

DOMESTIC VIOLENCE IN BULGARIA

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Founded in 1983, Minnesota Advocates for Human Rights is a volunteer-based, non-governmental, non-profit 501(c)(3) organization comprised of more than 1200 members dedicated to the promotion and protection of human rights worldwide. Minnesota Advocates for Human Rights impartially and independently investigates and exposes human rights violations; represents human rights victims; trains and assists groups that protect human rights; educates the public, policy-makers and children; and promotes the universal acceptance of international human rights standards.

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DOMESTIC VIOLENCE IN BULGARIA

I am writing to you because I know you can't take in women yet. But, you can keep a secret.

I am 25 years old and work in a store. I married four years ago for love. We have a three year old son. My husband and I loved each other a lot. This is not the case anymore. We quarrel very often. We live in a house in a small village. Right now, my leg is broken. I have not told anyone, not even my mother and my father that my husband pushed me down the stairs. The doctor asked me "How did this happen?" I made up a thousand stories. I cannot tell them the truth. I do not know what to do. It might be that he did not mean to do it. I suffer so much because of him now. . .

I do not know what to do in the future. Should I get a divorce? I have no place to go. The house is his. My child loves him. You cannot write to me because if he finds out I contacted you, I will be in deep trouble. Nevertheless, thank you.[1]

I. PREFACE

Violence against women in the home is a serious, widespread problem and it exists in various forms in all societies where the problem has been studied.[2] The risk of violence and violation in the home is one thing women, regardless of their social position, creed, color or culture, share in common.[3] At the United Nations Fourth World Conference on Women, held in Beijing, China, in September 1995, elimination of violence against women was one of the single unifying themes among women from countries all over the world.

Violence against women in the family has recently been recognized as a priority for international action.[4] In 1993, the United Nations General Assembly adopted the Declaration on the Elimination of Violence Against Women.[5] This Declaration outlines the international legal instruments protecting a woman's right to be free from violence and sets forth the obligations of individual governments to insure that these protections are enforced. In 1994, the Commission on Human Rights appointed a Special Rapporteur on Violence Against Women to collect comprehensive data and to recommend measures at the national, regional and international level to eliminate violence against women and its causes. The Beijing Platform for Action adopted at the United Nations Fourth World Conference on Women recognizes that violence against women is a violation of human rights and suggests strategies for eliminating this violence.[6] Both the Declaration on the Elimination of Violence Against Women and the Beijing Platform for Action encourage governments and non-governmental organizations to promote research and studies on the nature and causes of violence against women.[7]

As part of this international effort to eradicate violence against women, Minnesota Advocates for Human Rights ("Minnesota Advocates") has conducted research on domestic violence as a human rights abuse. In May 1995, Minnesota Advocates for Human Rights authorized a delegation to investigate domestic violence in Bulgaria and to develop recommendations based on their findings.[8] The delegation interviewed women,

women's groups, judges, lawyers, doctors, psychologists, human rights groups, students, academics, representatives from the national police and government officials in Bulgaria.

In conducting this research, the delegation principally used the following definition of domestic violence from the United Nations publication, *Strategies for Confronting Domestic Violence: A Resource Manual*:

Domestic violence can be defined as the use of force or threats of force by a husband or boyfriend for the purpose of coercing and intimidating a woman into submission. The violence can take the form of pushing, hitting, choking, slapping, kicking, burning or stabbing.[9]

The delegation also documented cases of mental and emotional cruelty to the extent such information was available.

A. Summary of Findings

Domestic violence is a serious and pervasive problem in Bulgaria. A women's fundamental right to be free from violence is not protected at any phase of the legal process. Police do not respond appropriately to the problem. Bulgarian law expressly discriminates against victims of domestic assault. The law exempts from state prosecution certain types of assault if committed by a family member, although the state prosecutes the same act if committed by a stranger. The state does not assist in prosecuting crimes of domestic assault unless the woman has been killed or permanently injured. Even when the woman is permanently injured, the state does not always prosecute. The courts do not take seriously their obligation to punish perpetrators of violence against women in the home. In addition, the government does not provide any social services to victims of domestic assault nor does it attempt in any way to prevent these crimes from occurring.

By its complete failure to condemn or respond to the serious problem of domestic violence, the Bulgarian government has demonstrated its complicity in widespread violence against women. The Bulgarian government's silence and inaction violate the Bulgarian Constitution and the country's international legal obligations as a member of the United Nations. The Bulgarian government has failed to protect the following rights of domestic violence victims:

1. Violence against Bulgarian women in their homes is a violation of their fundamental right to security of the person as guaranteed in the Universal Declaration of Human Rights[10] and to freedom from torture and cruel and inhuman or degrading treatment as guaranteed in the International Covenant on Civil and Political Rights.[11]

2. Bulgarian victims of domestic violence have been denied their right to an effective and adequate remedy. By failing systematically to provide effective prosecution for crimes of domestic violence and failing to enforce criminal laws on behalf of domestic violence victims, Bulgaria is

violating the right to a remedy guaranteed under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

3. The Bulgarian government is not in compliance with the provisions of the Convention on the Elimination of all Forms of Discrimination Against Women[12] (including General Recommendations 12 and 19 of the Committee on the Elimination of Discrimination Against Women[13]) and the Declaration on the Elimination of Violence Against Women[14], including the following:

- a. Bulgaria has not met its obligation to protect women from violence perpetrated by private persons;
- b. Bulgaria has not met its obligation to ensure that women who are victims of violence are provided with health and social services, facilities and programs and other support structures to promote their safety and physical and psychological rehabilitation; and
- c. Bulgaria has not met its obligation to develop comprehensive legal, political, administrative and cultural programs to prevent violence against women.

