



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Decision adopted by the Committee under the Optional Protocol, concerning Communication No. 167/2021***

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| <i>Communication submitted by:</i> | T.T. (represented by counsel, Milena Kadieva) |
| <i>Alleged victims:</i> | M.T. and Y.T., the author's daughters |
| <i>State Party:</i> | Bulgaria |
| <i>Date of communication:</i> | 8 December 2020 |
| <i>References:</i> | Transmitted to the State Party on 30 December 2020 (not issued in document form) |
| <i>Date of adoption of decision:</i> | 17 February 2026 |
| <i>Subject matter:</i> | Failure to protect children against domestic violence |
| <i>Procedural issues:</i> | Insufficient substantiation |
| <i>Substantive issues:</i> | Gender-based violence; best interests of the child |
| <i>Articles of the Convention:</i> | 1, 2 (c) and (e)–(g) and 5 (a) |
| <i>Article of the Optional Protocol:</i> | 4 (2) (c) |

* Adopted by the Committee at its ninety-second session (2 – 20 February 2026).

** The following members of the Committee participated in the examination of the present communication: Brenda Akia, Hiroko Akizuki, Hamida Al-Shukairi, Violet Eudine Barriteau, Rangita De Silva De Alwis, Corinne Dettmeijer-Vermeulen, Nada Moustafa Fathi Draz, Esther Eghobamien-Mshelia, Yamila González Ferrer, Dafna Hacker Dror, Dafna Hacker Dror, Nahla Haidar, Madina Jarbussynova, Marianne Mikko, Hong Mu, Ana Pelaez Narvaez, Jelena Pia Comella, Rhoda Reddock, Elgun Safarov, Erika Schläppi, Natasha Stott Despoja, and Patsili Toledo Vásquez.



1.1 The communication is submitted by T.T., a Bulgarian national born on 23 September 1979. She is acting on behalf of her daughters, M.T. and Y.T., born on 9 January 2006 and 18 April 2008, respectively, both Bulgarian nationals. The author claims that the rights of her daughters under articles 1, 2 (c) and (e)–(g) and 5 (a) of the Convention were violated by the State Party in its failure to properly execute its positive obligations under the Convention in domestic violence proceedings brought against the children’s uncle. The Convention and the Optional Protocol entered into force for Bulgaria in 1982 and 2006, respectively. The author is represented by counsel.

1.2 On 30 December 2020, the Committee, acting under article 5 (1) of the Optional Protocol, through its Working Group on Communications under the Optional Protocol, requested the State Party to put in place administrative measures (with enforceable consequences for any violation) to protect M.T. and Y.T. from all and any contact with or exposure to their uncle G.T., in accordance with and, to the extent necessary to achieve full and effective practical protection, in addition to, measures put in place under decision No. 491 of 23 October 2019 of the Kardzhali District Court in response to acts of domestic violence found to have been carried out against the girls by their uncle. Such measures are also to include protection against any contact with or exposure to the wife of G.T., D.T., as she has a past criminal conviction for domestic violence against the victims and due to the nature and proximity of the relationship between her and G.T. and her involvement in the proceedings that led to the decision referenced above.

Facts as submitted by the author

2.1 On 22 May 2019, at around 7 p.m., T.T. and her partner P.T. received a telephone call from one of their daughters, Y.T. (11 years of age), who had been playing outside their apartment building with her older sister M.T. (13 years of age). Y.T. was crying and explained that P.T.’s brother, G.T., had seen them playing and had made a gesture of cutting his throat while saying that he would kill them on the way home. G.T.’s wife had already been convicted of domestic violence against the children.

2.2 P.T. called the emergency services for assistance, and a psychologist spoke to Y.T. on the telephone to reassure her because she could not stop crying. P.T. also called the national children’s hotline for help and advice on what to do and how to calm the children after the incident. At 8 p.m., two police officers arrived in a police car. They told P.T. that they could only caution G.T., not interact with the children.

2.3 The family attended an appointment at the Child Protection Department of the Social Assistance Directorate in Kardzhali, which had been contacted as a result of the call made to the national hotline. The children spoke with a clinical psychologist and had a consultation with a paediatric general practitioner, from whom they received a referral to a child psychiatrist. For a long time, the children continued to be frightened and restless, they did not sleep well, and Y.T. had nosebleeds. They were prescribed medication. The Kardzhali District Prosecutor’s Office was notified of the case.

