

# BULGARIA

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**Submitted by:  
Bulgarian Gender Research Foundation and The Advocates for Human Rights**

## I. BACKGROUND INFORMATION

1. The Bulgarian Gender Research Foundation (BGRF) is a non-governmental organization based in Sofia that promotes social equality and women's human rights in Bulgaria through research, education and advocacy program. BGRF works in the fields of gender equality, prevention of domestic violence, reproductive rights and anti-discrimination by providing information, research, analyses and draft laws, conducting campaigns and lobbying for legislative changes, training and consulting with professionals, and working in networks with other organizations, public institutions and experts. The Advocates for Human Rights (The Advocates) is a non-profit organization that seeks to implement international human rights standards in order to promote civil society and reinforce the rule of law. By involving volunteers in research, education, and advocacy, we build broad constituencies in the United States and select global communities. The Advocates holds special consultative status with the Economic and Social Council. The Advocates and BGRF have worked in partnership since 1994, publishing human rights reports on domestic violence in Bulgaria in 1996 and 2008, training court monitors in 2004, consulting on drafting and passing the 2005 domestic violence law, and training police and judges on effective implementation of the new law. The Advocates and BGRF jointly submit this to the U.N. Human Rights Council for Bulgaria's Universal Periodic Review.

2. Domestic violence is a widespread problem in Bulgaria. A 2003 national opinion poll showed that domestic violence is a private issue according to 49.2% of the respondents, while 50.8% consider it a public issue.<sup>1</sup> A 2009 report, echoing a 2006 figure, estimated that one in four women had been a victim of domestic violence.<sup>2</sup> A 2009 report stated that nine hundred thousand women suffer domestic abuse each year.<sup>3</sup> Determining just how pervasive domestic violence is in Bulgaria remains problematic in itself owing to a dearth of available data.<sup>4</sup> Efforts are underway at the National Statistical Institute of Bulgaria to establish an easily collected and internationally comparable set of information measuring the scale, prevalence and severity of violence against women.<sup>5</sup>

3. Domestic violence constitutes a violation of human rights. Domestic violence violates a woman's rights to freedom from discrimination, equal protection before the law, liberty and

security of person, equality before the courts and equality with men before the law, recognition as a person before the law, and freedom from torture. In addition, when a state fails to ensure that its criminal and civil laws adequately protect women and consistently hold abusers accountable, or that its agents—such as police and prosecutors—implement the laws that protect victims of domestic violence, that state has not acted with due diligence to prevent, investigate and punish violations of women's rights.

4. This submission addresses Bulgaria's compliance with its human rights obligations in the context of domestic violence. In summary, the Bulgarian government has taken many positive steps toward protecting victims of domestic violence and punishing perpetrators. The adoption of the LPADV and its subsequent amendments marked an important step in ensuring the right of victims to equal protection of the law. One cannot, however, change an attitude simply by changing the laws. Regular trainings of legal system actors—including police, judges, prosecutors and social services—is necessary to ensure effective implementation of the LPADV and protection of domestic violence victims. NGO trainings of police, as well as collaborations with and initiatives by the Ministry of the Interior, have facilitated a positive police response in protecting victims. While judicial implementation has revealed both positive and negative practices, new judicial rotations onto the bench indicate that trainings for new judges must be continued on a regular basis. The Directorate for Social Assistance's use of the LPADV to protect victims and remove perpetrators from the home has been lacking; instead, the directorate relies on the Child Protection Act to protect children. Also, directorate's history of removing children from a non-violent victim indicates a strong need for training on domestic violence. Finally, the Bulgarian Government must make a real commitment to funding the NGOs and advocates that conduct the monitoring and training on domestic violence. An annual line item allocation is commendable, but the funds disbursed must be of a realistic amount that will sustain their important work against domestic violence.

