



**Bulgaria's Compliance with the Convention on the Elimination of All Forms of
Discrimination against Women: Domestic Violence**

Submitted by The Advocates for Human Rights

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and

The Open Door Center Foundation

a non-governmental organization supporting victims of violence and their children in Bulgaria

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates has previously published multiple reports on violence against women as human rights issue, provides consultation and commentary on draft laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.

The Open Door Center Foundation¹ is the successor to the activities of the Open Door Center Association, which has been operating since 2000 to develop social services that support victims of violence, women and children in Bulgaria. The Foundation builds on the practical experience and expertise related to the protection of victims of gender-based violence established by the Open Door Center, Pleven, with a long-standing practice in gender equality and the elimination of gender-based violence, domestic violence, trafficking in human beings, and sexual abuse.

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EXECUTIVE SUMMARY

1. Domestic violence, rape, sexual assault, sexual harassment and other forms of violence against women are forms of discrimination against women and constitute a violation of women's rights under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Domestic violence violates a woman's rights to freedom from discrimination, equal protection and equality with men before the law, and equality in all matters relating to marriage and family relations. 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 – fail to 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.
2. This report focuses on Bulgaria's obligations under CEDAW, Articles 1, 2, 3, 5, 14, 15, and 16. It addresses matters in the Committee on the Elimination of Discrimination against Women's (Committee) List of Issues and Questions (List of Issues), the State Party Report and Annexes, and the Committee's 2012 Concluding Observations.
3. **Domestic violence and other crimes of violence against women continue to be serious problems in Bulgaria.** According to a 2017 report by the European Institute for Gender Equality (EIGE), at least 28% of women have experienced domestic violence. Yet, 48% of the women surveyed by EIGE did not inform anyone, the highest non-reporting rate in the EU.² The Partners Bulgaria Foundation and the Center for the Study of Democracy estimated that in 2015, 70-80% of domestic violence cases went unreported; for Roma women, the rate of non-reporting is as high as 90% due to fear and lack of family and institutional support.³ A related 2016 study by the same organizations found that domestic violence awareness and the willingness of victims to share information is still so low that reported prevalence is significantly lower than actual occurrence.⁴ In the last three years, murders of women committed by spouses, partners, and close relatives have increased by 50%; in 2018, every third intentional murder was the result of domestic violence.⁵ A study of court cases relating to domestic violence conducted by the Bulgarian Helsinki Committee found that in 75% of the cases, there was evidence the defendant had exercised physical or psychological violence against the victim in the past and that the victim had reported that violence.⁶ According to a September 2016 survey by three Bulgarian non-governmental organizations (NGOs), 40% of police officers and 30% of social workers believe the rate of domestic violence has increased over the previous years but that the government has not implemented consistent policies with adequate funding for the services needed to prevent and protect women from domestic violence, including effective criminalization of domestic violence crimes or improving the

² European Institute for Gender Equality of the European Union (2017), "Gender Equality Index 2017: Bulgaria," accessed August 15, 2019, Available at <http://eige.europa.eu/gender-equality-index>.

³ Partners Bulgaria Foundation, Center for the Study of Democracy, and the Human Rights Academy (Norway), *National Study on Domestic and Gender-Based Violence in Bulgaria; Analytical Report* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016).

⁴ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 2.

⁵ Krasen Nikolov, *Dramatic Increase in Murders of Women in Domestic Violence in Bulgaria*, Sofia News Agency, Feb. 5, 2019. Available at novinite.com.

⁶ Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017: Women's Rights*, (Sofia, Bulgaria: Bulgarian Helsinki Committee, April, 2016), 134.

process for issuing protective orders.⁷ While authorities could prosecute spousal rape under the general criminal rape statute, they rarely do so and do not collect data on the crime. Additionally, Bulgaria has yet to update its Criminal Code to specifically criminalize spousal rape.

