



Republic of Bulgaria
ECONOMIC
AND SOCIAL COUNCIL

RESOLUTION

of

the Economic and Social Council

**regarding the draft of the Law on Amending and
Supplementing of
the Law on Domestic Violence Protection, published in the
Portal for Public Consultations on 13.01.2021.**

(developed on own initiative)

**Sofia,
April 2022**

The Economic and Social Council (ESC) included in its Activity Plan for the first half of 2022 the development of a resolution on the "Draft of the Law on Amending and Supplementing of the Law on Domestic Violence Protection, published in the Portal for Public Consultations on 13.01.2021."

The development of the resolution was assigned to the Commission on Social Policy. Tatyana Kmetova from the Group III was appointed as the rapporteur of the Resolution.

At its plenary session, held on 26.04.2022, the ESC adopted the Resolution.

ABBREVIATIONS USED

EESC	European Economic and Social Committee
EC	European Commission
EP	European Parliament
EU	European Union
ECHR	European Court of Human Rights
LAS	Law on Amending and Supplementing
LDVP	Law on Domestic Violence Protection
ESC	Economic and Social Council
ILO	International Labour Organization
MoI	Ministry of Interior
MoJ	Ministry of Justice
CM	Council of Ministers
NA	National Assembly
SDP	Sofia District Prosecutor's Office

Conclusions and recommendations

1. The ESC expresses the position for accelerated submission by the Council of Ministers for consideration and adoption by the National Assembly of the draft LAS of the Law on Domestic Violence Protection, published on the Public Consultation Portal of the Council of Ministers on 13.01.2021.
2. The ESC shares the opinion that domestic violence infringes the rights, freedoms and dignified life of the victims, destroys the health, personal relationships and family life of those involved in it, but also negatively affects the entire social fabric of society, including the sphere of labour.
3. The ESC establishes that the registered cases of domestic violence, especially during the period of health, social and economic restrictions imposed due to the Covid-19 pandemic, marked an unprecedented growth, which requires the taking of adequate and decisive measures.
4. The ESC reports that the state assists municipalities and non-profit legal entities in establishing offices and centres for the implementation of the measures under the Law on Domestic Violence Protection. At the same time, the ESC notes that the services for prevention and protection of victims are extremely insufficient in terms of number, capacity and allocated funds.
5. The ESC notes with concern that the country lacks uniform systematised statistics on victims of domestic violence. The data used for analysis are collected from social service providers, the institutions involved in the issue, as well as by the executive and judicial authorities separately.
6. There is an urgent need to take effective measures, including changes in the regulatory framework, in order to ensure both more effective protection of victims of domestic violence and modern mechanisms for the prevention of this phenomenon.
7. ESC supports the steps taken by the state government in consultation with the structures of organized civil society to update the current legal framework and to develop a draft Law on Amending and Supplementing (LAS) of the existing Law on Domestic Violence Protection.

8. The ESC accepts the normative, functional and institutional changes made in the draft law prepared by the executive authority, published for public discussion on 13.01.2021, to limit the phenomenon and deal with its consequences.
9. The ESC makes a proposal to include representatives and experts on the subject from the representative organisations of workers and employers in the composition of the National Commission for Prevention and Protection from Domestic Violence to the Council of Ministers, the creation of which is enshrined in the draft law.

Introduction

10. In fulfilment of its legally established functions to serve as a permanent institutional form for social and civil dialogue and for consultations on economic and social policy, the ESC responds to the legitimate aspiration of civil society structures to take a stand in relation to phenomena that fundamentally affect the resistances of social order and development, such as domestic violence.
11. In its program document "Strategic Priorities 2021 - 2025"¹, the ESC confirmed its commitment at national, European and international level to make maximum efforts and respect the relationship between society and state administration, while contributing to the well-being, rights, the freedoms and dignified life of European citizens by actively expressing opinions and positions, as well as guaranteeing transparency and sustainable development of civil dialogue.
12. The subject of domestic violence and its impact on public relations in our country has not been considered by the ESC so far by preparing opinions addressed to the institutions regarding the need for new legislation. In the framework of other activities of the ESC, on 10 December 2021² at the suggestion of the women's organizations in Group III of the ESC, an online discussion was held with the participation of the Ombudsman of the Republic of Bulgaria, members of the ESC, representatives of NGOs, external experts, etc. Two studies

¹ Available at: https://esc.bg/wp-content/uploads/2021/07/ESC_priorities_final.pdf

² ESC discussion #NoViolence: over a third of Bulgarians have witnessed domestic violence, the pandemic has increased the cases. Available at: <https://esc.bg/последни-новини/дискусия-на-исс-ненасилие-над-една-гре/>

by the sociological agencies "Alpha Research" and "Trend" were presented, which outlined alarming trends regarding the development of the phenomenon and the public's attitude thereof. The need to change legislation, expand protection and prevention services, etc. was emphasised.

