BULGARIA

1. Discriminatory family code

The legal minimum age of marriage is 18 for women and men in Bulgaria. However, in exceptional circumstances, this can be lowered to 16, at the decision of a regional court.1 Cohabitation with a child aged under 16 is a criminal offence; however, the older partner can escape prosecution if he marries the younger partner.2, 3

Only civil marriages are legally recognised in Bulgaria; religious marriages have no legal standing.4

The 2011 official report to The Convention on the Elimination of All forms of Discrimination against Women (CEDAW) Committee notes that early marriages primarily affecting girls occur within Roma and other ethnic minority communities. In such cases, marriages are not registered with the civil authorities, but are often solemnised in a religious ceremony, which has no legal value.5 One of the shadow reports to the CEDAW Committee, by the Gender Alternatives Foundation, also draws attention to high rates of early marriage within Roma communities, and to the fact that Roma girls are often taken out of school to be married, or to help out at home.6

The term ‘parental authority’ was abolished by the legislation in 1949; the current term in use is ‘parental rights and duties’.7 Under the Family Code, women and men are equal within marriage, including in regard to decision-making authority over children.8

Women and men can both legally be recognised as the head of a household in Bulgaria.9

In cases of divorce, the exercise of parental rights and duties are based on the best interests of the child. In cases where a couple cannot reach a decision amicably (for instance, in regard to where children will live following a divorce), the court will take the decision, acting in the child’s best interests.10

Parental authority is governed solely by the Family Code.11

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1 Family Code of Bulgaria, 2009 (promulgated in the State Gazette No. 47 of 23 June 2009 and effective since 1 October 2009), Article 6
2 CEDAW (2011), p. 55
3 Criminal Code of Bulgaria, Article 158
4 Family Code of Bulgaria, 2009 (promulgated in the State Gazette No. 47 of 23 June 2009 and effective since 1 October 2009), Article 4
5 CEDAW (2011), p. 55
6 Gender Alternatives Foundation (2012), p. 8
7 Todorova, V. (n.d.)
8 Family Code of Bulgaria, 2009 (promulgated in the State Gazette No. 47 of 23 June 2009 and effective since 1 October 2009), Articles 2,17 and 122
9 International Bank for Reconstruction and Development / World Bank (2011), p. 64
10 CEDAW (2011), p. 57
Women have the same inheritance rights as men, both as widows and as daughters. Inheritance is governed by civil law.

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Articles 49 and 50 of the Family Code establish that either spouse can initiate divorce. According to the 2011 official report to the CEDAW Committee, mothers most often gain custody of children following a divorce, especially if the children are young and / or female. This is the case in situations where the couple has reached a mutual agreement amicably, and where the court has intervened and awarded legal custody. However, in its Concluding Observations, the CEDAW Committee raised concerns that the state routinely fails to enforce child maintenance orders, and that divorced and separated women have no access to effective remedies enabling them to claim maintenance from former partners and husbands.

2. Restricted physical integrity

There is no law criminalising domestic violence in Bulgaria. However, the 2005 Law on Protection against Domestic Violence allows courts to impose civil protection orders in cases of domestic violence, and in some cases, domestic violence cases have been prosecuted under the Criminal Code. In addition, amendments made to the Act in 2010 include criminal penalties for those violating the terms of a protection order.

The Law on Protection against Domestic Violence defines domestic violence as ‘any act of physical, mental and sexual violence as well as any attempt of such violence, coercive restriction of personal liberty and privacy, committed against persons who are or who have been in a family relationship or kinship, in a de facto co-habitation, or who reside in one and the same dwelling’. In 2010, amendments to the Law widened the definition of domestic violence to include emotional and economic violence.

Under the Law on Protection against Domestic Violence, protection orders of between 3 and 18 months can be imposed; these include temporary allocation of custody of any children to the victim, and the requirement that the perpetrator attend specialised counselling to address their violent behaviour.

The US Department of State Human Rights Report for 2012 states that violation of a protection order can result in up to three years’ imprisonment, or a fine.