Bulgaria fails to uphold its obligations under CEDAW

I. Discrimination, Harmful Stereotypes and Gender Equality (List of Issues Paragraphs 4, 6 and 9)

4. In the last review of Bulgaria, the Committee expressed concern over: 1) insufficient public visibility of legislative and policy measures to eliminate discrimination against women and awareness of government branches of women's rights under CEDAW; 2) failure to prohibit discrimination against women through a gender equality law and persistent stereotypical patterns regarding the role and responsibilities of women; 3) adopt a gender equality law that comports with the Convention and strengthen measures to overcome stereotypical attitudes about roles and responsibilities of women and men in the family and society.⁸ In the List of Issues for Bulgaria's current review, the Committee asks the State party to provide an update on the legal framework for equality, the national machinery for the advancement of women and how the State party is combating harmful stereotypes about women and the family.⁹
5. In 2015, the National Assembly tabled the Equality Between Men and Women bill (EWMA).¹⁰ It was eventually adopted in 2016. The NGO community did not support the bill for a variety of reasons, mainly because it lacked substantive effect or enforcement mechanisms.¹¹ As acknowledged in the State Party's Report, the Act regulates only the institutional mechanisms for State policy on gender equality, without introducing any new legal reforms that might promote real progress on gender equality or reduce discrimination.¹² Local NGOs say the law is not being implemented and has no real impact on gender equality.¹³
6. **Persistent harmful stereotypes and prejudices regarding women in society and the family perpetuate violence against women in Bulgaria, contributing to underreporting of violence against women.** Patriarchy and misogyny remain pervasive in all levels of public

⁷ Partners Bulgaria Foundation, Center for the Study of Democracy, and the Human Rights Academy (Norway), *National Study on Domestic and Gender-Based Violence in Bulgaria; Analytical Report* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 33.

⁸ Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Bulgaria*, (Aug. 7, 2012), U.N.Doc. CEDAW/C/BGR/CO/4-7, ¶¶ 9, 11, 12, 13, 16, 21, 22.

Also available online at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BGR-CO-4-7.pdf>.

⁹ Convention on the Elimination of All Forms of Discrimination against Women, *List of issues and questions prior to the submission of the eighth periodic report of Bulgaria* (15 March 2018), U.N. Doc CEDAW/C/BGR/QPR/8, ¶¶ 4, 6 and 9.

¹⁰ National Assembly of the Republic of Bulgaria, "Bills," accessed Sept. 25, 2017, Available at <http://www.parliament.bg/bg/bills/ID/15643>.

¹¹ Bulgarian Helsinki Committee, *Human Rights In Bulgaria in 2015: Annual report of the Bulgarian Helsinki Committee* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2016), 106.

¹² Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, ¶¶ 35-36.

¹³ Personal Communication with NGO, Sofia, Bulgaria, via email (Sept. 27, 2017) (on file with authors); Interview with Attorney, via Skype (August 7, 2019) (on file with authors).

and private life, including in the judiciary and law enforcement, negatively impacting the State response to domestic violence.¹⁴ Investigating authorities hold misperceptions that domestic violence is a private matter that the victim must resolve. The State party also provides very little information on how it is combatting these types of harmful stereotypes that lead to violence and discrimination against women and doesn't acknowledge that it is a serious problem in Bulgaria; it only discusses limited reviews of how women are portrayed in the media and how it has found a relatively balanced portrayal of men and women.¹⁵

7. Reflecting these attitudes about women and violence, Bulgaria still has no mechanism for the systematic collection of statistical data or centralized analysis of data related to domestic violence. As a result, the real dimensions and specifics of the problems and issues cannot be easily identified.¹⁶ As one legal practitioner stated, the government has no interest in women's human rights and thus, they refuse to collect data on domestic violence.¹⁷