B. Recommendations

Based upon the findings of the delegation, Minnesota Advocates for Human Rights recommends:

1. The Bulgarian government should not discriminate against victims of domestic violence in enforcement and prosecution of the laws. It should not deny victims equal and effective access to the criminal justice system and an effective remedy for harm they have suffered;
2. The Bulgarian government should institute a mandatory program of education and training of all law enforcement officials, including police officers, prosecutors and judges on issues of domestic violence. This training and education should include information about the effective and appropriate handling of victims and perpetrators within the legal system;
3. The Bulgarian government should educate the public about the problem of domestic violence and support the public education efforts of non-governmental organizations;
4. The Bulgarian government should vigorously investigate crimes of domestic violence when they occur and institute appropriate measures to

protect victims of violence from further abuse;

5. The Bulgarian government should also take measures to ensure that women subjected to violence and, where appropriate, their children, have specialized assistance, such as rehabilitation, treatment and counseling, assistance in child care and maintenance, and other health and social services;

6. The Bulgarian government should require medical and legal institutions to keep statistical data on the number and nature of domestic violence crimes;

7. The Bulgarian government should conduct or commission a detailed study on the nature and extent of domestic violence in Bulgaria;

8. The Bulgarian government should strongly support the efforts of women's organizations and other non-governmental organizations actively working on the issue of violence against women and should cooperate with them at local, national, regional and international levels. This support should include, among other activities, promoting research, collecting data and compiling statistics relating to the prevalence of different forms of violence against women; and

9. The Bulgarian government should conform to the Declaration on the Elimination of Violence Against Women and the Beijing Platform for Action in all of its work toward the elimination of violence against women and the provision of services for victims of such violence.

II. DOMESTIC VIOLENCE IN BULGARIA

A. Introduction

Women in Bulgaria are reluctant to discuss domestic violence. Women are silenced by social and cultural norms and endure violence and cruelty in their homes. The United Nations Development Programme in Sofia reports: "It is easy to understand why women beaten by their husbands keep silent on the matter. They feel shame, humiliation and lack of understanding even on the part of their relatives and friends, and finally, the

hopelessness of the situation." [15] Several Bulgarian women explained that another important reason women do not report domestic assault is the view in Bulgarian society that the family is the highest priority. [16] This view, they felt, is the basis for the attitude among women that keeping the family together is more important than their individual, personal safety. The President of the Bulgarian Association of Women in the Legal Profession writes:

Unfortunately, violence against women is also widespread in Bulgaria but it is not a custom to discuss that fact and emphasize it. There are no statistics on the problem . . . It is simply not reported. [17]

The Bulgarian legal system does not provide an effective remedy to women who have been assaulted by their husbands. In fact, the Penal Procedure Code provides that assaults perpetrated by family members will not be prosecuted by the state unless they result in grave injury. [18] Assault perpetrated by a stranger, however, is prosecuted if it results in either medium or grave injury. [19] The practical result of this policy is that if a woman is stabbed with a knife by a stranger on the street and receives serious injuries that do not result in death or permanent injury, the state will prosecute the assailant. If the same woman is stabbed in her home by her husband and receives the same injuries, the state will not prosecute the man. [20]

There are no government programs designed to address the problem of domestic violence. Several government administrators reported that issues such as domestic violence, that are perceived to be gender specific, are not a priority for the government. [21]

Several women's non-governmental organizations are responding to the problem of domestic violence in Bulgaria. For example, the Bulgarian Women's Association ("BWA") recently received a grant to start a hotline for counseling relating to domestic abuse. The BWA hopes to start a shelter for battered women at the second stage of their project. The Animus Association is starting a sexual violence center in Sofia for women victims of violence, including domestic violence. In addition to these efforts, the United Nations Development Programme has provided organizational support for groups committed to confronting violence against women.

B. Evidence of Domestic Violence from the Health Care Community

The delegation met with health care professionals in Sofia, including people from the National Center for Health Promotion, psychologists, doctors from the Emergency Hospital and doctors from Criminal Medicine Department at the Medical Academy in Sofia. The hospitals and the Criminal Medicine Department do not keep official statistics of women who have been assaulted in their homes. The doctors, however, reported that domestic violence is a serious problem in Bulgaria. Health care professionals see first hand the physical injuries resulting from domestic violence. Many were concerned that

the problem appears to be getting worse.

In one case described by a Sofia physician, a man brutally beat his wife with a stick.[22] The woman was treated by a team of doctors because her injuries were so severe. The doctors found pieces of the stick embedded in the women's body. She suffered injuries to her internal organs, including a ruptured kidney as a result of the assault. The woman also suffered a broken arm trying to fend off the blows. The man was never prosecuted for this assault.

A doctor who treats children at the Emergency Hospital described a case in which a man tied his wife to a chair to restrain her while he beat their child. This doctor explained that, in his experience, when a child is beaten by his father, it is very common that the mother is also beaten.[23] When the woman brought her child into the Emergency Room for treatment, she had rope burns on her wrists and a hand mark on her face.[24] The child had many bruises at different stages of healing which, the doctor explained, indicated a pattern of abuse. This doctor reported that he has seen cases where husbands beat their wives as the result of the stress from divorce or other serious family crises. He explained that he also sees cases where men abuse their wives for trivial reasons. For example, he cited a case where a man severely beat his wife because there was no sausage in the refrigerator.

A psychologist described a woman she had counseled. The woman had been beaten by her husband after her infant child had died from a cardiological illness. The psychologist, who was on staff at a children's cardiology clinic, had met the woman while her infant was in the hospital. After the child died, the woman returned to the psychologist with a broken arm. The woman explained that her husband blamed her for their child's death. The husband had accused the woman and her family of being cursed (citing her sister's previous death from a train accident) and had beaten his wife in anger. In one nine-month period, this same psychologist had counseled two other women with babies in the cardiology clinic whose husbands had beaten them because they blamed them for their children's illnesses. One husband abandoned his wife and their child after beating his wife and taking all the household goods.[25]

In the most severe cases, domestic assault results in death. A physician in the Criminal Medicine Department estimated that since the change to a democratic form of government in Bulgaria in 1989, approximately fifteen women per year have been killed by domestic violence in Sofia.[26] The doctor described a case where a man stabbed his girlfriend eleven times after she told him she wanted to end their relationship.[27] This man escaped from prison and has not been prosecuted. In another case, a man broke into his former girlfriend's apartment and stabbed her twenty times when she ended their relationship.[28] This man is currently in prison. One physician noted that, in his experience, violence commonly results from the termination of a relationship. He said that there is a common saying among men in Bulgaria that a woman is "better dead than alive with another man." [29]

A psychologist who treats women victims of violence described domestic violence as "a very serious problem in Bulgaria.[30]" She explained that although domestic violence is very common, women are reluctant to talk about it. She described a case where she provided marriage counseling to a couple for more than five months before the wife acknowledged that she had been repeatedly assaulted by her husband.[31]

This psychologist reported that it is also very common for girls as young as 16 to 19 years old to be beaten by their boyfriends. Many girls she treats are afraid to be in relationships because of the amount of violence that is accepted as normal in Bulgarian society.[32]