13. The ESC advocates the position that every person has the right to live without violence and without the threat of violence and that the manifestations of domestic violence infringes the two basic values underlying the idea of human rights - human dignity and equality.
14. ESC is aware that domestic violence does not only affect the personal relationships of individual people, but is a deep crucial, structural and value problem of society. The public intolerance towards the phenomenon, which has been observed in recent years, is also due to the fact that, according to the practice of the bodies and organisations that deal with this issue, domestic violence is only possible under the conditions of intent - direct or probable.
15. Anyone can become a victim of domestic violence regardless of gender, age, economic and health status, education and social status. It is not related to certain strata of society, to cultural or other characteristics of those who exercise it, or of those who become victims of abuse. The introduction of a special normative regulation for protection is required precisely for the reason that the phenomenon affects - directly or indirectly - a wide group of people.
16. The ESC notes with concern that, in addition to the direct victims of domestic violence, the group of so-called indirect victims in the family or household, which are most often children³, older or younger relatives and relatives, which turns this phenomenon into a threat to the physical and mental health of a much wider circle of persons affected than those specifically involved in the act of violence.

³ Study of violence against children in Bulgaria. Full report and summary. Available at: <http://www.unicef.org/bulgaria/documents/изследване-на-насилнието-над-деца-в-българия/>

17. The ESC notes that in many cases the victims of domestic violence, as well as the perpetrators, are employed persons. Often, acts of threats to a person are carried out in the workplace, which turns the colleagues present also into indirect victims whose mental health needs to be taken care of.⁴

Current status

18. The ESC expresses the position that the issue related to the provision of effective protection of Bulgarian citizens against assaults and violence in the home requires a more comprehensive and systematic development.
19. The law on protection from domestic violence was adopted in 2005⁵. Several additions and amendments have been made over the years, which are justified by the need to add definitions for different types of domestic violence, to expand the circle of persons who can seek protection under this law, to introduce the mechanisms of proceedings for the imposition of protective measures and much more. The changes also introduce the adoption, implementation and financing of a National Program for Prevention and Protection from Domestic Violence.
20. Normative provisions related to the improvement of effective protection against domestic violence have been introduced over the years in other legal acts such as the Criminal Code, the Law on the Ministry of Interior, the Law on Legal Aid, the Law on Social Services, etc.
21. The ESC reports that the state assists municipalities and non-profit legal entities in creating offices and centres for the implementation of the measures under the law. At the same time, the ESC notes that the services for the prevention and protection of victims of domestic

⁴ ILO. Domestic violence and its impact on the world of work, 2019. Available at: https://www.ilo.org/wcmsp5/groups/public/—dgreports/—gender/documents/briefingnote/wcms_738117.pdf; Domestic violence and the workplace. A TUC survey report 2014. Available at: https://www.tuc.org.uk/sites/default/files/Domestic_Violence_And_The_Workplace_0.pdf; CARVE - Companies against gender violence. Research and materials available at: <http://carve-daphne.eu/>

⁵ Law on Domestic Violence Protection. Available at: <https://www.lex.bg/laws/ldoc/2135501151>

violence are extremely insufficient in terms of number, capacity and funding. Crisis centres that offer temporary shelter are 13 for the whole country, along with 17 consultative ones. There is no unified register for their number and status thereof. In half of the regional cities in Bulgaria, no social service related to protection from or rehabilitation after experiencing domestic violence are provided.⁶

22. The ESC notes with concern that there is a lack of unified systematised statistics on victims of domestic violence and the measures taken, as social service providers, institutions involved in the issue, as well as executive and judicial authorities collect data separately for the purpose of reporting and activity performance analysis.⁷
23. Despite the steps taken and efforts made so far, the ESC found that in the last two years, during the period of the Covid-19 pandemic, when the measures taken to protect people's health affected the overall social, economic and personal life of Bulgarian citizens and their families, cases of domestic violence and gender-based violence have increased significantly.
24. This finding is confirmed by the reporting documents of civil structures that provide assistance and services to victims of violence, reporting over a 30% increase in reports.⁸ In 2021, the number of crimes registered by the Ministry of Interior increased by more than 10%, both the number of crimes committed in the context of domestic violence and cases of failure to comply with an order for protection from domestic violence. According to data from the Ministry of the Interior, the number of children who are victims of domestic violence increased by more than 25% compared to the previous year.⁹ For its part, telephone 112 reports tens of thousands of calls per year.¹⁰ For the first six months of 2021, the Sofia District Prosecutor's Office notes a threefold increase in reports of domestic violence compared to 2019 and a double increase compared to 2020. The report of the prosecutor's