II. Violence against Women and Women's Access to Justice (List of Issues Paragraph 10)

8. In the last review of Bulgaria, the Committee also expressed its serious concern about the high prevalence of domestic violence and absence of provisions criminalizing domestic violence and marital rape, lack of criminal prosecution of violence within the family, and failure of the judiciary to allow shifting of the burden of proof to favor victims.¹⁸ In its List of Issues, the Committee asked the State party to provide information on any changes to the Criminal Code to criminalize all forms of domestic violence and marital rape and introduce public prosecution for both, information on ratification and implementation of the Istanbul Convention, and easing the burden on victims to secure a protection order, including removing the one-month timeline to apply for a protection order.¹⁹
9. **Since its last review by CEDAW, Bulgaria has taken some steps toward combating violence against women in fulfillment of its obligations under the Convention.** In 2015, a new Chapter 3 was introduced to harmonize the Law on Protection against Domestic Violence (LPADV) with Regulation of the EU No. 606/2013 on mutual recognition of measures for ensuring protection under civil law. In September 2015, the National Assembly

¹⁴ Interview with Attorney, via Skype, August 7, 2019; Nikolay Nikolov, *The Murder of a Bulgarian Journalist Shows Not Only the Dangers of the Profession, but of Being a Woman*, Mashable (9 Oct 2018). Available online at <http://mashable.com/article/viktoria-marinova-violence-women-bulgaria/>.

¹⁵ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, ¶¶ 59-62.

¹⁶ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 1; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017, Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2018), 131.

¹⁷ Interview with Attorney, via Skype, August 7, 2019.

¹⁸ Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Bulgaria*, (Aug. 7, 2012), U.N.Doc. CEDAW/C/BGR/CO/4-7, ¶ 25.

Also available online at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BGR-CO-4-7.pdf>.

¹⁹ Convention on the Elimination of All Forms of Discrimination against Women, *List of issues and questions prior to the submission of the eighth periodic report of Bulgaria* (15 March 2018), U.N. Doc CEDAW/C/BGR/QPR/8, ¶10.

Also available online at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-BGR-CO-4-7.pdf>.

adopted amendments to the Criminal Code to incorporate Directive 2011/93/EU on combating sexual abuse and sexual exploitation of children. It also repealed Article 158 that allowed for termination of criminal prosecution for sexual abuse or rape of a minor if the perpetrator later married the victim.²⁰ In 2017, amendments to the Criminal Procedure Code and the Law on Execution of Sentences and Detention were adopted to comply with Directive 2012/29/EU on legal protections for crime victims, including preserving the dignity of a victim during questioning.²¹

10. In April 2016, Bulgaria finally signed the Istanbul Convention.²² However, due to “strong public pressure”, as described in the State Party’s Report, Bulgaria halted progress on ratification of the Convention.²³ On July 27, 2018, the Bulgarian Constitutional Court ruled that ratification of the Istanbul Convention was unconstitutional. The ruling was based on sensationalized misinformation about the term “gender” as it appears in the Convention.²⁴ The Court stated that the definition of “gender” in the Convention removes the boundaries of the two biologically determined sexes and risks turning efforts to combat violence against women into “a formalistic and unattainable commitment.”²⁵
11. In February of 2019, the National Assembly adopted a package of amendments to the Bulgarian Criminal Code that, for the first time, criminalize some aspects of domestic violence. The amendments expand the definition of domestic violence to include psychological violence and some elements of coercive control, and provide for enhanced criminal penalties for violent crimes committed “in conditions of domestic violence.”²⁶ Crimes with enhanced penalties include homicide, bodily harm, kidnapping, illegal constraint, compulsion, threat or stalking.²⁷ Previously, Bulgaria had no specific criminal penalties for crimes related to domestic violence and incidents were punished with an administrative penalty and/or a fine.²⁸ Other amendments to the Criminal Code include imposing criminal penalties for stalking (systematic stalking not committed in conditions of domestic violence), as well as other forms of violence against women, such as forced marriage.²⁹

²⁰ Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2015, Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2016), 107.

