive education and awareness-raising campaigns on women's rights, and provide improved trainings for police, prosecutors, judges, social services and healthcare providers.
- Ensure consistent and adequate funding for shelters, counseling, legal aid and other social services for victims of domestic violence and their children, in conformity with the requirements of domestic law (including 2016 amendments to the Legal Assistance Act), as well as international and European law.
- Amend the Criminal Code to remove the requirement that survivors prove three prior incidents of domestic violence before public criminal charges are filed against perpetrators; one incident should be enough.
- Amend the Criminal Code to allow for public prosecution of stalking even where it is not committed under conditions of domestic violence.

- Amend the LPADV to remove the 30-day deadline for survivors to seek an order for protection.
- Support and fund NGOs to provide services for victims of domestic violence and increase specialized trainings on women’s human rights, domestic violence, and implementation of the LPADV, including the issuance of orders for protection. Such trainings should be mandatory for police, prosecutors, judges, social service and healthcare providers, and child protection authorities.
- Effectively implement the Coordination Mechanism for Assistance and Support to Victims of Domestic Violence, to ensure that domestic violence survivors have access to critical support services such as legal aid and shelter.

¹ European Institute for Gender Equality of the European Union (2017), “Gender Equality Index 2017: Bulgaria”, accessed August 15, 2019, <http://eige.europa.eu/gender-equality-index>.

² United States Department of State, “2016 Country Reports on Human Rights Practices – Bulgaria”, accessed July 30, 2019, <http://www.refworld.org/docid/58ec8a64a.html>.

³ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), at 2.

⁴ Krasen Nikolov, *Dramatic Increase in Murders of Women in Domestic Violence in Bulgaria*, Sofia News Agency, Feb. 5, 2019, novinite.com.

⁵ Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017: Women’s Rights*, (Sofia, Bulgaria: Bulgarian Helsinki Committee, April, 2016), at 134.

⁶ United States Department of State, *Country Report on Human Rights Practices for 2016: Bulgaria*, (Washington, D.C.: Bureau of Democracy, Human Rights, and Labor, 2017), at 14.

⁷ United States Department of State, *Country Report on Human Rights Practices for 2016: Bulgaria*. Washington, D.C., Bureau of Democracy, Human Rights and Labor, 2017), at 14, accessed July 30, 2019, <http://refworld.org/docid/58ec8a64a.html>.

⁸ Republic of Bulgaria, *Bulgaria’s Second Universal Periodic Review Recommendation: Mid-Term Implementation Update 2015-2018* (2018), 6-7. Available online at:

<http://lib.ohchr.org/HRBodies/UPR/Documents/session9/BG/BulgariaImplementation.pdf>

⁹ UN Women, *Amendments to the Legal Assistance Act-Bulgaria, 2016*; UN Women, *National Programme for Prevention and Protection against Domestic Violence, 2015*. Available at <http://evaw-global-database.unwomen.org/en/countries/europe/bulgaria>.

¹⁰ The Advocates for Human Rights, *Bulgaria’s Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017), ¶ 7.

¹¹ The Advocates for Human Rights, *Bulgaria’s Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017), ¶ 7.

¹² The Advocates for Human Rights, *Bulgaria’s Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017), ¶ 7.

¹³ Office of the High Commissioner for Human Rights, “Ratification Status for Bulgaria,” Accessed Sept. 24, 2019. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx

¹⁴ Council of Europe, “Chart of signatures and ratifications of Treaty 210,” Accessed Sept. 24, 2019. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

¹⁵ *Report of the Working Group on the Universal Periodic Review: Bulgaria*. (8 Jul 2015) U.N. Doc. A/HRC/30/10. ¶ 123.13 Sign and ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Italy).

¹⁶ *Addendum 1: Bulgaria*. (2 Sept 2015) U.N. Doc. A/HRC/30/10/Add.1, 4.

¹⁷ *Report of the Working Group on the Universal Periodic Review: Bulgaria*. (8 Jul 2015) U.N. Doc. A/HRC/30/10. ¶ 123.52 Adopt the draft gender equality act and criminalize domestic violence and marital rape (Brazil); ¶ 123.91

Take efficient measures to ensure that domestic violence is prosecuted as a breach of the law and that perpetrators are brought to justice (Switzerland); ¶ 123.93 Modify the Law on the Protection against Domestic Violence and promote prosecution for these crimes (Israel); ¶ 123.94 Consider amending the law so that it provides further efforts of redress for victims of domestic violence, in addition to increased punishment for repeated violations of violence against women; ¶ 123.95 Repeal article 158 of its Criminal Code and ensure that all acts of sexual violence against women and girls are properly investigated and perpetrators are punished (Ghana).

¹⁸ *Addendum 1: Bulgaria*. (2 Sept 2015) U.N. Doc. A/HRC/30/10/Add.1, 4.

¹⁹ *Report of the Working Group on the Universal Periodic Review: Bulgaria*. (8 Jul 2015) U.N. Doc. A/HRC/30/10. ¶123.50 Continue developing policies for true gender equality and the fight against domestic violence (Spain); ¶123.51 Promote legislative measures, as well as all other types of measures, to promote gender equality and the prevention of violence against women and girls (El Salvador); ¶123.53 Take further positive actions in the areas of promoting equal opportunities between men and women and domestic violence (Greece); ¶123.90 Strengthen its efforts to prevent domestic violence, particularly violence against women (Timor-Leste); ¶123.97 Take concrete measures to prevent cases of violence against women, including the implementation of awareness-raising campaigns on the rights of women and girls (Canada).