2.4 On 31 May 2019, the Social Assistance Directorate in Kardzhali initiated proceedings under the Domestic Violence Protection Act before the Kardzhali District Court, requesting the issuance of immediate protection orders for the two minor children. The author supported the request for protection submitted by the Child Protection Department. She also asked the Court to issue an order for immediate protection from domestic violence, which should contain protection measures under article 5 (1) (1) and (3) of the Domestic Violence Protection Act, to oblige G.T. to refrain from committing domestic violence against them and to prohibit him from coming within 100 metres of them.

2.5 On 17 July 2019, a second court hearing was held, and evidence was heard. At the third hearing, on 31 July 2019, both Y.T. and M.T. gave evidence. The children's lawyer and social worker objected to the way in which G.T.'s lawyer asked them questions. M.T. had a nosebleed in the courtroom; Y.T. was also visibly distressed.

2.6 On 23 October 2019, a fifth court hearing was held. A forensic psychological report, which confirmed that the children were able to give reliable explanations for their experience and that their level of stress remained moderate, was accepted as evidence.

2.7 The Kardzhali District Court handed down a decision in which it upheld the request for protection. However, the Court did not reverse the burden of proof in the trial and did not consider all the acts of domestic violence committed against the children.

2.8 On 30 October 2019, G.T. appealed the decision. The Social Assistance Directorate submitted an opinion, requested consideration thereof in its absence and asked the Court to uphold the original decision.

2.9 On 15 January 2020, in the Kardzhali Regional Court, G.T. sought the removal of the court panel, as it was the same one that had convicted him of domestic violence against the two children on a prior occasion (decision No. 3 of 7 January 2019 under case No. 256/2018 initiated in the Kardzhali District Court). The Court refused the challenging motion to withdraw.

2.10 On 19 March 2020, the Kardzhali Regional Court handed down decision No. 58 under case No. 277/2019, leaving in force only one part of the decision of the first instance court, namely the obligation of G.T. to refrain from committing domestic violence against Y.T. (article 5 (1) (1) of the Domestic Violence Protection Act). In the remaining part, it annulled the decision of the Kardzhali District Court.

Complaint

3.1 The author claims that her daughters are victims of the violation by the State Party of their rights under articles 2 (c) and (e)–(g) and 5 (a), read in conjunction with article 1, of the Convention and taking into consideration the Committee's general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, owing to the State Party's failure to effectively protect them against domestic violence. The author claims that the State Party neglected its positive obligations under the Convention and supported the continuation of a situation of domestic violence against them.

3.2 The author maintains that, according to the reasoning provided by the Kardzhali District Court, the Act provides for protection only for the event specified by the victim, which took place within 30 days of the initiation of the proceedings. This reasoning was shared by the Kardzhali Regional Court. The victims were therefore expected to prove beyond reasonable doubt that they had been victims of emotional and psychological violence by showing written evidence about the different acts of violence and that the last acts of violence occurred on specified dates within the 30-day time limit. The Courts disregarded the range of events that had taken place before the one-month limit, all the evidence presented by the victims and their inability and lack of obligation to prove domestic violence beyond reasonable doubt.

3.3 The author further alleges that, although the Kardzhali District Court provided the requested protection, it did not reverse the burden of proof in the trial and did not consider all the acts of domestic violence committed against the children, taking into account only the incident of 22 May 2019. Thus, all the acts of domestic violence

against the victims perpetrated by their uncle were not investigated and went unpunished.

3.4 According to the author, both Courts ignored the difficulty faced by the victims in proving the acts of domestic violence, which were of an emotional and psychological nature. During the proceedings, the Courts requested, at the request of the defendant G.T., a certified transcript of the investigation into the case of violation of the protection order issued by the District Court in favour of the children. The existence of the order and the fact that it had been issued for the protection of two minor children were downplayed and completely neglected by the prosecution.

3.5 With regard to the forensic psychological report prepared for the children, the Regional Court mentioned it only in passing and completely ignored its value in its *ratio decidendi*. Regarding the testimony of the children, the Court stated that their evidence was “an expression of their desire to strengthen the credibility of what was stated on 22 May 2019 ..., and not the result of actually perceived impressions”. The author alleges that the Court contradicts itself as it initially stated that the evidence was a repeat of what had been said by the children on the date of the incident and it later claimed that the adults had fed words to Y.T. The Court therefore failed to discuss or consider the most important evidence in the case. The same Court upheld only the protective measure for Y.T. and not for her sister who had been present and subjected to the same abuse, which was clearly stated in the forensic psychological report. The Court failed to give credence to the evidence of the children and to consider their vulnerabilities as minors and the impact of such on their credibility.