## II. LEGAL FRAMEWORK

### A. *Scope of International Obligations*

5. Bulgaria has ratified a number of treaties relevant to its obligations to prevent and punish acts of domestic violence. Bulgaria ratified the International Covenant on Civil and Political Rights on September 21, 1970 with reservations on Article 48 and the first Optional Protocol on March 26, 1992 with no reservations. Bulgaria ratified the Convention on the Elimination of All Forms of Discrimination against Women on February 8, 1982 with no reservations and signed the Optional Protocol on June 6, 2000. Bulgaria ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on December 16, 1986 with reservations on Article 20 and Article 30.

### B. *Domestic Legislative Framework*

6. On March 16, 2005, the Bulgarian Parliament adopted the Law on Protection against Domestic Violence (LPADV). The LPADV creates a civil remedy for victims of domestic violence in Bulgaria by allowing them to petition the regional court for protection.<sup>6</sup> 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.<sup>7</sup> The court has authority to grant an emergency, as well as a longer-term order for protection that may provide the following forms of relief:

- A. order the respondent to refrain from committing further acts of domestic violence;
- B. remove the respondent from the common dwelling-house for a period from a month to a year as specified by the court;
- C. prohibit the respondent from being in the vicinity of the home, the place of work, and the places where the victim has his or her social contacts or recreation, on such terms and conditions and for such a period from a month to a year as is specified by the court;
- D. temporarily relocate the residence of the child with the parent who is the victim or with the parent who has not carried out the violent act at stake, on such terms and conditions and for such a period from a month to a year as is specified by the court, provided that this is not inconsistent with the best interests of the child;
- E. require the respondent to attend specialized programs;
- F. advise the victims to attend recovery programs.<sup>8</sup>

7. Since the LPADV's adoption, the Bulgarian government has adopted amendments to the Criminal Code and LPADV.<sup>9</sup> The 2009 amendments marked a positive step in addressing challenges for the effective implementation of the LPADV. First, an amendment to the Criminal Code explicitly criminalizes a violation of an order for protection.<sup>10</sup> By including express language that Article 296(1) applies to an order for protection, the amendment addresses a major gap in effective enforcement of orders. Second, the amendments incorporates several positive changes to the LPADV itself: it expands the range of individuals who can commit domestic violence to include siblings up to the fourth degree, an ascendant or descendant of the victim's partner, and the victim's parent's partner; it increases the maximum term of an order for protection from 12 to 18 months; it authorizes judges to order an explicit ban on the offender from approaching the victim; it procedurally restricts applications so that only a victim, if the victim is older than 14, may initiate; in the case of a minor or a person with a disability, the Social Assistance Directorate, immediate family member or guardian may file an application, and; it creates a budget line under the Ministry of Justice to fund activities to combat domestic violence and assist victims.<sup>11</sup> Also, the amendments expand the definition of domestic violence to include emotional and economic violence, and state that a child present during domestic violence is considered a victim.<sup>12</sup>

8. The Bulgarian ministries have promulgated policies on violence against women that serve to implement the LPADV. Pursuant to Article 22(2) of the LPADV, the Council of Ministers is to develop a national program to prevent and protect against domestic violence. On October 19, 2006, the Bulgarian government adopted the Program on Prevention and Protection from Domestic Violence, which provided for a 24-hour hotline, public education and trainings, and establishment of temporary shelters, database and regional offices. The Ministry of the Interior has made commendable strides in implementing the law, including the appointment of a National Coordinator of Domestic Violence and regional coordinators; development of a website with information on domestic violence assistance available for victims, and applications for protection orders; the collection of statistics on domestic violence; development of a plan on combating domestic violence that focuses on police trainings, victim guidelines, public education and a working group on amendments to the LPADV, and; guidelines for police response.<sup>13</sup> The police guidelines provide detailed best practices for police to follow when receiving notice of a domestic violence incident at the police station, arriving at the scene, taking immediate measures when necessary, dealing with the victims, children, offenders, or witnesses, executing orders for protection, and delegating coordination and control among officers.<sup>14</sup> The Ministry of the Interior also developed a Community Policy Plan until 2010, victim guidelines, and a list, updated monthly, of social service providers for domestic violence victims. The Ministry of Labour and Social Policy likewise adopted a plan for 2007-2008 focusing on an awareness-raising campaign, the creation of a 24-hour national hotline, the development of rehabilitation programs for victims of domestic violence, including children, recommendations for amendments to the LPADV, the creation of an implementation plan for the program, and an evaluation of the program's implementation.<sup>15</sup>