The delegation interviewed members of the staff of the Criminal Medicine Department of the Medical Academy, a teaching hospital in Sofia. Patients go to the Criminal Medicine Department for the necessary documentation of their injuries for evidence in court proceedings.[33] There are seven physicians and three professors in the Criminal Medicine Department.[34] Each physician in the Criminal Medicine Department sees ten to fifteen patients per day. One member of the staff estimated that approximately fifty percent of the cases in the Criminal Medicine Department involve injuries resulting from domestic violence.[35] Another staff member estimated that approximately thirty to forty percent of the cases involve domestic violence.[36] Many women who have been repeatedly assaulted by their husbands have obtained several certificates from the Criminal Medicine Department. One staff member explained that some women try to use the medical certificates to persuade their husbands to stop the violence. After a period of time, many women give up this process and accept that they can not change their situations without ever using the certificates in a court proceeding.[37]

One doctor expressed the opinion that shelters for women may help the problem of domestic violence in Sofia. The doctor believed a building "bigger than the Sheraton Hotel" would be needed to provide shelter to all the women who are assaulted in Sofia.[38] Based on his experience, he believed that women are more likely to be injured by domestic violence than any other type of injury.[39]

C. The Legal System

1. Criminal Laws

a. Implementation of the Criminal Laws

Many sources explained that for a variety of reasons, domestic violence cases rarely even reach the criminal court system.[40] One prosecutor noted that when a woman is battered, she usually does not contact the police or state prosecutors.[41] A family therapist explained that there were many reasons battered women do not contact police or prosecutors. One reason is fear of retaliation. This therapist had several female patients

who were victims of domestic violence and not one had ever attempted to prosecute her batterer.[42] For those women who do seek to prosecute their abusers, the Bulgarian Criminal Code presents unique and significant problems.

The code establishes three levels of criminal assault based on the severity of the injuries caused by the assault. They are grave injury[43], medium injury[44], and light injury.[45] State involvement in the prosecution of assaults is proscribed by the Penal Procedure Code.[46] The state does not participate in the prosecution of assaults resulting in light injuries. A women receiving light injuries from a domestic assault must file a complaint and proceed through the criminal system alone. (This policy is the same for any victim receiving a light injury from an assault.)

When a person receives a medium injury resulting from an assault, the Bulgarian Penal Procedure Code only provides for state prosecution where the victim and the perpetrator are not related.[47] Domestic assault victims must proceed through the court system without the assistance of a prosecutor. Although the law on its face applies equally to men and women, it has a disparate impact on women because women are most commonly the victims of domestic assault.[48]

Several legal professionals offered an explanation for the policy of distinguishing between an assault by a relative and an assault by a stranger for the purposes of prosecution.[49] They believe it reflects the societal view that the family's interests must be protected above the individual's. One prosecutor stated, "a woman must decide for herself whether she wants to harm the family relationship through prosecution, the state will not damage the family by assisting her." The family interest is put above the state interest in punishing an assault. The law reflects a premise that violence in the family is a private issue and state involvement and the use of state resources are inappropriate.

A victim of domestic violence who attempts to prosecute her batterer alone in the Bulgarian criminal justice system faces a daunting task. She encounters significant hurdles at every step of the process. To provide evidence for her case, a victim of domestic violence must obtain a medical certificate from the Department of Criminal Medicine documenting her injuries.[50] There are two sections of the medical certificate required as evidence in court. One section, called the "history," is the patient's description of the incident causing the injury. The second section is the physician's description of the injury and the apparent cause. The physician also categorizes the injury according to the language of the criminal code - grave, medium or light injury. Therefore, the physician makes a legal determination which will heavily influence the outcome of the criminal action before the victim ever gets to court.

The victim must also find her own witnesses. She can ask the state prosecutor or the judge to help, but they are not obligated to do so. The prosecutor generally does not participate in the proceedings.[51] The Criminal Procedure Code allows for the prosecutor to intervene when the victim is in a position of dependence or is in a vulnerable position.[52] Such prosecutorial intervention is rare. If a victim has the financial resources, she may hire a private attorney to assist with the criminal

prosecution.

One Regional Court judge explained the many difficulties that a victim pursuing her own case may face. For example, police officers frequently do not cooperate when the victim asks for their testimony. Often, there may be no other witnesses. This judge explained that she often calls police supervisors herself requesting that the investigating officers cooperate as witnesses at the trials of perpetrators of domestic violence.[53]

Even if a woman is able to overcome all of the obstacles to prosecuting her abuser and even if she obtains a conviction, the abuser will likely receive little or no punishment.[54]

One judge explained that in her experience, the victims who pursued criminal convictions of their batterers were generally successful in proving their cases. Judges, however, are reluctant to punish a man convicted of a domestic assault. The man usually receives a light fine or a suspended jail sentence. The judge explained that there is little public interest served by sentencing men who beat their wives to serve time in jail because "these men do not pose a danger to society in general." [55]

A victim of domestic assault may also file an action against her batterer for civil damages.[56] This action is based on a breach of contract for moral obligation. Whether a woman seeks redress for domestic violence depends largely on how financially and emotionally independent she is. The courts will sometimes assess moral damages rather than a criminal penalty.[57]

b. Criminal Court Records

The delegation reviewed 43 criminal cases involving domestic violence filed in the Sofia Regional Court between 1990 and 1992.[58] Many of the cases were startling in their brutality and in the courts' reluctance to punish the violent conduct. No matter what the facts or the injuries, the courts were often satisfied if the parties agreed to reconcile. The cases also demonstrated the difficulties women face when they must prosecute their batterers without the assistance of a state prosecutor. A Bulgarian lawyer who assisted with the review of the court records observed:

I never supposed things were so bad . . . women who really want to prosecute their violent husbands do not get any support. It's very common that women abandon the criminal procedure because it takes too much time, because no one wants to testify or just because the husband uses different procedural tricks to lengthen the trial. Very often they are afraid and the judges usually do not consider these cases really important. [59]

Seven of the cases which the delegation reviewed (16% of the total) resulted in a conviction of the abuser. Two cases resulted in a verdict of not guilty (5% of the total). Thirty-four cases (79% of the total) resulted in an abandonment of the criminal procedure. The cases were abandoned either because the plaintiff was not present at the hearing (7 cases) or the plaintiff and defendant reconciled (27 cases).