²¹ Penal Procedure Code, Art. 67a and Law on the Execution of Sentences, Arts. 15 and 54; Personal communication from NGO to The Advocates for Human Rights, via email, October 1, 2019 (on file with authors).

²² Council of Europe, Chart of signatures and ratifications of Treaty 210, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>, accessed December 20, 2019.

²³ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, ¶ 66.

²⁴ Interview with Attorney, via Skype, August 7, 2019.

²⁵ United States Department of State, *Country Report on Human Rights Practices for 2018: Bulgaria*. (Washington, D.C., Bureau of Democracy, Human Rights, and Labor, 2019), 18.

²⁶ PENAL CODE, Art. 93(31).

²⁷ PENAL CODE Art. 116 (1) (6a) Homicide; Penal Code, Art. 131 (5a) Bodily Harm; PENAL CODE, Art. 142 (5a) Kidnapping; PENAL CODE, Art. 142a (4) Illegal Constraint; PENAL CODE, Art. 143 (3) Compulsion; PENAL CODE, Art. 144 (3) Threat causing fear; PENAL CODE, Art. 144a (3) Stalking [not explicitly stated]; PENAL CODE, Art. 296 Obstruction of Justice (Order for Protection).

²⁸ Interview with Advocate, Zagreb, Croatia, July 8, 2019.

²⁹ PENAL CODE, Art. 177; PENAL CODE, Arts. 144a(1)-(2); Interview with Advocate, August 7, 2019; Personal Communication with NGO, Sofia, Bulgaria, October 2, 2019, (on file with authors).

12. According to the definitions in the new criminal code, a crime is considered committed in conditions of domestic violence “if it is preceded by systematic physical, sexual or psychological violence, placing the person in economic dependence, coercive restriction of personal life, personal liberty and personal rights, and is enforced against [a parent or child], a spouse or ex-spouse, a person with whom one shares a child, a person with whom one is or has been in a de facto marital cohabitation, or a person with whom one lives or has lived in a common household.”³⁰ According to stakeholders, the term “systematic” in the Criminal Code requires victims to document three prior instances of violence by the same perpetrator in order for a public prosecution, or “ex officio” prosecution, to be opened against the abuser.³¹ Until that threshold is reached, most cases of domestic violence, particularly those involving light or medium bodily injury or stalking, will continue to be treated as matters of private prosecution that a survivor must pursue on her own, at her own expense, or matters of “private-public” prosecution where the victim must complain before a case is opened.³² These provisions were not part of an earlier package of amendments to the criminal and civil codes compiled by the Ministry of Justice to comply with the Istanbul Convention. Additionally, stakeholders report that the government rushed to take action after the murder of several women in Bulgaria in 2018, but that it still ignored the input of professional NGOs when it drafted the definition of domestic violence for the new Criminal Code. Stakeholders have described that definition as “silly” and not the definition that they recommended to Parliament.³³
13. **Thus, despite some efforts at addressing domestic violence, many serious problems remain with Bulgaria’s violence against women legislation, state policy on gender-based violence against women, and its implementation,** resulting in a systemic failure to protect domestic violence victims and promote abuser accountability. Many of the Committee’s recommendations and questions remain unaddressed. In particular, the failure of the government to ratify the Istanbul Convention and to fully align Bulgarian legislation and practice with this instrument, which would obligate Bulgaria “to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women,³⁴ has resulted in significant gaps in protection and support for victims and continued impunity for perpetrators. NGOs in Bulgaria have noted many shortcomings that have not been addressed by recent updates to Bulgarian law: that the court does not use the urgent procedure for issuing orders for protection for victims and their children; in case of violation of the order

³⁰ PENAL CODE, art. 93.31 (February 2019).

³¹ Personal Communication with NGO, Sofia, Bulgaria, (October 2, 2019) (on file with authors); Interview with Advocate, Zagreb, Croatia, (July 8, 2019).