⁶ Ombudsman of the Republic of Bulgaria. Recommendation to regional governors regarding the creation of crisis centres for victims of domestic violence. Available at:

https://www.ombudsman.bg/pictures/Препорък_областни_управители_центрове_домашно_насилие.pdf

⁷ The Ministry of the Interior does not yet collect statistics on victims of domestic violence. Available at:

<https://bgfundforwomen.org/bg/2020/04/09/mvr-vse-oshte-ne-subira-statistika-za-domashnoto-nasilie/>

⁸ Ombudsman of the Republic of Bulgaria. Opinion on the draft of the Law amending and supplementing the Law on Domestic Violence Protection. Available at: [https://www.ombudsman.bg/pictures/Становище\(1\).pdf](https://www.ombudsman.bg/pictures/Становище(1).pdf)

⁹ Results of the activity of the Ministry of Internal Affairs in 2021. Presentation of 31.03.2022, p. 12. Available at: <https://www.mvr.bg/press/актуална-информация/актуална-информация/новини/министър-рашков-заедно-постигнахме-резултати-които-следва-да-аплодираме>

¹⁰ https://econ.bg/Телефон-112-прегръ-от-сигнали-за-домашно-насилие_1.a_i.789439.html

Compliance

28. The ESC reports that the state administration makes an effort to respond as much as possible to the recommendations addressed to Bulgaria in the last five years, both by bodies and structures of the European Union, the Council of Europe, etc., and by other control and monitoring mechanisms on various UN human rights conventions related to the problems of domestic violence and violence against women and children.
29. According to the recommendations of the UN Committee for Reviewing the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Bulgarian legislation should regulate specific measures regarding cases of domestic violence in the field of prevention, monitoring, the creation of databases and the coordination between the state institutions and civil society organizations that carry out activities in this direction, as well as measures in the field of international cooperation.¹⁶
30. Similar are the recommendations in the annual reports addressed to Bulgaria by control and monitoring bodies under UN conventions in the field of human rights - the Universal Periodic Review, the Review under the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the International Covenant on Social, Economic and Cultural Rights, the International Covenant on Political and Civil Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
31. The ESC joins the government's efforts to bring Bulgarian legislation into line with European legislative practices and international standards in the field of protection and prevention in cases of domestic violence and fully supports the main message of the EU Strategy on gender equality 2020 - 2025 that *Everyone should be safe in their home, in their close relationships*.¹⁷

¹⁶ Concluding recommendations to the eighth regular report of the Republic of Bulgaria to the UN Committee on the Elimination of Discrimination against Women (paragraph 23, points (f) to (h), paragraph 46)), available at: <https://tbinternet.ohchr.org/lavouts/15/treatybodvexternal/TBSearch.aspx?Lang=en&TreatvID=3&CountryID=26>

¹⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Union of Equality: Strategy for Gender Equality (2020 — 2025), Brussels 05.03.2020, COM(2020) 152 final, p. 3, available at: <https://eur-lex.europa.eu/legal-content/BG/TXT/?uri=CELEX%3A52020DC0152>

32. The ESC notes that the fight against violence and the protection and support of victims are Priority Area 4 in the National Strategy for Promoting the Equality of Women and Men 2021 - 2030¹⁸, adopted by the CM in 2020, as well as in the updated 2022 National reform program of the Republic of Bulgaria in the part "Progress in the implementation of the UN Sustainable Development Goals (SDGs)".
33. The ESC reports that new rules are about to be adopted at the European Union level, the purpose of which is to effectively combat violence against women and domestic violence throughout the EU. The proposed European Parliament and Council Directive on violence against women and domestic violence aims to strengthen victims' access to justice and encourage Member States to introduce a one-stop shop mechanism, meaning that all support and protection services should be collected in one place.¹⁹
34. The EESC, as a representative of organized civil society, has repeatedly confirmed its commitment to the fight against gender-based violence, including domestic violence, and is taking up-to-date steps in relation to the proposed European Directive by organizing a public hearing on the subject on 21 April 2022 "Towards a Europe without violence against women"²⁰, to which the ESC joins.
35. ESC supports the state administration in its intentions to implement such a reform in Bulgaria. For this, it is necessary that the policy management responsibility has coordination unit to organize this process. The ESC reports that the draft of the LAS of LDVP from 13.01.2021 responds to the need to improve the current national regulatory framework and