State Party’s observations on admissibility and the merits

4.1 On 2 March 2021, the State Party submitted, with regard to the admissibility of the communication, that both case No. 694/2019 brought before the Kardzhali District Court pursuant to the Domestic Violence Protection Act and the subsequent case No. 277/2019 brought before the Kardzhali Regional Court on the same case upheld the request for protection from domestic violence of Y.T. The District Court ordered G.T. to refrain from committing domestic violence against Y.T. on the grounds of article 5 (1) of the Domestic Violence Protection Act as the evidence collected showed that she was the one who had been threatened by the gesture of her uncle.

4.2 The Regional Court later annulled part of the protection order – specifically, the restriction preventing the uncle from approaching the children and their residence for 12 months – due to insufficient evidence of a verbal threat and practical concerns, such as the shared residence in the same apartment block. The final judgment in case No. 277/2019 is not subject to further appeal, thereby concluding the domestic legal process.

4.3 Concerning the merits of the communication, the State Party emphasizes its commitment to gender equality and the protection of women from domestic violence, asserting that, under Bulgarian legislation, men and women are ensured equal treatment in all areas of life. It highlights that women who are victims of domestic violence have access to legal remedies and that the State has taken consistent steps to improve support services, including shelters, social services and training for relevant authorities, often in collaboration with non-governmental organizations and international partners.

4.4 The State Party submits that, in the specific case of Y.T., the authorities, including the Ministry of Interior, the State Agency for Child Protection and the Social Assistance Directorate, acted promptly and appropriately. The Courts recognized an act of domestic violence and issued protective measures. The swift initiation of proceedings by the Social Assistance Directorate and the issuance of an

immediate protection order for the children on 30 May 2019 are cited as evidence of an effective State response. Psychological support was also provided to the children.

4.5 The State Party maintains that all actions by law enforcement were lawful and timely, and no procedural violations were found. It concludes that there is insufficient evidence to support the claim that it violated its obligations and the rights of M.T. and Y.T. under articles 2 (c) and (e)–(g) and 5 (a), in conjunction with article 1, of the Convention and taking into consideration the Committee’s general recommendations No. 19 and No. 35.

4.6 Furthermore, the State Party affirms that it is actively working to strengthen its legal framework on domestic violence. Proposed amendments to the Domestic Violence Protection Act include criminalizing economic and psychological abuse, establishing a national coordinating authority and improving inter-agency cooperation. Amendments to the Penal Code to align it with the Committee’s recommendations are also under consideration.

Author’s comments on the State Party’s observations on admissibility and the merits

5.1 In her comments submitted on 26 June 2021, the author rejects the State Party’s submission as a clear demonstration of its “lack of understanding of domestic violence”, particularly its impact on children. The limited scope of the State Party’s submission, in her view, reflects a disregard for the State’s due diligence obligations under the Convention and the Committee’s general recommendations No. 19 and No. 35.

5.2 The author points out that the State Party failed to refute any of her specific allegations or the evidence that she presented. She reiterates her core claim: that her daughters were victims of the State Party’s failure to provide effective protection against domestic violence, constituting violations of their rights under articles 2 (c) and (e)–(g) and 5 (a), in conjunction with article 1, of the Convention.

5.3 She claims that, in the first instance, the handling of the case by the Kardzhali District Court was inadequate. She criticizes the Court for not reversing the burden of proof and for considering only one incident of violence (that of 22 May 2019), rather than the broader pattern of abuse. She reiterates that, although the Court upheld the request for protection, it failed to fully address the extent of the violence experienced by the children.

5.4 In the appeal before the Regional Court, the author highlights the superficial involvement of the Social Assistance Directorate, which initiated the proceedings but failed to attend any hearings. According to her, its written opinion was generic and lacked substantive engagement, effectively abdicating its responsibility for the children’s protection and leaving it to their parents.

5.5 She further accuses the Kardzhali District Prosecutor’s Office of minimizing the seriousness of the case by neglecting to enforce the existing protection order that was in place and failing to act on violations thereof by the children’s aunt. The author alleges that the prosecution justified the abusers’ behaviour and ignored prior incidents of violence and ongoing emotional abuse.

5.6 As to the alleged judicial oversight of key evidence, the author claims that the Regional Court failed to properly consider the forensic psychological evaluation of the children. The Court mentioned the report but did not analyse its findings, particularly its conclusion that the children were truthful and had suffered emotional harm.

5.7 The author argues that the Court's decision to protect only Y.T. while denying protection to M.T. left the latter completely unprotected. This, she argues, contradicts earlier rulings by the same Court that had recognized the acts of domestic violence perpetrated against the two children by the children's aunt. According to her, the inconsistency raises concerns about the reliability and objectivity of the judicial process.