11 CEDAW (2011), p. 57
12 CEDAW (2011), p. 58
13 CEDAW (2011), p. 58
14 CEDAW (2011), p. 57
15 CEDAW (2012), p. 11
16 Bulgarian Gender Research Foundation (2012), p. 14
17 Gender Alternatives Foundation (2012) p. 22, 26
18 Bulgarian Gender Research Foundation (2012), p. 14
19 WAVE (2011)
20 CEDAW (2011), p. 58
21 CEDAW (2011), p. 59
22 WAVE (2011)
23 World Bank (201), p. 312
Amendments to the Law on Protection against Domestic Violence made in 2010 included the requirement that each year, a National Programme for Prevention and Protection against Domestic Violence would be adopted. A recent report mentions that the Bulgarian authorities work together with the national human rights institutions, relevant non-governmental organizations and the media to carry out regular public campaigns and initiatives aimed at raising the general awareness of domestic violence and about the existing protection procedures. Such activities are regularly included in the annual National Programmes for Prevention and Protection against Domestic Violence funded by the State budget. In addition, starting in 2013, a 2 million euro Norway Grants programme will address domestic and gender-based violence in Bulgaria through supporting the creation of a strong legal framework which ensures the protection of victims and enhances the capacity of professionals and relevant institutions in dealing with cases of such violence.

The Gender Alternatives Foundation argues that domestic violence is treated as a private matter in Bulgaria, and that protecting ‘family integrity’ is seen as more important than helping women who are affected. This, and the considerable barriers that women face when they try to bring cases of domestic violence, mean that it is rarely reported. Elsewhere, a media report notes that fear of stigma and retaliation also stop women from reporting violence, or make them more likely to seek help from friends or relatives than from the police.

According to the Women Against Violence Europe network, 1287 applications for civil protection orders were made in 2010, of which 480 were granted. The Gender Alternatives Foundation notes a general lack of data on domestic violence prevalence and conviction rates.

The Bulgarian Gender Research Foundation states that although domestic violence cases can be brought under the Criminal Code, this rarely happens. For instance, the Prosecutor’s Office in Sofia routinely redirects domestic violence cases to the Family Court, on the grounds that these are ‘family’ matters. In addition, Protection Orders are granted in cases where a criminal prosecution would be more appropriate. Cases are often investigated as one-off incidents, failing to take into account previous acts of violence and abuse.

According to the Gender Alternatives Foundation, the criminal justice system as a whole does not take domestic violence and the harm that it brings seriously, dismissing cases of domestic violence as ‘family’ or ‘private’ matters. Police often underestimate the danger that a woman may be in, and fail to provide information on what legal options and support services may be available to her.

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24 US Department of State (2012)
25 UN Human Rights Council (2012)
26 Norway grants (2013)
27 Gender Alternatives Foundation (2012), p. 27
28 Sophia Echo (2010)
29 Women Against Violence Europe (WAVE) (2011)
30 Gender Alternatives Foundation (2012), p. 28
31 Bulgarian Gender Research Foundation (2012), pp. 13-14
32 Gender Alternatives Foundation (2012), p. 27
33 Gender Alternatives Foundation (2012), p. 27, 30
Rape is a criminal offence under Article 152 of the Criminal Code. The definition of rape does not specifically include spousal rape.

In cases of consensual sex with a minor under the age 14, i.e. statutory rape, the perpetrator can escape criminal prosecution by marrying the minor. This is also true in cases where the victim has been coerced into having sex as a result of material or official dependency on the perpetrator. In its Concluding Observations, the CEDAW Committee urged the Bulgarian government to repeal this article of the Criminal Code.

The penalties for rape are between two and eight years imprisonment, rising to up to ten years if the victim is under the age of 16, in cases of incest, or if it is a second offence.

According to the Advocates for Human Rights, the laws on rape are inadequately implemented in practice, with prosecutors only willing to pursue cases where there is evidence that the victim has fought back against the attacker.

According to the US State Department Human Rights Report, in the first nine months of 2012, the prosecution service filed 200 cases of rape and pursued 58 prosecutions, and the court sentenced 87 perpetrators.

