



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fourth to seventh periodic reports of Bulgaria at the Committee's fifty-second session, held in July 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/BGR/CO/4-7). You may recall that in the concluding observations, the Committee requested Bulgaria to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 16 and in paragraph 26 of the concluding observations.

The Committee welcomes the follow-up report received with a one-month delay in August 2014 (CEDAW/C/BGR/CO/4-7/Add.1) under the CEDAW follow-up procedure. At its sixtieth session, held in February-March 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 16** of the concluding observations that the State party “expeditiously strengthen the national machinery by increasing its authority and visibility, by providing it with adequate human and financial resources to make it more effective and by enhancing its capacity to formulate, coordinate and monitor the elaboration and implementation of legislation and policy measures in the field of gender equality”: The State party mentioned that the Council of Ministers Decree of 10 May 2014 amended the Rules and Procedures of the Structure and Organization of the National Council on Gender Equality. Such amendments are aimed at increasing the efficiency, capacity and transparency of the Council as a national consultative and coordinating body for the implementation of the gender equality policy. Moreover, the State party indicated that a draft Law on Gender Equality is being prepared and will determine the bodies and mechanisms for the implementation of the State policy on gender equality. The Committee acknowledges the measures taken to increase the efficiency, capacity and transparency of the National Council on Gender Equality. However, it notes that the draft Law on Gender Equality, which will establish the national machinery for the formulation, coordination and monitoring of the elaboration and implementation of legislation and policy measures in the field of gender equality, is still under preparation. The Committee considers that the recommendation **has been partially implemented**.

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Regarding the recommendation that the State party “strengthen its cooperation with women’s non-governmental organizations in achieving the implementation of the Convention and in monitoring such implementation”: The Committee considers that the State party failed to indicate whether it took any steps to strengthen its cooperation with women’s non-governmental organizations in achieving the implementation of the Convention and in monitoring such implementation. The Committee **did not receive sufficient information** to assess whether the recommendation has been implemented.

The Committee recommends that, in relation to paragraph 16 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Expedite the adoption of the draft Law on gender equality and establish a national machinery provided with the necessary authority and visibility, as well as adequate human and financial resources to make it more effective and enhance its capacity to formulate, coordinate and monitor the elaboration and implementation of legislation and policy measures in the field of gender equality; and
- 2) Strengthen its cooperation with women’s non-governmental organizations in achieving the implementation of the Convention and in monitoring such implementation.

Regarding the recommendation made in **paragraph 26** of the concluding observations that the State party “amend its Criminal Code and Criminal Procedure Code in order to specifically criminalize domestic violence and marital rape and to introduce the possibility of ex officio prosecution for both offences”: The State party mentioned that the draft of the new Criminal Code was prepared and approved by the Council of Ministers Decision No. 50 of 31 January 2014. It was submitted to the National Assembly for consideration on the same date. The State party also indicated that the draft does not contain provisions on domestic violence and marital rape. The Committee considers that the State party failed to criminalize domestic violence and marital rape and to introduce the possibility of ex officio prosecution for both offences. It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “amend article 10 (1) of the Protection against Domestic Violence Act so as to remove the one-month time limit to file a petition for a protection order, and to ensure the stringent application by the judiciary of article 13 (3) of the Act so as to ease the burden of proof in favour of the victim”: The State party indicated that the Ministry of Justice will establish an interagency working group to develop the necessary legislative changes in accordance with the recommendations of the Committee in the second half of 2014. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “ensure that sufficient State-funded shelters are available to women victims of domestic violence and their children and to provide support to non-governmental organizations offering shelter and other forms of support to victims of domestic violence”: The State party mentioned that targeted funding for the construction of shelters for victims of domestic violence and accompanying supportive services is provided. Moreover, the Ministry of Labour and Social Policy organizes annual vocational trainings aimed at developing the capacity of staff in regional offices of the Social Assistance Agency on identification and adequate support to victims of violence. In addition, a project of the Animus Association Foundation received funding from the Ministry of Justice in 2013 and the Ministry of Labour and Social Policy in 2014 with the purpose of providing continuous access to assistance for victims of domestic violence through a national hotline. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that recommendation **has been partially implemented**.

Regarding the recommendation that the State party “provide mandatory training for judges, lawyers and law enforcement personnel on the application of the Protection against Domestic Violence Act, including on the definition of domestic violence and on gender stereotypes”: The State party mentioned that the National Institute of Justice provides trainings on the implementation of the Protection against Domestic Violence Act. Moreover, it developed and conducted, in 2012 and 2013, a training programme dedicated to the measures for protection against domestic violence for the judiciary and public officials. In addition, a curriculum course on protection for victims of domestic violence is provided for in the Bachelor’s degree “Combating crime and public order” of the Police Faculty within the Ministry of Interior Academy. The Committee welcomes the steps taken by the State party to provide training for the judiciary officials and law enforcement personnel on the application of the Protection against Domestic Violence Act. However, it considers that the State party failed to indicate whether these trainings are mandatory, and whether they focus on the definition of domestic violence and address gender stereotypes. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “set a time frame for the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence”: The Committee considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 26 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Amend its Criminal Code and Criminal Procedure Code in order to specifically criminalize domestic violence and marital rape and to introduce the possibility of ex officio prosecution for both offences;
- 2) Amend article 10 (1) of the Protection against Domestic Violence Act so as to remove the one-month time limit to file a petition for a protection order, and to ensure the stringent application by the judiciary of article 13 (3) of the Act so as to ease the burden of proof in favour of the victim;
- 3) Ensure that sufficient State-funded shelters are available to women victims of domestic violence and their children and to provide support to non-governmental organizations offering shelter and other forms of support to victims of domestic violence;
- 4) Provide mandatory training for judges, lawyers and law enforcement personnel on the application of the Protection against Domestic Violence Act, including on the definition of domestic violence and on gender stereotypes; and
- 5) Set a time frame for the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.



The Committee looks forward to pursuing its constructive dialogue with the authorities of Bulgaria on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Xiaoqiao Zou'.

Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women