5.8 Lastly, the author underscores that the Court's approach reflects a broader systemic issue: a tendency to justify the abuser's actions rather than protect the victims. She stresses that children, due to fear and trauma, may not immediately disclose abuse, and that their consistent testimonies and the psychological report should have been given greater weight. The failure to do so, in her view, exemplifies the State's inadequate response to domestic violence against children and misunderstanding of child victims.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 In accordance with rule 64 of its rules of procedure, the Committee must decide whether the communication is admissible under the Optional Protocol. In accordance with rule 72 (4), it is to do so before considering the merits of the communication.

6.2 The Committee recalls that, under article 4 (1) of the Optional Protocol, it is precluded from considering a communication unless it has ascertained that all available domestic remedies have been exhausted or that the application of such remedies is unreasonably prolonged or unlikely to bring effective relief. In that connection, the Committee notes the author's contention that she has exhausted all available domestic remedies. It also notes that the State Party has not submitted any argument to the contrary and has not challenged the admissibility of the communication on this ground; moreover, it has explicitly conceded that all available domestic remedies have been exhausted by the author. The Committee considers that, in the context of the author's case, the available domestic remedies have been exhausted. Accordingly, in the present case, it is not precluded by the requirements of article 4 (1) of the Optional Protocol from considering the present communication.

6.3 The Committee notes the author's claims that the State Party failed to provide effective protection to her children against domestic violence. It takes note of the author's specific complaints that the courts failed to reverse the burden of proof in the proceedings in the first and the appellate instances and to properly consider all the evidence, dismissed the oral evidence of the children and ignored the substance of the report of the forensic psychologist, and that the Child Protection Department of the Social Assistance Directorate failed to participate meaningfully in the court proceedings. The Committee also notes the uncontested information about an earlier procedure for domestic violence, in which the courts had recognized domestic violence committed against the children by their aunt, the wife of G.T.

6.4 The Committee, however, notes the State Party's assertion that administrative and judicial authorities acted promptly and appropriately, notably the courts recognized domestic violence and issued protective measures, the Social Assistance Directorate initiated proceedings swiftly and issued an immediate protection order for the children on 30 May 2019, psychological support was provided promptly to the children, the law enforcement actions were lawful and timely, and no procedural violations occurred.

6.5 The Committee takes note of the author's assertion that the courts applied strictly the purely procedural requirement of a one-month period to submit a complaint for domestic violence and that they failed to consider "all acts of domestic

violence” committed against her daughters. While the 30-day time frame established by the national law appears to be excessively short, the Committee considers that the author has failed to justify how the application of that time frame affected the consideration of the present case. In this regard, the Committee observes that the author has not provided any information as to what other acts of violence committed against her daughters the courts failed to take into account in the specific case.

6.6 The Committee further notes the author’s claim that the courts applied a high standard of proof by requiring that the act of domestic violence must be proved beyond reasonable doubt, thereby placing the burden of proof entirely on the victims. Although the Committee takes note of the author’s assertion that this is the standard the courts expected her to prove, the Committee observes that this is not explicitly stated either in the court decisions in the case or in the law.

6.7 The Committee recalls that it is not in a position to review the assessment of facts and evidence by domestic courts and authorities unless such assessment was in itself arbitrary or otherwise discriminatory.¹ The Committee observes that, in the present case, the author has failed to explain what information or evidence the courts failed to duly consider and how their assessments and decisions were arbitrary or otherwise discriminatory on the basis of sex or gender. The Committee considers that, while the author disagrees with the findings of the national courts, she has not demonstrated that the courts’ assessment was manifestly arbitrary or amounted to a denial of justice.

7. The Committee therefore considers that, for the purposes of admissibility, the author has failed to provide sufficient elements to substantiate her claims under articles 1, 2 (c) and (e)–(g) and 5 (a) of the Convention and that the communication should therefore be declared inadmissible under article 4 (2) (c) of the Optional Protocol as not sufficiently substantiated.

8. The Committee therefore decides:

(a) That the communication is inadmissible under article 4 (2) (c) of the Optional Protocol;

(b) That the present decision shall be communicated to the State Party and to the author.

¹ See, for example, *R.P.B. v. Philippines* (CEDAW/C/57/D/34/2011), para. 7.5; *T.N. v. Denmark* (CEDAW/C/59/D/37/2012), para. 12.7; *G.D. v. Bulgaria* (CEDAW/C/80/D/142/2019), para. 6.5; and *V.K. v. Bulgaria* (CEDAW/C/49/D/20/2008), para. 9.6.