### **III. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS: POSITIVE PRACTICES AND CHALLENGES**

9. Bulgaria's recent path is one of progress in developing law, institutions and programs to would allow it to meet its international obligations with regard to domestic violence. It has taken several positive measures to comply with its human rights obligations to protect against and prevent and punish acts of domestic violence, in terms of de jure protection, strengthening police and judicial response, and, more recently, providing greater funding to ensure effective implementation of the LPADV.

#### *A. Positive Practices in Addressing Domestic Violence*

##### *i. Legislative Protection*

10. The LPADV is an important measure toward achieving protection for victims and accountability for perpetrators. First and foremost, it provides victims with legal protection in the form of a civil order for protection. Within the first year, victims were availing themselves of this remedy: in 2006 alone, more than 2,000 cases of domestic violence under the new law were

brought before the courts, resulting in 800 orders for protection.<sup>16</sup> Subsequent monitoring of implementation of the LPADV, however, revealed the need for several de jure changes to Bulgaria's laws.<sup>17</sup> In response to lobbying from civil society and advocates, Bulgaria's Parliament passed amendments to address several of these problems in 2009.

11. For example, in contrast to the number of orders for protection, there were few reports of violations of orders for protection by offenders over that period.<sup>18</sup> While this imbalance may be attributed to effective enforcement of the orders for protection, 2009 amendments to the Criminal Code closed a gap police and prosecutors had faced in charging offenders for violations of orders for protection under the LPADV stemming from the lack of explicit criminalization of a violation in the law. Prior to the amendments, prosecutors found a disconnect between Article 21(2) of the LPADV, which required that "In the event of failure to comply with the court order, the police authority having found such failure shall arrest the offender and notify forthwith the prosecutorial authorities," and Article 296(1) of the Criminal Code, which allowed for prosecution of a violation of a "judgment" but did not explain whether a judgment included an "order."<sup>19</sup> As one prosecutor explained, "...the problem is that the law does not tell us what to do."<sup>20</sup> Similarly, while the law allowed for police to detain offenders for a twenty-four hour period, police expressed conflicting opinions as to whether they could arrest and detain offenders of orders for protection as a prosecutable crime.<sup>21</sup> Where police did arrest and detain offenders, few violations of protective orders were pursued by prosecutors.<sup>22</sup> Significantly, the amendments resolve this disconnect by providing that, in the event of non-compliance with an order, the police can arrest the offender and notify the prosecutor, who may seek a punishment for the offender's failure to comply.<sup>23</sup> Criminalizing a violation of an order for protection is an important step as the order may not by itself guarantee protection. Batterers may violate these orders and attack and even kill their former partners. Enforcement of these orders by both police and prosecutors is necessary to ensure batterers realize they will be punished for violations.