In one case, a woman asserted in her complaint that her husband frequently threatened her life, assaulted her and provoked brawls.[60] The incident in this criminal action began when the woman left her apartment with her child to stay in the country with her parents. Her husband pursued her out the door, pulled the child away from her and beat her severely on the head. The beating continued in the presence of the child until a neighbor intervened. The neighbor took the wife to the hospital where she was diagnosed as having suffered a concussion and many bruises. She was hospitalized for a week. In the criminal action, the wife received no assistance from the state prosecutor's office.[61] The case was resolved at the first hearing where the husband apologized and promised "not to have quarrels with her any more." He was fined 800 leva (about \$12.00 U.S. dollars).[62]

In a criminal case filed by a battered woman in the process of a divorce in 1990, the complaint described a history of assaults by the husband. The man continued to verbally harass his wife after the couple separated. During the incident in this criminal action, the man beat his wife with a movable wooden door sill all over her head and body. The medical certificate used at trial described "a large number of massive bruises on both arms, on the body, especially around the waist and fracture of the fifth bone of the right palm." Because her injuries were categorized as light and medium level, the victim was not entitled to the expertise of the state prosecutor's office in prosecuting her abuser.[63] The victim attempted to prosecute the case herself and failed to meet the six month statute of limitations for filing a complaint. At the trial, the court declared that the criminal procedure must be abandoned. After an appeal by the court for the parties to reconcile, the husband apologized, "I confess that I have guilt for what happened but I also think that the guilt is mutual. It is stupid what happened. I am sorry for what happened. I agree to pay 2000 leva during a period of 6 months (about \$31.00 U.S. dollars) as compensation for moral damages. I declare that I will have polite relations with my ex-wife." [64]

In a case filed in June 1994, the victim was in the process of divorcing her husband. She had been assaulted twice by him. She retained a private attorney because the state prosecutor's office would not intervene. During the first assault described in the complaint, the man punched his wife and threw her to the floor, threatening to rape her. The assault resulted in bruises, dizziness and a broken tooth. The second assault resulted in two broken toes. At the first hearing, the wife refused to reconcile with her husband. Five hearings occurred over a period of seven months. The case was finally dismissed by the judge due to a purported procedural error by the victim's private attorney.[65]

Even when women aggressively pursue prosecution, the courts are often reluctant to convict the abusers. In one case, the record reflected a long history of assault. The woman's complaint, filed in April 1993, alleged numerous assaults by the husband throughout the marriage. The incident occurred over a two-day period when the husband had been drinking heavily. The assaults occurred in full view of the couple's small daughter. The first day, the husband punched the wife in the face and all over her body. She was able to escape to a friend's home to stay overnight. The man continued to assault his wife when she returned home the next day. He punched and kicked her and tore off

her clothes. Finally their daughter sought help from a neighbor. The neighbor was unable to stop the violence. The police arrived in the early hours of the next morning and restrained the husband until the wife was able to leave the house to spend the night in a hotel. The evidence at trial showed that the husband also acted aggressively toward the police, but they did not arrest him. The medical certificate offered as evidence at trial documented serious facial injuries and bruises all over the woman's body. Although there were no procedural issues that supported a dismissal of the case, the court declined to convict the man and dismissed the complaint.[66]

In a published case, the appellate court reversed a lower court's murder conviction of a man who systematically abused his girlfriend. On the night of the woman's death, the defendant beat the woman for an hour. The court record states that he hit her with his hands and slammed her head against the wall. It describes how both the blood stains on the wall and an examination of injuries demonstrated that the beating was extremely violent. At 3 a.m., the defendant stopped beating the victim and started to leave the apartment. The victim ran to the open window and jumped out of it. She died immediately. The lower court concluded that the defendant caused the woman's death and convicted him under Art. 127 of the Criminal Code,[67] a provision criminalizing abuse that results in a suicide. The appellate court disagreed, stating that the systematic violence and harassment of a victim referred to in Art. 127 could only be the basis for a conviction if the victim was materially or otherwise dependent on the accused. In its decision explaining the victim's lack of dependency on the accused, the court refers to the victim's "liberal life" and explained that she had "had sex with many men." The court refers to some evidence that the victim had venereal disease which resulted in her infertility and made her feel inferior to other women.

2. Police Response to Domestic Violence

The police do not receive any specialized training in responding to incidents of domestic violence.[68] Virtually all of the men and women interviewed expressed the opinion that the police would not respond effectively, if at all, to a call from a woman who has experienced a domestic assault.[69] One human rights advocate explained, "women will not turn to the police in cases of domestic violence. When they do call, the local police will only call the husband with a warning."[70] A representative of the National Police acknowledged that police do not pay much attention to "domestic disputes." [71] The representative explained that often, when a neighbor calls the police, neither the man nor the woman cooperates with the investigation when the police arrive.

Even in cases of assault resulting in grave injury which the law requires the state to prosecute, police may fail to investigate. A surgeon at the Emergency Hospital in Sofia described several cases of injuries from domestic assault that he had treated that were not investigated by the police. In one case, a man stabbed his wife in the abdomen and chest causing liver, bladder and intestinal damage.[72] The man came to the hospital and

apologized to his wife for his behavior. The woman was afraid to prosecute her husband because she thought he would kill her if she tried. Because the woman did not file a complaint, the police stopped the investigation.

3. Informal and Administrative Procedures

In some cases, police and prosecutors become informally involved in domestic violence cases. If a battered woman complains to the police about an incident of domestic violence, it is common practice for the police to call the batterer and warn him to stop assaulting the victim. The police create a record of these complaints and warnings.[73] The prosecutor may also call the batterer if a case is serious or if the abuse is frequent. Again, the prosecutor warns the batterer to stop the abuse and documents the discussion in a record of warning.[74] The prosecutors explained that the purpose of the warning is to appeal to the batterer's social or moral conscience.[75] These warnings, however, are not used as a basis for prosecution nor are they used as evidence against a batterer in court if the abuse continues.[76]

The law provides for involuntary treatment for alcoholism in cases where domestic assault appears to be connected with alcoholism.[77] When a domestic assault involving alcohol abuse is reported to the prosecutor, the prosecutor may conduct a brief investigation to determine whether alcoholism exists.[78] If the prosecutor concludes that the man is an alcoholic, the prosecutor may file a petition for a hearing in the Regional Court. At the hearing, the prosecutor calls in medical experts and witnesses. If the court finds that the man is an alcoholic and that he is dangerous to his wife and children, the man may be committed to a hospital for up to six months. At the end of six months, the man is re-evaluated. The man is either released or his treatment is extended.[79] The prosecutors noted that this involuntary treatment for alcoholism is not always an effective remedy for a case of domestic violence. Significant numbers of men who undergo involuntary treatment continue to abuse their wives. Involuntary treatment is usually the only remedy prosecutors are willing to seek in cases of domestic assault involving alcohol abuse. The prosecutors explained their view that when alcoholism is involved, the problem is medical rather than legal.[80]

In Bulgaria, there is no procedure similar to an order for protection or an injunction used in some countries which would prohibit an abusive spouse or partner from making contact with the victim of a domestic assault.