There is no institution in Bulgaria that deals with data on victims of rape. A 2011 Study by Alpha Research Agency reveals that 4% of women in Bulgaria claim to have been ‘raped at some point in their life’ and they are often too scared to report these cases of rape.

The Bulgarian Gender Research Foundation notes that as with cases of sexual harassment, victims of sexual violence are often stereotyped and further victimised by the judicial system. However, several cases of sexual harassment have been brought by women before the national courts Commission for Protection against Discrimination recently, which has helped to increase public awareness.

Sexual harassment is addressed under the Law on Protection against Discrimination. In theory, it is also possible to prosecute severe sexual harassment cases (involving coercing someone into sexual intercourse through exploiting a situation of material or official dependence) under the Criminal Code.

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34 Advocates for Human Rights (2011)
35 Gender Alternatives Foundation (2012), p. 10
36 Bulgarian Gender Research Foundation (2012), p. 14
37 Criminal Code of Bulgaria, Article 158
38 CEDAW (2012), p. 6
39 Advocates for Human Rights (2011)
40 Advocates for Human Rights (2011)
41 US Department of State (2012)
42 The Sofia Echo (2011),
43 Advocates for Human Rights (2011)
44 Bulgarian Gender Research Foundation (2012), p. 18
45 Bulgarian Gender Research Foundation (2012)
46 Protection against Discrimination Act, 2004 (promulgated in the State Gazette No. 86/2003, last amended State Gazette No. 42 of 5 June 2009), Article 5
47 Criminal Code of Bulgaria, Article 153
however, a report by the Bulgarian Gender Research Foundation notes that no cases of sexual harassment have been brought under the Criminal Code.\(^{48}\)

The Law on Protection Against Discrimination covers sexual harassment in the workplace and in higher education institutions.\(^{49}\) It defines sexual harassment as ‘any unwanted conduct of sexual character expressed physically, verbally or in any other manner, which violates the dignity or honour or creates hostile, degrading, humiliating or intimidating environment and, in particular when the refusal to accept such conduct or the compulsion thereto could influence the taking of decisions, affecting the person’.\(^{50}\)

The Law on Protection against Discrimination states that employers and directors of education institutions should impose sanctions and act to ensure the harassment is not repeated.\(^{51}\) Perpetrators of sexual harassment shall be fined by at least 250 to 2,000 BGN, according to article 78, paragraph 1 of the same law. The Criminal Code includes penalties of up to three years imprisonment for cases of severe sexual harassment,\(^{52}\) but as mentioned above, no criminal prosecutions have ever been made for sexual harassment.

A shadow report submitted by the Bulgarian Gender Research Foundation to The Convention on the Elimination of All forms of Discrimination against Women (CEDAW) Committee in 2012 notes that women rarely report sexual harassment, because they fear losing their jobs and / or being blamed for having brought the harassment on themselves. The negative attitudes of those within the judiciary, as well as the length of time it takes to bring a case, were also cited as reasons for women being reluctant to bring cases of sexual harassment.\(^{53}\)

The report goes on to note that the law in regard to sexual harassment is poorly implemented in practice, and does not provide effective protection for women experiencing sexual harassment.\(^{54}\)

The Bulgarian Gender Research Foundation states that there is no effective mechanism in place to support women in making complaints of sexual harassment, or in accessing legal and counselling support services, and there are no incentives for employers to take effective measures against sexual harassment in the workplace.\(^{55}\) A second CEDAW shadow report, by the Gender Alternatives Foundation, notes that the state Commission for Protection against Discrimination should have responsibility for investigating cases of sexual harassment, but that this commission does not have the legal expertise necessary to successfully pursue cases, and is under-resourced.\(^{56}\)