³² In Bulgaria, there are three possible types of prosecution proceedings: private, private-public, and public proceedings. “Private-public” prosecution is different from public prosecution and private prosecution in that it requires a victim to file a complaint to initiate criminal proceedings. In contrast, public prosecution is ex officio prosecution initiated and carried out by the prosecutor. Private prosecution is initiated and carried out by the victim or a private attorney she must retain; a public prosecutor representing the State is not involved in private prosecutions. Interview with Attorney, Varna, Bulgaria, November 13, 2019.

³³ Interview with Attorney, Varna, Bulgaria, (November 13, 2019).

³⁴ Council of Europe, Istanbul Convention: Action Against Violence Against Women and Domestic Violence, 2014, Art. 1, 1a.

for protection, the aggressor is not arrested as required by law and enjoys impunity; and perpetrators of violence have access to firearms.³⁵

14. Provisions to strengthen orders for protection under Bulgarian civil law (LPDAV) have not been adopted, including those that would allow victims more time to file for a protection order beyond the 30-day limit or expand the definition of persons eligible for the LPDAV's protections. Stakeholders say that Bulgarian judges complain that giving women more time to file for a protection order would burden courts with "too many cases."³⁶ Overall, and with few exceptions, violence against women is just "not a priority" for police, prosecutors or the judicial system.³⁷ While there have been some trainings for police, prosecutors and magistrates on domestic violence, funded by the European Union, the judicial branch resists allocating resources for domestic violence training or awareness, resulting in continued ineffective implementation of the existing provisions of the LPADV.³⁸ Additionally, many stakeholders and NGOs are worried that the burden on victims to prove three prior instances of domestic violence in order to trigger a public prosecution for domestic violence will dramatically undermine the effectiveness of the new amendments to the Criminal Code and will not lead to greater offender accountability.
15. **Bulgaria has failed to address many of the questions and issues outlined in Paragraph 10 of the Committee's List of Issues on violence against women.** The government withdrew its support for ratification of the Istanbul Convention and allowed a petition opposing ratification to be filed with the Constitutional Court, which then ruled that ratification was illegal and in conflict with Bulgaria's Constitution. Protections for domestic violence victims in the LPADV have not been strengthened, nor has the one-month time limit for applying for an order for protection been extended or eliminated. Local NGOs in Bulgaria say that the government has formed a working group to update the LPADV, but that no real progress has been made.³⁹ In particular, the NGOs say that judges oppose any extension in the deadline to file for an order for protection because this would result in "too many cases for the court, and they will be too busy, and it will be too many cases for the court to handle."⁴⁰ This both acknowledges, and ignores, the pressing need to allow women adequate time to prepare for and file a successful application for a protection order. No discussion was apparently had about allocating adequate resources to handle a heavier caseload to protect women or providing victims with greater access to legal counsel to assist in filing complete and timely petitions.
16. While the recent amendments to the criminal code do allow for the possibility of an "ex officio" prosecution of certain crimes committed in "conditions" of domestic violence (not including marital rape, which the State party report also does not address), the amendments were drafted without the participation and input of Bulgarian NGOs that work in the field of domestic violence. As a result, it is highly unlikely that prosecutors will actually pursue

³⁵Alliance for Protection against Gender-based Violence, www.facebook.com/Алианс-за-защита-от-насилие-основано-на-пола-304407276275623/?ref=pf, accessed Sept. 28, 2017.