12. Furthermore, amendments to the LPADV promote protection of victims. By extending the term of an order for protection to 18 months, Parliament has taken a step in the right direction, as it not only grants victims longer protection but allows them more time to determine how to stay safe over the long-term without immediately having to file for divorce or seek criminal sanctions. In the case of victims who are of-age, restricting who can file an application ensures the decision to seek protection rests fully on the victim and not a third party. Importantly, the judge may now prohibit the offender from approaching the victim, providing the victim with more comprehensive protection than the previous law which outlined specific places for exclusion. Finally, Bulgaria's Parliament has taken an important step toward meeting its human rights obligations by providing funding to NGOs and other activities to effectively implement the law. Bulgarian NGOs are seriously underfunded, and the funding they do receive from the state is often insufficient and irregular. Guaranteeing NGOs funding to carry out their work ensures they can fill a critical role in ensuring full and effective realization of the LPADV.<sup>24</sup> Yet, the government must ensure that its financial commitment meets the needs of NGOs. The

government allocation to NGOs in 2010 was 250,000 Euros, which is insufficient for NGOs to cover the cost of their services.

## ii. Police

13. The response of Ministry of the Interior and the law enforcement sector has been instrumental in promoting equal protection of the law, equal access to justice and protecting the rights to liberty and security of person. On a national, policy-making level, the Ministry of the Interior and the National Police Directorate have taken significant initiatives with regard to promulgating plans and guidelines and establishing machinery to address domestic violence. On a front-line level, police are generally enforcing protection orders and have participated in trainings provided by NGOs. The police in several cities have worked in collaboration with NGOs to better serve and protect victims of domestic violence. Overall, the law enforcement sector in Bulgaria is doing commendable work in protecting the human rights of domestic violence victims, but police should continue to intensify outreach about the LPADV to minority and immigrant communities, conduct specialized trainings on the LPADV, and establish a special domestic violence police unit with capacity for follow-up with victims with orders for protection.

## iii. Judges

14. A 2008 report found that judges in Bulgaria were still adapting their practice to meet their duties under the LPADV. Judges were influenced by irrelevant factors when deciding whether to issue a protection order, such as evidence of physical injuries or how soon after the violence the victim files her application. Trainings by NGOs, however, have helped improve judicial implementation of the law and facilitate positive judicial practices. While judges throughout Bulgaria have participated in trainings on the LPADV soon after its entry into force, many of these judges have since rotated off the bench. As a result, a new cadre of judges who have not been formally trained on the LPADV are now hearing applications for orders for protection. Judicial practice has revealed that these judges carry over many of the same misperceptions about domestic violence that have hindered effective implementation of the LPADV.

## vi. Directorate for Social Assistance

15. The Directorate for Social Assistance (DSA) is granted broad authority under the LPADV and may apply for a protection order on behalf of a minor or a person with disabilities. Also, records, reports and other acts issued by the DSA may serve as evidence in hearings for protection orders.<sup>25</sup> Despite this grant, the DSA underutilizes the LPADV to protect victims of domestic violence and their children. The DSA's response has been woefully inadequate in terms of filing applications on behalf of victims who need protection.<sup>26</sup> Rather, the DSA tends to rely on the Child Protection Act to intervene—at times to the detriment of victims of domestic violence.<sup>27</sup> The Child Protection department has authority under this law to remove a child in the

case of child abuse. Such removal, however, can have victimizing consequences for the non-violent parent; biases against domestic violence victims, a failure by the system to recognize domestic violence, and skeptical attitudes toward victims place them at risk of additional victimization by taking away their children. For example, the DSA has removed children from domestic violence victims, at times placing them in an institution.

#### v. Funding for Implementation of the LPADV

16. The December 2009 amendments to the LPADV provide for the government Ministries to propose a National Program for Prevention and Protection Against Domestic Violence to the Council of Ministers to be adopted by March 31<sup>st</sup> of each year. Funds will be allocated yearly under each ministry for the Program in the official State budget.<sup>28</sup> If developed, the National Program for Prevention and Protection Against Domestic Violence will support the until-recently neglected area of institutional and human rights infrastructure in the area of prevention of domestic violence and support for victims.