4. Divorce Laws

A couple may divorce by mutual consent under Bulgarian law.[81] When the divorce is based on mutual consent, the court does not inquire into the reasons for the breakdown of the marital relationship.[82] A family court judge explained that it would "offend" the privacy of the family to probe into the reasons for divorce when both parties request it.[83] If only one of the parties is seeking a divorce, that party must establish fault.[84] Even in divorce proceedings, women are reluctant to discuss violence and will often cite other reasons for the divorce when their husbands are physically abusing them.[85]

Therefore, when violence is the cause for divorce, the court may never be aware of it and thus may not adequately consider it in its resolution of a case [86]

D. Causes of Domestic Violence

There is no simple explanation for violence against women in the home.[87] Any explanation must go beyond the individual characteristics of the man, the woman and the family and look to the structure of relationships and the role of society in underpinning that structure.[88] Research indicates that domestic violence has its roots in the subordinate role women have traditionally held in private and public life.[89] It is a function of the belief that men are superior and that women are possessions to be treated as men see appropriate.[90] In her discussion about family structures in the Balkan region, including Bulgaria, one author explains:

If a husband beats his wife in the presence of neighbors and children, it is considered that he has thereby gained a point to the advantage of his authority. A husband is the master of his wife and it is his right to beat her.[91]

This subordinate role of women in the family has been cited as a cause for gender based family violence in Bulgaria today:

Society recognizes women's intellectual abilities. For fifty years now, women constitute half of the labour force in the country. The situation in the family is different. The relationship model is a patriarchal one. There is an unwritten agreement on men's power and authority. Women's place and role at home and the responsibilities for upbringing children have remained unchanged in the minds of most men and women. The concept that women have to sacrifice themselves in the name of their families has its roots deep in the consciousness of Bulgarians.[92]

Another writer points to deep historical roots to explain the subordination of women in contemporary Bulgarian society:

[F]or five centuries of Ottoman yoke, Bulgarian society was strongly influenced by the Muslim tradition according to which women were and still are in a subordinate position not only in the family but in the society as a whole. Such stereotypes cannot be overcome in the psychology of a society. That traditional attitude towards women's social position was denounced by the official propaganda during the socialist state. But official propaganda and forced emancipation could not achieve practical results: human nature tends to oppose direct and forced intervention by state power . . . Moreover, during all 45 years of communist rule, male dominated Bulgarian society tolerated hidden forms of socio-economic discrimination of women, such as: women were not allowed to take high

level jobs in politics, administration, justice, economy and science.[93]

In Bulgaria, many sources reported that domestic violence seems to have increased since Bulgaria's transition to democracy in 1989[94] They attributed this increase to serious economic problems.[95] These economic problems create tension in the family.[96] One source noted:

[Psychotherapists] are aware of domestic violence from their practices. Under the conditions of crisis and increasing tension in society, the family becomes a convenient place for transferring negative emotions. Most often women and children are the objects of aggression and physical violence. It is a sad fact that Bulgarian men have no skills acquired to express or transform their negative moods and aggression into actions that are not directed to those close to them.[97]

Sources also reported that increased alcoholism since the transition from communism aggravates the problem of domestic violence.

III. BULGARIA'S OBLIGATIONS UNDER INTERNATIONAL LAW

As a member of the United Nations, Bulgaria is obligated to protect human rights. The provisions of the Universal Declaration of Human Rights and numerous other human rights instruments, such as the Declaration on the Elimination of Violence Against Women, define Bulgaria's human rights obligations as a member of the international community. In addition, Bulgaria has ratified the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination Against Women and is bound by the terms of these conventions.[98]

The international norms described in these instruments condemn violence against women and domestic violence. The United Nations has recognized an affirmative obligation of member states to protect women from violence perpetrated by private persons and articulates specific responsibilities of governments to eradicate this violence.[99]

A government's silence and inactivity with regard to a pattern of sustained violence directed at one societal group is a violation of its obligations under international law. As one human rights expert advocates:

The state's abdication of its duty to protect its citizens from crimes of violence amounts to a tacit endorsement of that violence. That complicity provides the requisite governmental dimension to consider the violence a human rights issue.[100]

The Bulgarian government's failure to respond appropriately to the problem of domestic violence is a blatant violation of international human rights standards.[101]

A. Women in Bulgaria are being denied the "right to security of the person" and freedom from "torture and cruel and inhuman or degrading treatment."

The Universal Declaration of Human Rights includes several provisions relating to an individual's right to be free from violence and abuse. Article 3 provides that "everyone has the right to life, liberty and security of person." Article 5 provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." [102] The International Covenant on Civil and Political Rights also provides that "every human being has the inherent right to life" (Article 6) and that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 7). [103]

Evidence available from hospitals, doctors, legal professionals and other sources indicates that domestic abuse is a serious, widespread problem in Bulgaria. The evidence also indicates that the government does not respond appropriately to this problem. The police generally do not make arrests nor do they routinely attempt to remove the perpetrator of the assault from the home. The Bulgarian government has not created a system that provides security to women who are beaten by their husbands or boyfriends. By failing to protect women from private perpetrators of violence, Bulgaria has failed to adhere to its obligations under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

B. Women in Bulgaria are being denied an effective remedy for acts violating their fundamental human rights.

The Universal Declaration of Human Rights (Article 8) [104] and the International Covenant on Civil and Political Rights (Article 2) [105] guarantee that member states shall provide an effective and adequate remedy for acts violating fundamental rights guaranteed by constitution or by law.

As set forth in detail above, the Bulgarian legal system does not provide an adequate remedy for the denial of a woman's fundamental right to be free from violence. Women face serious obstacles at each step of the legal process. The police do not generally investigate claims of domestic violence, arrest perpetrators or remove abusers from the home. The Criminal Procedure Code expressly discriminates against victims of domestic assault. Women are forced to navigate the criminal justice system without the assistance of a state prosecutor and often without the assistance of the police officers who may be the only witnesses to the crime.