³⁶ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

³⁷ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

³⁸ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

³⁹ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

⁴⁰ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

public charges against abusers, as requested by the Committee.⁴¹ For enhanced criminal penalties and an “ex officio” prosecution to apply in any case of domestic violence, victims must prove that the violence was “systematic,” which in turn means proof of three prior incidents of domestic violence by the same perpetrator against the same victim.⁴² Stakeholders report that in discussions with prosecutors and judges, the consensus opinion is that three prior incidents will be very difficult for victims to establish and that the victim’s statement or even police reports (without corroborating evidence) will likely not be adequate. This means victims must gather other evidence, such as witness statements or medical certificates, assuming victims are able to see a medical professional and receive proper documentation of their claim.⁴³ While the law is still very new, prosecutors have already dropped cases and ceased investigations for lack of evidence, rendering the “ex officio” nature of the new domestic violence criminal law moot.⁴⁴

17. As noted in the Executive Summary, surveys have found that Bulgarian women are among the least likely in any European country to report domestic violence.⁴⁵ Requiring survivors to endure, and then document and report, three incidents of domestic violence before the State will prosecute an abuser exposes survivors to an unnecessary and repeated risk of serious violence, particularly if a perpetrator retaliates against a survivor for reporting.
18. Moreover, while stalking is now criminalized, victims must prove it was “systematic” (it happened at least three times), and they must file a complaint before the State will consider prosecution (i.e. public-private prosecution). Also, unless the systematic stalking is coupled with three proven incidents of domestic violence, prosecutors will not file public charges on an “ex officio” basis. As one attorney stated, “[t]his is ridiculous because you have to prove the systematic nature of stalking, three times stalking and three times domestic violence, so really it’s six incidents you have to prove. It is crazy.”⁴⁶ Additionally, in order to establish any given incident of stalking, victims must undergo a psychological evaluation to determine their level of “fear”; if they don’t demonstrate a sufficient level of “terrible fear” (which some examiners have apparently determined must be fear of murder) then there is no evidence of a stalking crime.⁴⁷ In one case, the perpetrator had showed up at a victim’s place of work and broke her nose; this was considered insufficient evidence that the victim had a reasonable fear of death.⁴⁸ Again, by setting such a high bar before the government will act to hold an abuser accountable, the State party is exposing women to an unnecessary risk of violence or death. This also ignores the seriousness of these crimes and the significant psychological and physical toll it takes on victims. Documented stalking incidents include abusers harassing women from prison (where cell phone use is common) by, for example,

⁴¹ Convention on the Elimination of All Forms of Discrimination against Women, *List of issues and questions prior to the submission of the eighth periodic report of Bulgaria* (15 March 2018), U.N. Doc CEDAW/C/BGR/QPR/8, ¶10.

⁴² Interview with Advocate, via Skype, August 7, 2019.

⁴³ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 5; Interview with Advocate, via Skype, August 7, 2019.

⁴⁴ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

⁴⁵ European Institute for Gender Equality of the European Union (2017), “Gender Equality Index 2017: Bulgaria”, accessed August 15, 2019, <http://eige.europa.eu/gender-equality-index>.

⁴⁶ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

⁴⁷ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

⁴⁸ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

having a victim's car set on fire.⁴⁹ The purpose of protecting women from harassment and stalking is to prevent serious or even deadly acts of violence before they happen, and not wait until a woman is grievously injured or killed before doing anything to stop the perpetrator.

19. The Committee has also asked the State party for information on the status of implementation and the effectiveness of national programs for the prevention and protection against domestic violence.⁵⁰ The State party does not address this issue in its report, despite the fact that Article 6 of the LPADV requires the government to create appropriate conditions for the implementation of various domestic violence programs, including adoption of an annual National Program for Prevention and Protection against Domestic Violence.⁵¹ According to stakeholders, the annual Programs, even when adopted by the Council of Ministers, have proven to be too general in their parameters, lacking in specific action items, and they provide no set budget allocations.⁵² In fact, the Program in 2016 was six months delayed, and no Program was adopted for 2017 or 2018.⁵³ As one attorney stated, the National Program is “just a piece of paper that provides no help in practice.”⁵⁴
20. It is unclear what the current status is of any coordinated national effort to systematically integrate protection and prevention of gender-based violence against women, in all its forms, into all areas of Bulgarian law to ensure the State party is in conformity with international legal standards.