17. The 2009 amendments create an annual Ministry of Justice line item for activities that implement the LPADV. Such activities include police and judicial trainings, monitoring, programs for perpetrators, assistance for victims, and development of counseling and crisis centers to support victims.<sup>29</sup> NGOs and other bodies that provide victim services are entitled to state subsidies to finance their work.<sup>30</sup> This will help promote victim services, for example, by expanding the funding for shelters, of which there were only two in operation in the country in 2008 with approximately 15-18 beds.<sup>31</sup>

#### *B. Challenges in Addressing Domestic Violence*

18. Challenges still remain in ensuring effective protection against domestic violence and holding perpetrators accountable. Prime among these is the need for amendments to the Bulgarian Criminal Code to ensure perpetrators are punished for acts of domestic violence.

#### i. Prosecution of Batterers for Trivial and Middle-Level Injuries

19. Provisions in the Criminal Code hinder victims of domestic violence from obtaining justice. Article 161(1) of the Criminal Code requires that where the victims of domestic violence suffers a trivial or middle-level injury inflicted upon them by a spouse, brother or sister, or another relative, the penal prosecution must be instituted on the basis of a complaint by the victim:

(1) For trivial bodily injury under Article 130 and 131, paragraph (1), subparagraphs 3 - 5, for trivial and medium bodily injury under Article 132, for the crimes under Article 144, paragraph (1), Articles 145, 146 - 148a, as well as for bodily injury under Articles 129, 132, 133 and 134, inflicted on a relative of

ascending and descending line, a spouse, brother or sister, the penal prosecution shall be instituted on the basis of complaint by the victim.<sup>32</sup>

20. Thus, where a victim of domestic violence has suffered a trivial-level injury, she must file a complaint and proceed through the criminal justice system alone. Also, victims who sustain medium-level injuries from a relative must proceed through the criminal justice system without the help of a prosecutor.<sup>33</sup> These victims may prosecute their cases on their own, but must locate and call their own witnesses and present their own evidence in court. Without a state prosecutor to institute penal prosecution, one attorney stated that a perpetrator of such an injury, knowing that he is subject only to a private prosecution, could easily influence a victim not to prosecute, given their close relationship and the power and control over victims exercised by the perpetrator.<sup>34</sup>

21. While the LPADV provides an important civil remedy, it offers no criminal prosecution except where the offender violates the order for protection. In this case, the offender would be publicly prosecuted for obstructing a judgment, not for the infliction of injuries.<sup>35</sup> Article 161(1) of the Criminal Code denies victims of domestic violence equal and effective access to the criminal justice system, equal protection before the law, and does not provide an effective remedy for harm they have suffered. Responsibility for prosecuting violence against women should lie with prosecution authorities and not with victims, regardless of the level or type of injury. Without providing for state-initiated prosecution, Bulgaria's current criminal law will not allow it to fulfill its international obligations.

#### ii. Prosecutorial Implementation

22. Although the criminalization of a violation of an order for protection brings an important change to the laws, prosecutors still remain uncertain as to their role in these cases. The reticence to prosecute such violations that preceded the amendments still continues post-amendments, thus demonstrating a need for trainings of prosecutors on domestic violence and the LPADV.

### IV. RECOMMENDATIONS

23. Bulgaria's future path must see it further reform the laws to support the fight against domestic violence perpetrators, continue trainings of the legal sector and public awareness campaigns, ensure adequate funding and implement the necessary programs in order to create zero tolerance toward domestic violence. BGRF and The Advocates makes the following recommendations:

#### *A. Amendments to domestic legislation:*

- Amend the criminal laws to allow state prosecution in cases of low and medium-level assaults when the victim and perpetrator are related.
- Promote policies that allow prosecutors to press charges against defendants without the consent or even involvement of the victim. Within any strategy, however, the three goals of prosecution should be: (1) to protect the victim, (2) to deter the defendant from further violent acts by holding him accountable for his actions, and (3) to communicate to the community that domestic violence will not be tolerated.
- Promote policies that recognize the importance of maintaining the custody of children with non-violent parents. Support policies that allow and enable women to take their children with them to shelters.