Even where a woman successfully prosecutes a complaint, her abuser will likely be assessed only a small fine or a suspended jail sentence. Men rarely serve jail time if they are convicted and often are not punished at all. The courts rarely force a man who has assaulted his partner to leave the family home, and the housing shortage precludes many women from seeking alternative living arrangements. This failure to take action leaves the woman at risk of experiencing more violence. Women do not have an effective means

of recourse against their violent husbands under the Bulgarian legal system. The legal system's failure to protect women from domestic violence and to punish perpetrators violates Bulgaria's obligation under the International Covenant on Civil and Political Rights to provide an adequate remedy for the violation of a women's fundamental human rights.

C. Bulgaria is not in compliance with the Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Elimination of Violence Against Women

The Convention on the Elimination of All Forms of Discrimination Against Women[106] forbids discrimination against women. The Committee on the Elimination of Discrimination Against Women (CEDAW) in its General Recommendation 19 has explained that violence against women constitutes discrimination and "... seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men." [107] General Recommendation 12 recommends that all parties to the Convention report to CEDAW on the existence of support services for victims of family violence, relevant legislation, statistical data and measures adopted to eradicate violence against women in the family.[108]

The Declaration on the Elimination of Violence Against Women recognizes domestic violence as "a manifestation of historically unequal power relationships between men and women" and condemns the violence as one of the "crucial social mechanisms by which women are forced into a subordinate position compared with men." The Declaration includes explicit directions to member countries not to "invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination." [109] The Declaration sets forth specific steps a member state should take in combatting domestic violence. These steps include: investigating and punishing acts of domestic violence; developing comprehensive legal, political, administrative and cultural programs to prevent violence against women; providing training to law enforcement officials; and promoting research and collecting statistics relating to the prevalence of domestic violence.

Article 4(g) of the Declaration directs that member states, such as Bulgaria, work to ensure that women subjected to violence and their children receive "specialized assistance, health and social services, facilities and programs as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation." [110]

The provisions of CEDAW and the Declaration on the Elimination of Violence Against Women are strengthened and reinforced in the Beijing Platform for Action.[111] The Platform for Action sets forth a strategy for governments to address the problem of violence against women.

The Bulgarian government fails to meet all of these international standards. As discussed above, crimes of domestic assault are not adequately prosecuted and women are not

provided adequate protection from further acts of violence. There are no domestic abuse advocacy programs in Bulgaria to assist victims in filing complaints or in maneuvering through any part of the legal process. In addition, the delegation found no evidence of any effort to ensure that law enforcement officers and public officials responsible for investigating and punishing violence against women are receiving training to understand the unique and complicated issues involved in domestic assault.

There are no government-sponsored prevention programs or programs to provide counselling or specialized mental health care to victims of domestic violence. There are no shelters or safe houses and no social programs to deal with the unique problems created by domestic violence. In addition, the government does not require the health care community in Bulgaria to respond appropriately to victims of domestic abuse. The Bulgarian government does not provide to victims of domestic violence any of the services outlined in the Declaration on the Elimination of Violence Against Women and CEDAW General Recommendation 19.

CONCLUSION

Domestic violence is a serious and widespread problem in Bulgaria which is virtually ignored by public officials. The United Nations Development Programme in Bulgaria reports:

The Bulgarian state recognizes women's rights as [an] indispensable part of universal human rights, but has not adopted, extended or enforced legislation which forbids violence against women. Nor has it undertaken the respective administrative, social and educational measures for protection of women against gender based violence which occurs both in social and private life.[112]

Women in Bulgaria are routinely denied their basic, fundamental right to be free from violence. By failing to respond appropriately to the problem of domestic violence and by discriminating against the victims of domestic violence in the enforcement of its assault laws, the Bulgarian government has failed to meet its commitments as a member of the United Nations and has violated international human rights law. The Bulgarian government should immediately undertake all of the steps outlined in this report to eliminate the serious human rights abuses currently being suffered by the women of Bulgaria.

ENDNOTES

- [1] Letter from a Bulgarian woman to a domestic violence advocate who is starting a counseling center.
- [2] United Nations Centre for Social Development and Humanitarian Affairs, Violence Against Women in the Family, at 12, U.N. Doc. ST/CSDHA/2 (1989).
- [3] United Nations Centre for Social Development and Humanitarian Affairs, Violence Against Women in the Family, at 12, U.N. Doc. ST/CSDHA/2 (1989).
- [4] United Nations Centre for Social Development and Humanitarian Affairs, Violence Against Women in the Family, at 10, U.N. Doc. ST/CSDHA/2 (1989). In the Vienna Declaration and Programme of Action, U.N. Doc. A/CONF.157/23 (1993), violence against women was recognized as a violation of fundamental human rights.
- [5] G.A. Res. 48/104 (1993).
- [6] Beijing Platform for Action, U.N.Doc. A/Conf.177/20 (1995). The Platform states: "Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms." Para. 113.
- [7] G.A. Res. 48/104 (1993); Beijing Platform for Action, U.N.Doc. A/Conf.177/20 (1995).
- [8] The delegation consisted of: Robin Phillips, Director of Women's Human Rights Projects at Minnesota Advocates for Human Rights and Cheryl Thomas, Minnesota Advocates board member. In preparation for the mission, Linda Foreman, a Minneapolis attorney, traveled to Bulgaria to meet with individuals and groups interested in the issue of domestic violence.
- [9] The delegation's decision to define domestic violence as violence against women reflects the research revealing that women are the usual victims of violence in the home.

United Nations Centre for Social Development and Humanitarian Affairs, *Strategies for Confronting Domestic Violence: A Resource Manual*, at 7, U.N. Doc. ST/CSDHA/20 (1993). See footnote 48, *infra*.

[10] G.A. Res. 217 A(III) Dec. 10, 1948, U.N. Doc. A/810 (1948).

[11] G.A. Res. 2200 A(XXI), December 16, 1966, 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc A/6316 (1966), 999 U.N.T.S. 171, *entered into force* March 23, 1976.

[12] G.A. Res. 34/180, U.N. GAOR Supp. (No. 46), U.N. Doc. A/Res/34/180, *entered into force* September 3, 1981.

[13] U.N. Doc. A/44/38 (1989); U.N. Doc A/47/38 (1992).

[14] G.A. Res. 48/104 (1993).

[15] *Bulgaria 1995 Situation of Women*, United Nations Development Programme, at 15 (1995).