²⁰ *Report of the Working Group on the Universal Periodic Review: Bulgaria*. (8 Jul 2015) U.N. Doc. A/HRC/30/10. ¶123.92 Increase its efforts to prevent domestic violence, particularly against women, and ensure that sufficient shelters are available to women victims of domestic violence and their children (Austria); ¶123.94 Consider amending the law so that it provides further efforts of redress for victims of domestic violence, in addition to increased punishment for repeated violations of violence against women (Serbia); ¶123.96 Improve prosecution for and prevention of domestic violence ¶123.98 Develop policies to effectively prevent violence against women, in particular domestic violence and also provide shelters and assistance to victims (Sierra Leone); ¶123.116 Further address the protection of victims' human rights as well as punishment for those responsible, with respect to the high rates of domestic violence (Japan).

²¹ Protection against Domestic Violence Act (hereinafter LPADV), State Gazette (SG No. 27/2929.03.2005) 2005, No. 27, Art. 1.

²² LPADV, Art. 2.

²³ LPADV, Art. 5.

²⁴ LPADV, State Gazette (SG NO. 102/2009) 2009; LPADV 2015 Amendments at: <http://parliament.bg/bg/bills/ID/15643>.

²⁵ The Advocates for Human Rights, *Bulgaria's Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017), ¶ 5.

²⁶ The Advocates for Human Rights, *Bulgaria's Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017).

²⁷ PENAL CODE, Art. 93(31).

²⁸ Interview with Advocate, July 8, 2019.

²⁹ PENAL CODE Art. 116 (1) (6a) Homicide; Penal Code, Art. 131 (5a) Bodily Harm; PENAL CODE, Art. 142 (5a) Kidnapping; PENAL CODE, Art. 142a (4) Illegal Constraint; PENAL CODE, Art. 143 (3) Compulsion; PENAL CODE, Art. 144 (3) Threat causing fear; PENAL CODE, Art. 144a (3) Stalking [not explicitly stated]; PENAL CODE, Art. 296 Obstruction of Justice (Order for Protection).

³⁰ PENAL CODE, art. 93.31 (February 2019).

³¹ Personal Communication with Elena Krasteva, attorney and coordinator of the Alliance, via email, October 2, 2019 (on file with authors); Interview with Advocate, July 8, 2019.

³² Penal Procedure Code, Art. 67a and Law on the Execution of Sentences, Arts. 15 and 54; Personal communication from Elena Krasteva, attorney and coordinator of the Alliance to The Advocates for Human Rights, via email, October 1, 2019 (on file with authors).

³³ PENAL CODE, Art. 177.

³⁴ Personal Communication from Elena Krasteva, attorney and coordinator of the Alliance, to The Advocates for Human Rights, via email, October 2, 2019 (on file with authors).

³⁵ PENAL CODE, Arts. 144a(1)-(2). Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019. Personal Communication with Elena Krasteva, attorney and coordinator of the Alliance, October 2, 2019 (on file with authors).

³⁶ United States Department of State, *Country Report on Human Rights Practices for 2018: Bulgaria*. (Washington, D.C., Bureau of Democracy, Human Rights, and Labor, 2019), at 18.

³⁷ The Alliance for Protection of Domestic Violence, *Monitoring of the Legislation Related to Protection Against Domestic Violence: A Summary of Main Findings from 2013-2014*, at 15.

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- ³⁸ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019. In one case, a client reported domestic violence and, although the perpetrator was criminally convicted, the sentence was short. As his release neared, a lawyer worked with her client to find a safety solution and ultimately was able to get her client out of the country, the only way to ensure her client's safety given the police, prosecutors, and court's responses.
- ³⁹ LPADV, Art. 10(1).
- ⁴⁰ The Advocates for Human Rights, *Bulgaria's Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017), ¶ 8.
- ⁴¹ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 7.
- ⁴² Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), at 5; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017: Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2018), 134.
- ⁴³ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁴⁴ Personal Communication from NGO to The Advocates for Human Rights, via email, Sept. 27, 2017 (on file with authors); Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019 (on file with authors).
- ⁴⁵ Interview with Advocate, July 8, 2019.
- ⁴⁶ LPADV, Art. 6(1), (5).
- ⁴⁷ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 3.
- ⁴⁸ Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017: Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2018), 131.
- ⁴⁹ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁵⁰ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁵¹ LPADV, Art. 6(7).
- ⁵² Personal Communication from NGO to The Advocates for Human Rights, via email, Sept. 27, 2017 (on file with authors); Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁵³ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁵⁴ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁵⁵ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁵⁶ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019; Nikolay Nikolov, "The Murder of a Bulgarian Journalist Shows Not Only the Dangers of the Profession, but of Being a Woman", (Mashable, 9 Oct 2018). Available online at <http://mashable.com/article/viktoria-marinova-violence-women-bulgaria/>.
- ⁵⁷ Personal Communication from NGO to The Advocates for Human Rights, via email, Sept. 27, 2017 (on file with authors); Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019 (on file with authors). Similarly, a man attacked a female lawyer in her office and despite her screams, no one called police.
- ⁵⁸ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 5.
- ⁵⁹ 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*, 11.
- ⁶⁰ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 5; Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.
- ⁶¹ 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*, at 6; Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 9.
- ⁶² 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.
- ⁶³ 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.
- ⁶⁴ Interview with Advocate, July 8, 2019.

⁶⁵ *Partners Bulgaria Foundation, National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), at 1; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017, Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2018), 131.

⁶⁶ Interview with Elena Krasteva, attorney and coordinator of the Alliance, August 7, 2019.