\(^{48}\) Bulgarian Gender Research Foundation (2012), p. 19
\(^{49}\) Protection against Discrimination Act, 2004 (promulgated in the State Gazette No. 86/2003, last amended State Gazette No. 42 of 5 June 2009), Articles 17, 31
\(^{50}\) Protection against Discrimination Act, 2004 (promulgated in the State Gazette No. 86/2003, last amended State Gazette No. 42 of 5 June 2009), Additional Provisions
\(^{51}\) Protection against Discrimination Act, 2004 (promulgated in the State Gazette No. 86/2003, last amended State Gazette No. 42 of 5 June 2009), Articles 17, 31
\(^{52}\) Criminal Code of Bulgaria, Article 153
\(^{53}\) Bulgarian Gender Research Foundation (2012), p. 17-19
\(^{54}\) Bulgarian Gender Research Foundation (2012), p. 17-18
\(^{55}\) Bulgarian Gender Research Foundation (2012), p. 17-18
\(^{56}\) Gender Alternatives Foundation (2012), p. 16
The Bulgarian Gender Research Foundation report points to the stereotyping and victimisation of women by the judiciary in sexual harassment cases, indicating that the justice system has not been sensitised on the law.57

The report by the Bulgarian Gender Research Foundation observes that sexual harassment is widely tolerated in Bulgarian workplaces, and often considered as a joke. The report notes that research conducted in 2011 found that 56.6% of women questioned had experienced some form of sexual harassment or violence in public spaces, and 47.9% had experienced this in the workplace. The same report also draws attention to sexual harassment being a significant problem in the health sector.58 According to the 2011 report by Alpha Research Agency also the workplace was identified as the third place where women are subjected to sexual violence.59

Survey data reported in the CEDAW shadow report by the Bulgarian Gender Research Foundation indicates that 54% of women questioned perceived sexual violence as a serious problem, and a further 35% saw it as a rather serious problem.60 The report also notes that victims are often told that they are to blame for the assault.61

There is no evidence to suggest that female genital mutilation is practised in Bulgaria.

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‘Honour’ crimes primarily affect girls and women in some Roma communities, Turkish communities, and communities located in very remote rural areas, as well as women and girls from some migrant groups.62

Abortion is available on demand in Bulgaria.63

3. Son bias

The male/female sex ratio for the working age population (15-64) in 2013 is 0.97 while the sex ratio at birth is 1.06.64 There is no evidence to suggest that Bulgaria is a country of concern in relation to missing women.

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For 2011, the ratio of female to male enrolment in primary education was 99% and 96% for secondary education.65 Data from UNICEF, from 2008 to 2012, indicates that there is virtually no gender gap in pre-

57 Bulgarian Gender Research Foundation (2012), p. 17-18
58 Bulgarian Gender Research Foundation (2012), p. 17-18
59 Bulgarian Gender Research Foundation (2012), p. 17
60 Bulgarian Gender Research Foundation (2012), p. 5
61 Bulgarian Gender Research Foundation (2012), p. 18
62 Prohaska, Maria (2012), p. 4, 6
63 United Nations Department of Economic and Social Affairs, Population Division (2013)
primary and primary education. There is a slight gender gap in detriment of females in secondary education.66

4. Restricted resources and assets

Women and men have equal rights to own and access land in Bulgaria, under the Land Ownership and Use Act.67 Land ownership is governed solely by civil law.68

Data from the World Bank indicates that 60% of female headed households (with no adult male living in the household) own land in rural areas, compared to 70% of male headed households. 50% of female headed households reported operating land, compared to 63% of male headed households.69

According to the official The Convention on the Elimination of All forms of Discrimination against Women (CEDAW) report (2011), while women and men have equal rights in regard to land ownership, in practice, men are usually registered as the official owners of land.70

Women have equal rights to own, access, and manage non-land assets in Bulgaria.71

Unmarried women and men have the same rights over moveable and immovable property, as do married women and men.72

Women’s property rights are governed solely by civil law.73

Under the 2009 Family Code, married couples can choose one of three property regimes: matrimonial community property, separate property, or contractual regime agreed under a marriage contract.74

Matrimonial community property is the default regime, and spouses are jointly responsible for administering joint marital property.75, 76

Roma women appear to face frequent violations of their rights to property, along with other members of their communities, in the form of forced evictions, often to make way for new housing developments.77

Women and men have the same rights to access financial services, including credit and bank loans.78

According to the official CEDAW report, it is very difficult for anyone working in agriculture to obtain credit, male or female, due to complicated and time-consuming procedures, and the need to provide collateral for loans.79