III. Protecting Women from Violence and Preventing Violence against Women (List of Issues Paragraph 11)

21. During its last review of Bulgaria, the Committee noted the practical obstacles women face when domestic violence occurs, including insufficient social and legal services available to women and a scarcity of and insufficient funding for shelters for domestic violence victims, among other things.⁵⁵ In its List of Issues, the Committee asked the State party to provide information on what the State Party was doing to address these issues, including up to date data on cases of gender-based violence, women's access to redress and legal aid, consideration of domestic violence in child custody and family law cases, and whether the State party is ensuring sufficient state-funded shelters and other support services for victims of domestic violence across the country.⁵⁶
22. The State Party only partially responded to the Committee's request for reporting data on crimes of gender-based violence against women. It provides limited data on crimes of

⁴⁹ Interview with Advocate via Skype, August 7, 2019.

⁵⁰ Convention on the Elimination of All Forms of Discrimination against Women, *List of issues and questions prior to the submission of the eighth periodic report of Bulgaria* (15 March 2018), U.N. Doc CEDAW/C/BGR/QPR/8, ¶10.

⁵¹ LPADV, Art. 6(1), (5).

⁵² Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 3.

⁵³ Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017: Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2018), 131.

⁵⁴ Interview with Advocate, via Skype, August 7, 2019.

⁵⁵ Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Bulgaria*, (Aug. 7, 2012), U.N.Doc. CEDAW/C/BGR/CO/4-7, ¶¶ 25, 26.

⁵⁶ Convention on the Elimination of All Forms of Discrimination against Women, *List of issues and questions prior to the submission of the eighth periodic report of Bulgaria* (15 March 2018), U.N. Doc CEDAW/C/BGR/QPR/8, ¶11.

“debauchery”, which include rape, and on crimes of trafficking, as well as the total number of protection orders issued (but not those requested) across Bulgaria in each year from 2009-2018.⁵⁷ The State party provides no other data on cases of gender-based violence against women, including domestic violence or victim reporting related to domestic violence. Additionally, as the State party has not criminalized marital rape, the data on rape convictions (under Article 152) contains no information on whether these crimes involved a spouse or other intimate partner. Additionally, the data shows a sharp decline in the number of rape convictions from 1989 to 2017, with 47 in 2017 as compared to well over hundred (or more than 200 hundred) in prior years.⁵⁸ No context is given for this data. To fill some official gaps, Bulgarian NGOs have started to collect data from the Sofia and Varna District Courts to track decisions in domestic violence cases.⁵⁹

23. For the most part and according to stakeholders, the number of petitions for protective orders has risen annually since the LPADV’s enactment through 2016, indicating increased awareness by domestic violence survivors. Yet, the criminal penalties imposed against abusers who violate these orders have decreased, thus perpetuating the perception that domestic violence is not a serious offense.⁶⁰ While the State party has increased the penalties that may be imposed for the violation of a protection order,⁶¹ it is not clear what effect this will have in practice on the execution or enforcement of protection orders. Stakeholders report that in some cases, lenient sentences without adequate survivor protection have forced women to leave the country in order to find safety for themselves and their children.⁶² Additionally, after 2016, the number of protection orders issued nationwide in Bulgaria started dropping rapidly, with 880 orders issued in 2018 as compared to 2,323 orders in 2016. In fact, 2018 saw the lowest number of protection orders issued in Bulgaria since 2009, when 1253 orders were issued.⁶³ The State Party does not address this decline, or how it relates to the number of petitions actually filed (which data is not tracked or reported by the State party), and it is not clear why so many fewer protection orders were issued in 2018 as compared to previous years.

24. The State party report does not address whether the trainings for judge and magistrates that it describes in Annex 4 have had any impact on the likelihood that judges will accurately apply,

⁵⁷ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, Annexes 1-3.

⁵⁸ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, Annex 2.

⁵⁹ Interview with Attorney, via Skype, August 7, 2019.

⁶⁰ The Alliance for Protection of Domestic Violence, *Monitoring of the Legislation Related to Protection Against Domestic Violence: A Summary of Main Findings from 2013-2014*, 15.

