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Gender based violence phenomenon in Bulgaria: data and short overview

In the last couple of years, we are facing unprecedented pushback against women's rights and gender equality in Bulgaria. In 2018 there was a massive and, unfortunately, successful campaign against the ratification of the Istanbul Convention, a campaign based on misinterpretations of the term "gender", and on deliberately cultivated homophobia, transphobia and bias against women. In July 2018, Bulgarian Constitutional Court ruled the incompatibility of the Istanbul Convention with the Bulgarian Constitution and the ratification was canceled. The campaign resulted also in the open intimidation of activists and women's rights organizations working to prevent and respond to violence against women.

In the meanwhile, Bulgarian institutions do not collect comprehensive data connected to domestic and other forms of gender-based violence against women. This in turn contributes to the concealing of the scale of the problem, the factors that facilitate its persistence and the appropriate measures for its eradication. Therefore, for the purposes of this overview of the phenomenon of gender-based violence in Bulgaria, I would be referring to alternative sources of information such as EU studies, NGO reports, human rights bodies observations.

The 2017 Gender Equality Index of the European Institute for Gender Equality revealed very alarming attitudes and tendencies in Bulgarian society, concerning violence against women. According to the assessment made, Bulgaria was the worst performing country among all EU member states in the domain of violence against women, including in two of the three subdomains measured – severity of violence and reporting of violence. In other words, women in Bulgaria suffer the most serious forms of violence but report least frequently about that.

Furthermore, a 2018 study of the European Commission ranked Bulgaria among the five EU Member States with the highest number of individuals registered as victims of human trafficking. According to this study, women in Bulgaria make up 92% of all registered victims of trafficking, with an EU average of 68%.

Another source of information, concerning violence against women in Bulgaria, is an initiative of the Bulgarian Helsinki Committee, dedicated to collecting, analysing and publishing online Bulgarian courts' case law on murder of women – the most extreme form of violence. The online database consists. The analysis of 102 court decisions on criminal cases of murder of women, delivered in the period 2012-2017, indicated that in 44% of the cases, the murder was perpetrated by a partner or ex-partner of the victim; in 27% of the

cases the perpetrator was a family member; in 24% - someone the victim knew and only in 5% - the crime was committed by a man the victim did not know. Using the method of media monitoring, the BHC reported that in 2018 there were at least 35 women murdered by their current or former partners.

Another concerning fact, observed by the UN Special Rapporteur on Violence against Women, who visited Bulgaria last month, October 2019, was that the number of shelters for victims of domestic violence in Bulgaria was critically low- 13 for the entire country and only one shelter with capacity of 8 persons in the capital, a city with 2-million population.

Linkage and relevance of the gender stereotypes issues on gender-based violence

It is well established that harmful gender stereotypes, rigid constructions of femininity and masculinity and stereotyped gender roles to contribute to gender-based violence against women. To illustrate this, I will briefly present two cases against Bulgaria from the jurisprudence of the UN Committee on the Elimination of Discrimination against Women (CEDAW), where the linkage and relevance of the gender stereotypes on gender-based violence as well as the right to access to justice have been highlighted.

Isatou Jallow v. Bulgaria

In *Isatou Jallow v. Bulgaria*, the Committee held Bulgaria accountable for its failure to effective protection against domestic violence. The communication focused on the State Party's failure to conduct an effective investigation into allegations of domestic violence made by applicant. The Committee determined that the stereotype of men as heads of households and the related assumption of male superiority had influenced the decision of the Bulgarian institutions to investigate allegations of domestic violence made by Jallow's partner, but not to investigate the allegations of violence made by Jallow herself. According to the Committee, the authorities based their actions "on a stereotyped notion that the husband was superior and that his opinions should be taken seriously."

V.K. v. Bulgaria

In the case *V.K. v. Bulgaria* again the Committee held Bulgaria accountable for its failure to protect a woman against domestic violence, as well as for wrongful gender stereotyping. In its decision the Committee noted that under CEDAW States Parties are accountable for judicial decisions that are based on gender stereotypes, rather than law and fact. In this respect, the Committee established that the judicial decision, issued by the Bulgarian court following a request of the applicant for protection against domestic violence, reflected the preconceived notion that domestic violence was to a large extent a private matter, falling within the private sphere, which, in principle, should not be subject to state control. It also stipulated that the exclusive focus of the Plovdiv courts on physical violence and on an immediate threat to the life or health of the victim, reflected a stereotyped and overly narrow concept of what constitutes domestic violence and urged the Bulgaria to "[p]rovide

mandatory training for judges, lawyers and law enforcement personnel ... on gender stereotypes”.