#### *B. Justice and Legal Sectors*

- Ensure that the state supports and funds NGOs to continue specialized training on women's human rights, domestic violence and implementation of the LPADV. Such trainings should be mandatory, regular and country-wide for police, prosecutors, judges, DSA and child protection authorities.
- Continue working to increase the coordinated community response among NGOs, police, courts, the DSA, health care providers and the media.

#### *C. Funding*

- Continue to provide NGOs with sufficient and regular funding to realistically carry out their work on domestic violence and trainings.

#### *D. Public Education and Prevention*

- Support comprehensive prevention programs and educational programs in schools and other educational institutions.

**APPENDIX: [Implementation of the the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report](#), The Advocates for Human Rights and the Bulgarian Gender Research Foundation (BGRF) (2008), available at [http://www.advrights.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/FINAL\\_REPORT\\_2.pdf](http://www.advrights.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/FINAL_REPORT_2.pdf).**

<sup>1</sup> OPEN SOC'Y INST., FACT SHEET, VIOLENCE AGAINST WOMEN: DOES THE GOVERNMENT CARE IN BULGARIA? 2 (2006), available at [http://www.cwsp.bg/upload/docs/BULGARIA\\_VAW\\_FACT\\_SHEET\\_2006.pdf](http://www.cwsp.bg/upload/docs/BULGARIA_VAW_FACT_SHEET_2006.pdf) (last visited Apr. 1, 2010).

<sup>2</sup> U.S. DEP'T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES – BULGARIA (2007) [hereinafter DEP'T OF STATE HUMAN RIGHTS COUNTRY REPORT], available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100552.htm> (last visited Apr. 1, 2010); *Every fourth woman in Bulgaria is a victim of domestic violence – report*, Sofia Echo, Mar. 6, 2010.

<sup>3</sup> *Press Digest – Bulgaria*, Reuters, Dec. 12, 2006.

<sup>4</sup> DEP'T OF STATE HUMAN RIGHTS COUNTRY REPORT, *supra* note 2. ).

<sup>5</sup> NATIONAL STATISTICAL INSTITUTE OF BULGARIA, INDICATORS TO MEASURE VIOLENCE AGAINST WOMEN, (2009).

<sup>6</sup> Protection Against Domestic Violence Act [hereinafter LPADV], State Gazette [SG] 2005, No. 27, § 1. Also, courts hearing cases between the victim and respondent under the Family Code or Child Protection Act have authority to issue a protection order. *Id.* § 7(2).

<sup>7</sup> *Id.* § 2.

<sup>8</sup> *Id.* § 5(1).

<sup>9</sup> Genoveva Tisheva, Bulgarian Gender Research Foundation, An Important Victory (April 13, 2009), <http://bgrf.org/en/?news&article=56> (last visited Apr. 1, 2010); Bulgarian Ministers Approve Draft Amendments to Law on Protection against Domestic Violence, The Advocates for Human Rights, June 23, 2009.

[http://stopvaw.org/Bulgarian\\_Ministers\\_Approve\\_Draft\\_Amendments\\_to\\_Law\\_on\\_Protection\\_against\\_Domestic\\_Violence.html](http://stopvaw.org/Bulgarian_Ministers_Approve_Draft_Amendments_to_Law_on_Protection_against_Domestic_Violence.html); Important Victory on Domestic Violence Legal Reform in Bulgaria, The Advocates for Human Rights, April 22, 2009,

[http://stopvaw.org/Important\\_Victory\\_on\\_Domestic\\_Violence\\_Legal\\_Reform\\_in\\_Bulgaria2.html](http://stopvaw.org/Important_Victory_on_Domestic_Violence_Legal_Reform_in_Bulgaria2.html).

<sup>10</sup> See Article 296(1) of the Criminal Code, which states: “A person who obstructs or prevents the enforcement of a judgment in any way whatsoever shall be punished by deprivation of liberty of up to three years or a fine of up to BGN five thousand.”