[16] Interviews May 8, 11, 12, and 23, 1995.

A sociological survey conducted in 1992 indicates that after the change to a democratic form of government in 1989, family is still the paramount value for most Bulgarians. More than 97% of Bulgarian women and more than 94% of Bulgarian men place the family at the top rung of their scale of values. Women's Democratic Union in Bulgaria, Federation Generale du Travail de Belgique, Equal Rights and Opportunities of Women in Bulgaria, at p. 12 (1994), citing, *The Social Status of Contemporary Bulgarian Women*, an empirical sociological survey conducted by the National Public Opinion Centre, October 1992.

[17] Genoveva Tisheva, *Violence Against Women - Some Aspects of the Phenomenon in Bulgaria*, at 3 (April 1995) (unpublished). There are no Bulgarian laws which require medical or legal institutions to keep statistics on the incidence of domestic violence.

[18] Penal Procedure Code, Article 161. Although the Penal Procedure Code provides that the state will prosecute assaults that result in grave injuries, the delegation interviewed doctors who described cases of grave injury where the state did not even conduct an investigation. For further legal analysis, see discussion beginning on page 9.

[19] Penal Procedure Code, Article 161; Interviews May 11, 1995, and May 25, 1995.

[20] This potential result was confirmed in an interview on May 26, 1995, with prosecutors from the Sofia Regional Court. This type of stab wound would be classified as a medium injury, see note 44, *infra*.

[21] Interviews May 4, 1995 and May 9, 1995.

[22] Interview May 7, 1995.

[23] Interview May 24, 1995.

[24] Interview May 24, 1995.

[25] Interview May 22, 1995.

[26] Interview May 23, 1995. This doctor estimated that before 1989, approximately two or three women per year were killed as a result of domestic violence.

[27] Interview May 23, 1995.

[28] Interview May 23, 1995.

[29] Interview May 23, 1995.

[30] Interview May 24, 1995.

[31] Interview May 24, 1995.

[32] *Id.*

[33] The Criminal Medicine Department issues a certificate or expert report to an injured victim to present in court. The certificate describes the damage to the body and how the injury was inflicted. The certificate also grades the severity of the injury and describes how long it will take for the injury to heal. The doctors explained that they see people who have been injured in accidents, crimes and other incidents that may be relevant to future civil or criminal court actions.

[34] The Criminal Medicine Department at the Medical Academy is the only such facility in Sofia, but there are comparable facilities throughout Bulgaria.

[35] Interview May 23, 1995.

[36] Interview May 25, 1995.

[37] Interview May 25, 1995.

[38] Interview May 25, 1995.

[39] Interview May 25, 1995.

[40] The delegation met with judges from the Regional Courts, the District Courts and the Supreme Court. The delegation also met with prosecutors from the Regional Court in Sofia, several private attorneys and representatives from the police to obtain information about the criminal justice system.

[41] Interview with Sofia regional prosecutors on May 11, 1995.

[42] Interview with family therapist on May 24, 1995.

[43] Grave injury (Section 128): The bodily injury is grave if it has caused a continuous disturbance of the consciousness; permanent blindness of one or both eyes; permanent deafness; loss of speech; reproduction inability; disfigurement which causes forever a disturbance of speech, or of a sense organ; loss of one kidney, the bile or a lung lobe; loss or maiming of a leg or arm; permanent general health impairment, dangerous to life. (Punishment is deprivation of liberty for three to ten years.)

[44] Medium injury (Section 129): The bodily injury is medium if it has caused permanent weakening of the eyesight or hearing; permanent embarrassment of speech, of the movement of the extremities, the body or neck, of the functions of the sex organs without causing reproductive incapacity; breaking of a jaw or knocking out of teeth, without which chewing or speech are obstructed; disfigurement of the face or of other parts of the body; permanent impairment of health not dangerous for life or impairment of health temporarily dangerous to life; injuries which penetrate into the cranial, thoracic and abdominal cavities Anything that causes short, lasting danger to health. (Punishment is deprivation of liberty for up to five years.)

[45] Light injury (Section 130): Whosoever inflicts on another impairment of health apart from the cases under Arts. 128 and 129, shall be punished for light bodily injury with deprivation of liberty for up to two years or with corrective labor.

[46] Penal Procedure Code, Section 46.

[47] Bulgarian Criminal Code, Crimes Against the Person, Art. 161.

[48] The majority of sources agreed that in Bulgaria, most victims of assaults by a relative are women. Although the delegation is not aware of any government or other formal statistics on this issue, numerous studies from other countries indicate that women are victims of domestic assault in an overwhelming majority of the cases. United Nations Centre for Social Development and Humanitarian Affairs, *Strategies for Confronting Domestic Violence: A Resource Manual*, U.N. Doc. ST/CSDHA/20, at 7 (1993). Studies from other countries indicate that women are most commonly the victims of domestic

assault. For example, a study in Poland revealed that in 95-98 percent of the cases of domestic assault, the victims were women. United Nations Centre for Social Development and Humanitarian Affairs, "Violence Against Women in the Family," U.N. Doc. ST/CSDHA/2, at 14-15 (1989). A source from Romania reports, "If males are victims in approximately 10% of the cases, they are aggressors in approximately 88% of the cases, while females are victims in 90% and aggressors in 10% of the cases." Alexandru Mircea, *Domestic Violence* in Journal of the Police Academy, Alexandru Ioan Cuza, 98, 99 (Bucharest 1994).

[49] The opinion of many of the individual lawyers and judges interviewed was echoed in a meeting with the delegation and nine state prosecutors from Sofia and the surrounding area on May 26, 1995. All of the Bulgarian lawyers, except one, agreed that it was inappropriate for the state prosecutor's office to be involved in a domestic violence case.

[50] See footnote 33, *supra*.

[51] Interview May 11, 1995.

[52] Penal Procedure Code, Section 46. Institution of penal proceedings by the public prosecutor for crimes which are prosecuted on the ground of a complaint by the aggrieved party. Art. 46 (1). In exceptional cases, when the aggrieved party by a crime which is prosecuted on the basis of a complaint filed by him, cannot defend his rights' and lawful interests because of his condition or helplessness or dependence upon the perpetrator of the crime, as well as when state and public interests make this necessary, the public prosecutor may *ex officio* institute penal proceedings, if the time limit under Art. 57, par. 4, has not expired and if the obstacles to the institution of penal proceedings, as indicated under Art. 21, par. 1, are not present.