67 CEDAW (2011), p. 53
68 CEDAW (2011), p. 53
70 CEDAW (2011), p. 53
71 CEDAW (2011), p. 54
73 CEDAW (2011), p. 54
74 CEDAW (2011), p. 54
75 CEDAW (2011), pp. 54, 55
76 International Bank for Reconstruction and Development/The World Bank (2011), p. 64
77 Global Initiative for Economic, Social and Cultural Rights (2012), pp. 5-6
78 CEDAW (1998), paragraph 129
79 CEDAW (2011) p. 53
As of 2011, 53% of adult women in Bulgaria had a bank account, compared to 50% of men. That same year, 8% of adults had received credit in the past 12 months from a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.  

Data included in the World Bank 2012 development report indicates that in rural areas, just 1% of female headed households (where no adult male was present) and 9% of male headed households reported receiving credit in the previous 12 months.

5. Restricted civil liberties

There are no legal restrictions on women’s free access to public space and freedom of movement. Women can apply for a passport and travel within and outside the country in the same way as men. According to Amnesty International, homophobic and transphobic public discourse and acts of violence are commonplace in Bulgaria, potentially affecting women belonging to the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community and their access to public space. Bulgarian legislation currently does not criminalise discrimination on the basis of sexual orientation or gender identity, meaning there is little recourse to justice in such cases.

Women have the same legal right as men to choose where to live, regardless of their marital status. However, the official report to The Convention on the Elimination of All forms of Discrimination against Women (CEDAW) Committee for 2011 notes that according to national statistical data, women change their place of residence four times as often as men, usually as a result of marriage.

Amnesty International and the Global Initiative for Economic, Social and Cultural Rights note that members of the Roma community have faced forced evictions and dispersal, including from settlements where they had been resident for decades. As such, Roma women appear to face de facto restrictions on where they can live, along with other members of their communities.

According to the official CEDAW report, neither the election laws nor the Political Parties Act provide for quotas for women for electoral positions.

A report on the municipal elections held in 2011 by the Organization for Security and Cooperation in Europe (OSCE) states that very few female candidates from ethnic minority groups stood for election, and even fewer were actually elected.

80 World Bank (n.d.)
81 World Bank (2011) p. 227
82 CEDAW (2011) p. 54
84 Amnesty International (2013), p. 48
85 CEDAW (2011), p. 54
87 The Global Initiative for Economic, Social and Cultural Rights (2012), p. 5-6
88 CEDAW (2011) p. 17
89 Organization for Security and Cooperation in Europe (OSCE), p. 18
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Monitoring of the Bulgarian media in 2010 carried out by the Global Media Monitoring Project found that women were the majority of reporters (74%) and presenters (67%) at the media outlets monitored, and that women formed the subject of news items in 53% of cases, across broadcast and print. However, 69% of news items were found to reinforce existing gender stereotypes.90 In addition, in its Concluding Observations, the CEDAW Committee expressed its concern at the pre-eminence of traditional gender stereotypes in the media’s portrayal of women and men, and the sexualised and commercialised way that women are often represented.91

Women are protected from discrimination in employment under the Labour Code, as well as under the European Union Directives on gender equality in the workplace.92

Pregnant women are entitled to 227 days of paid maternity leave, 45 of which must be taken before the birth of the child.93 During maternity leave, the woman receives 90% of the average daily wage, or of her salary.94 Maternity leave is financed through the state Public Insurance scheme. 95, 96

90 Global Media Monitoring Project (2010), p. 67, 105
91 CEDAW (2012), p. 6
92 CEDAW (2011), pp. 29-30
94 Social Insurance Code of Bulgaria, Article 49.
95 Social Insurance Code of Bulgaria, Articles 2, 18, 25.
96 ILO (2012)
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Bulgarian Gender Research Foundation (2012) ‘Gender Stereotyping - a pervasive and overlooked source of Discrimination against Women in Bulgaria Special Alternative Report to the 4th, 5th, 6th and 7th governmental report 52nd session of CEDAW Committee’, Bulgarian Gender Research Foundation, Sofia.