<sup>11</sup> Tisheva, *supra* note 9; BULGARIAN HELSINKI COMM., HUMAN RIGHTS IN BULGARIA IN 2008, 40 (2009), available at [http://www.bghelsinki.org/upload/resources/Humanrights2008\\_en.pdf](http://www.bghelsinki.org/upload/resources/Humanrights2008_en.pdf) (last visited Apr. 1, 2010); Bulgarian Ministers Approve Draft Amendments to Law on Protection against Domestic Violence, *supra* note 9.

<sup>12</sup> Tisheva, *supra* note 9.

<sup>13</sup> MARY ELLINGEN, ROSALYN PARK, ROBIN PHILLIPS, CHERYL THOMAS, & GENOVEVA TISHEVA, ADVOCATES FOR HUMAN RIGHTS & BULGARIAN GENDER RESEARCH FOUND., IMPLEMENTATION OF THE BULGARIAN LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE: A HUMAN RIGHTS REPORT 9-10 (2008) (citations omitted).

<sup>14</sup> *Id.*

<sup>15</sup> VIOLENCE AGAINST WOMEN: DOES THE GOVERNMENT CARE IN BULGARIA?, *supra* note 1, at 2; ELLINGEN ET AL., *supra* note 13, at 10.

<sup>16</sup> ELLINGEN ET AL., *supra* note 13, at 7.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> LPADV, No. 27, §§ 4(2), 5(1) (Bulg.); Criminal Code, Art. 296(1) (Bulg.).

<sup>20</sup> ELLINGEN ET AL., *supra* note 13, at 39.

<sup>21</sup> Law on the Ministry of Interior, State Gazette 2007, No. 41, Arts. 63(1), 64; ELLINGEN ET AL., *supra* note 13, at 22.

<sup>22</sup> ELLINGEN ET AL., *supra* note 13, at 39.

<sup>23</sup> Genoveva Tisheva, Bulgarian Gender Research Foundation, Summary of the Main Improvements in the Draft Law for the Amendments on the Law on Protection Against Domestic Violence (2010) [hereinafter Tisheva Summary], on file with the Advocates.

<sup>24</sup> ELLINGEN ET AL., *supra* note 13, at 48-49.

<sup>25</sup> LPADV, No. 27, §§ 13(2)(1) (Bulg.) (2005).

<sup>26</sup> ELLINGEN ET AL., *supra* note 13, at 11-12.

<sup>27</sup> See ELLINGEN ET AL., *supra* note 13, at 13.

<sup>28</sup> Tisheva Summary, *supra* note 23.

<sup>29</sup> *Id.*; BULGARIAN HELSINKI COMM., *supra* note 9, at 40; Bulgarian Ministers Approve Draft Amendments to Law on Protection against Domestic Violence, *supra* note 9.

<sup>30</sup> Tisheva Summary, *supra* note 23.

<sup>31</sup> ELLINGEN ET AL., *supra* note 13, at 44.

<sup>32</sup> Criminal Code, Art. 161(1)(Bulg.).

<sup>33</sup> For trivial bodily injury under Article 130 and 131, paragraph (1), sub-paragraphs 3 - 5, for trivial and medium bodily injury under Article 132, for the crimes under Article 144, paragraph (1), Articles 145, 146 - 148a, as well as for bodily injury under Articles 129, 132, 133 and 134, inflicted on a relative of ascending and descending line, a spouse, brother or sister, the penal prosecution shall be instituted on the basis of complaint by the victim. Criminal Code, art. 161(1); see also: MINNESOTA ADVOCATES FOR HUMAN RIGHTS, DOMESTIC VIOLENCE IN BULGARIA 10 (1996).

<sup>34</sup> ELLINGEN ET AL., *supra* note 13, at 40.

<sup>35</sup> LPADV, art. 21(2); Criminal Code, art. 161(1).