¹⁸ National Strategy for Promoting the Equality of Women and Men 2021-2030 Appendix to Decision No. 969 of the Council of Ministers of 2020: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1343>

¹⁹ Proposal for a Directive of the European Parliament and of the Council on violence against women and domestic violence (COM(2022) 105 of 8.3.2022), available at: https://ec.europa.eu/info/files/proposal-directive-combating-violence-against-women-and-domestic-violence_en

²⁰ Human rights, gender sensitivity and inclusion are key to ending violence against women, says EESC <https://www.eesc.europa.eu/bg/news-media/news/human-rights-gender-sensitivity-and-inclusion-are-key-ending-violence-against-women-says-eesc>

to create a structure and systematicity in the management of the policy. The bill lays the foundations for precisely this by establishing a National Commission for the Prevention and Protection of Domestic Violence, which brings together the executive, local government, organized civil society and service providers and could operationally fulfil this requirement, taking into account the recommendations of the Directive at the upcoming establishment of a coordination mechanism.

36. However, the ESC shares the position that the practice of other countries testifies that the increase in the amount of punishment for the perpetrators of domestic violence did not give a positive result in the fight against this phenomenon and did not lead to a reduction of these cases. ESC supports the attitude demonstrated in the draft of LAS of LDVP, in the fight against domestic violence, to invest more resources and efforts to increase the effectiveness of protection and in the prevention of the phenomenon.
37. The ESC welcomes the intentions laid down in the bill to create a central register of cases of domestic violence at the future National Commission and the measures taken in each case. This will contribute to a more effective and more adequate protection of direct and indirect victims, as well as to a more flexible, timely and up-to-date state policy in this area based on the analysis of the collected data.
38. The ESC also welcomes the possibility, reflected in the draft law, for the National Commission to make proposals for the amendment of existing and for the adoption of new normative acts in the field of prevention and protection from domestic violence, which presupposes opportunities for commissioning an analysis of judicial practice and eliciting reasoned recommendations to improve and unify law enforcement at the national level.
39. The ESC pays special attention to the impact of cases of domestic violence on the sphere of work. Convention No. 190 of the ILO²¹ on the elimination of violence and harassment in the

²¹ ILO. C190 - Violence and Harassment Convention, 2019 (No. 190), art.10 (f):
https://www.ilo.org/dvn/normlex/en/f?p=NORMLEXPUB:12100:0::NQ::P12100_ILO_CODE:C190

field of labour of 2019, as well as its Recommendation No. 206²², explicitly emphasise that implementing authorities have a commitment to recognise the effects of domestic violence on the world of work and take steps to address them.

40. The ESC shares the position of the ILO that the inclusion of provisions on domestic violence in the Convention and Recommendation reflects a fundamental change - for many years domestic violence was considered a "private" problem unrelated to the sphere of work. Noting that domestic violence can affect a worker's ability to work, productivity, health and safety, the ILO calls on governments, employers' and workers' organizations and labour market institutions "to help, as part of other measures, to recognise, respond and dealing with the consequences of domestic violence".
41. A survey of the Vodafone company²³ in its structures, conducted in 2019 in Great Britain, Germany, Ireland, Turkey, South Africa, Kenya, India, Italy and Spain, indicates that 37% of female and male respondents were victims of domestic violence at different times in their lives. They testify that it has negatively affected their careers, affected their productivity, led to absenteeism, and often to leaving their jobs. One in two respondents (56%), a victim of domestic violence, stated that her/his experience had an impact on their colleagues.
42. The ESC shares the position of the ILO that the change of social norms, which perceive domestic violence as part of the usual life practice and only as a private problem, can start from the workplace. When the world of labour sends a message that domestic violence and abuse is unacceptable, it has a significant effect on society as a whole.
43. The ESC welcomes the intention contained in the draft law to establish a National Commission for Prevention and Protection from Domestic Violence, which ensures and the effective participation of civil society in the fight against this phenomenon, and proposes the

²² ILO. Recommendation 206, art. 4 (a), art. 18: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_711575.pdf

²³ Vodafone Toolkit on domestic violence and abuse at work: Recognize, respond and refer. Launched 4 March 2019. Updated 02 June 2020, p. 4: https://www.vodafone.com/content/dam/vodcom/files/vodafone_domestic_violence_toolkit_2020.pdf

inclusion of representatives and experts on the subject from the representative organizations of employers and workers in the composition thereof.

/signed/

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