[53] Interview with Regional Court judge on May 26, 1995.

[54] Interview with Regional Court judge on May 26, 1995.

[55] Interview with Regional Court judge on May 26, 1995.

[56] Penal Procedure Code, Articles 60-61.

[57] See case cited at footnote 62, *infra*.

[58] Because of delays in the court system, many cases filed after 1992 had not been resolved. The delegation restricted its review to cases involving parties who were currently married or parties who had been married in the past.

[59] Letter dated August 8, 1995.

[60] The case was concluded in February 1991. It arose out of injuries which occurred in 1990.

[61] The injury was categorized as "light physical injury" according to Art. 130, Par. 1, of the Bulgarian Penal Code. With light injury, the complainant is not entitled to intervention by the state prosecutors. See discussion of criminal laws beginning on page 9.

[62] Third Regional Court of Sofia, Court File N 937/1990.

[63] See section C(1)(a), p. 10, for a discussion of Section 46 of the Penal Procedure Code.

[64] Third Regional Court of Sofia, N 177/1990.

[65] Regional Court of Sofia, N 1368/1994.

[66] Sixth Regional Court of Sofia, N 96/1993.

[67] Article 127 (3) states: "Whosoever through cruel treatment or systematic abasement of the dignity of a person finding himself in material or other dependence upon him, leads

him to suicide or to any attempt at suicide, having admitted it as possible, shall be punished with deprivation of liberty for two to eight years."

[68] Interview May 15, 1995.

[69] Interview with two psychologists who have organized a counseling center for battered women, May 4, 1995; and interview with human rights advocacy organization on May 18, 1995.

[70] Interview May 18, 1995.

[71] Interview May 15, 1995.

[72] Interview May 7, 1995.

[73] Interview with state prosecutors on May 11 and 25, 1995. Section 119 of the Law on Judicial Power provides for the issuance of a warning to men who have assaulted their wives.

[74] Id.

[75] Id.

[76] Id.

[77] Involuntary alcohol treatment is regulated by Article 59 of the Law on Public Health.

[78] Although involuntary alcohol treatment is not a criminal punishment, the procedure for committing a person is governed by the Penal Procedure Code, Articles 429-434.

[79] Often the procedure outlined in Article 185 is used in cases of alcoholism.

[80] Interview with state prosecutors on May 11, 1995.

[81] Bulgarian Family Code, Chapter Nine, Termination of the Marriage, Article 100.

[82] Interview with Sofia Family Court Judge on May 12, 1995.

[83] Interview with Sofia Family Court Judge on May 12, 1995.

[84] Art. 99, Family Code.

[85] Interview with Family Court Judge May 12, 1995 and interview with private family law attorneys May 15, 1995.

[86] A family therapist described a woman patient whose husband beat her regularly and threatened to kill her if she ever left him. When she did finally leave her husband, he was awarded custody of the children because the woman was the party who had left the marriage. Interview with family therapist on May 24, 1995.

[87] United Nations Centre for Social Development and Humanitarian Affairs, Violence Against Women in the Family, at 33, 1989, U.N. Doc. ST/CSDHA/2 (1989).

[88] Id.

[89] For a discussion of the causes of domestic violence, see *Domestic Violence, Report of the Secretary-General*, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders at 8, U.N. Doc. A/Conf.144/17 (1990).

[90] United Nations Centre for Social Development and Humanitarian Affairs, Violence Against Women in the Family, at 33, U.N. Doc. ST/CSDHA/2 (1989).

[91] Bette Denich, Sex and Power in the Balkans in *Women, Culture and Society*, 243, 255 (Michelle Zimbalist Rosaldo and Louise Lamphere, eds. 1974).

[92] *Bulgaria 1995 Situation of Women*, United Nations Development Programme, at 17 (1995).

[93] Irina Mouleshkova, Social and Economic Rights of Women in New Transitional Societies, (October 1994) (unpublished).

[94] This information paralleled reports from other parts of Eastern Europe. See Minnesota Advocates for Human Rights, *Lifting the Last Curtain: A Report on Domestic Violence in Romania* (1995).

[95] "As a result of the collapse of the Eastern European schemes for economic integration and a series of inadequate foreign and domestic policy decisions Bulgaria is facing severe economic problems. . . An inevitable consequence of the economic decline is mass unemployment which is beyond a tolerable economic and social threshold." National and Global Development, United Nations Development Program, *Bulgaria Human Development Report 1995* at 2-3 (1995).

[96] In her article, *The Transition to Democracy in Bulgaria: Challenges and Risks for Women*, Dobrinka Kostova discussed the recent fall in real wages in Bulgaria. She says, "Since wages provide the bulk of most families' income, the recent fall in real wages has placed severe income pressures on most families, particularly the young ones."

[97] *Bulgaria 1995 Situation of Women*, United Nations Development Programme, at 15 (1995).

[98] Bulgaria has established the supremacy of international law over Bulgarian law in its Constitution. The Bulgarian Constitution expressly provides that its provisions must be interpreted in conformity with international law and where it is inconsistent, international law supersedes Bulgarian law. Bulgarian Constitution, Article 5(4).

[99] See, e.g., Declaration on the Elimination of Violence Against Women, G.A. Resolution 48/104 (1993).

[100] Kenneth Roth, *Domestic Violence as an International Human Rights Issue*, HUMAN RIGHTS OF WOMEN 326, 329-330 (Rebecca Cook, ed. 1994).

[101] For a detailed discussion of the concept of state responsibility to victims of domestic violence, see Katherine Culliton, *Finding a Mechanism to Enforce Women's Right to State Protection from Domestic Violence in the Americas*, 34 Harv. Int'l. L.J. 507 (1993), and Dorothy Thomas and Michele Beasley, *Domestic Violence as a Human Rights Issue*, 15 Hum. Rts. Q. 36 (1993).

[102] G.A. Res. 217 A(III), U.N. Doc. A/810 (1948). These provisions are generally regarded to have the force of customary international law.

[103] Note 5, *supra*.

[104] Note 4, *supra*.

[105] Note 5, *supra*.

[106] Note 6, *supra*.

[107] U.N. Doc. A/47/38 (1992).

[108] U.N. Doc. A/44/38 (1989).

[109] G.A. Resolution 48/104 (1993).

[110] *Id.*

[111] Beijing Platform for Action, U.N.Doc. A/Conf.177/20 (1995).

[112] *Bulgaria 1995 Situation of Women*, United Nations Development Programme, at 14 (1995).