⁶¹ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, ¶ 67.

⁶² Interview with Advocate, via Skype, August 7, 2019. In one case, a client reported domestic violence and, although the perpetrator was criminally convicted, the sentence was short. As his release neared, a lawyer worked with her client to find a safety solution and ultimately was able to get her client out of the country, the only way to ensure her client’s safety given the police, prosecutors, and court’s responses.

⁶³ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, Annex 3.

as requested by the Committee after its last review of Bulgaria, “Article 13(3) [of the LPDAV] to ease the burden of proof in favor of victims” when it comes to issuing orders for protection.⁶⁴

25. The State party has struggled to build the capacity of its system actors to respond effectively to prevent and protect women from domestic violence. Despite trainings for magistrates and other state officials on domestic violence and violent crimes (supported primarily with funding from the EU or similar outside body),⁶⁵ stakeholders report that judges continue to exhibit misconceptions and harbor dangerous stereotypes about domestic violence, leading to inconsistent or no enforcement of the provisions of the LPADV, including protective orders. They say that this problem is particularly acute in rural areas and that many judges just have “no sensitivity to gender-based violence”.⁶⁶
26. One attorney reports that, because the judicial system will not allocate funding for domestic violence training, most judges have had little or no training on this issue despite what the State party reports in Annex 4; certainly not on-going, continuous professional training as requested by the Committee.⁶⁷ Although some judges are issuing evictions against the perpetrator under the LPADV, there still are judges who will not remove an abusive partner from the home because they are concerned about whether he has a place to live or because of the judge’s belief that the victim’s behavior provoked the violence.⁶⁸ As one legal practitioner stated, “there are some good judges who ‘get it’ and some very bad judges who don’t like the LPADV or the victims.”⁶⁹ This results in many victims being denied the protection to which they are entitled.⁷⁰ In general, stakeholders report that orders for protection are difficult to obtain, unless a survivor is very well prepared and has access to legal counsel: “Victims who don’t have legal counsel often have their petitions denied”.⁷¹ Legal counsel is itself hard to secure and highly dependent on the jurisdiction where the victim is located.⁷² This appears to be supported by the State party’s data, which shows a sharp drop in the number of protection orders issued in 2018.⁷³
27. These beliefs and misconceptions about violence against women also are pervasive in the police force and among social service providers, even if there are a few who take the issue

⁶⁴ Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Bulgaria*, (7 August 2012), U.N.Doc. CEDAW/C/BGR/CO/4-7, ¶ 26.

⁶⁵ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, Annex 4.

⁶⁶ Interview with Advocate, Zagreb, Croatia, July 8, 2019.

⁶⁷ Convention on the Elimination of All Forms of Discrimination against Women, *List of issues and questions prior to the submission of the eighth periodic report of Bulgaria* (15 March 2018), U.N. Doc CEDAW/C/BGR/QPR/8, ¶11.

⁶⁸ The Advocates for Human Rights, *Bulgaria’s Compliance with the Convention on the Elimination of All Forms of Discrimination*, (Minneapolis, MN: The Advocates, Sept. 2017), ¶ 8.

⁶⁹ Interview with Advocate, via Skype, August 7, 2019.

⁷⁰ Personal Communication with NGO to The Advocates for Human Rights, via email, (Sept. 27, 2017) (on file with authors); Interview with Advocate, August 7, 2019 (on file with authors).

⁷¹ Interview with Advocate, Zagreb, Croatia, July 8, 2019.

⁷² Interview with Advocate, Zagreb, Croatia, July 8, 2019.

⁷³ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, Annex 3.

seriously and will conduct a proper investigation.⁷⁴ A recent study found that police often refuse to register a domestic violence case or give a warning protocol to a perpetrator.⁷⁵ Even if the police do issue warning protocols to perpetrators, they generally do not enforce them or follow up with stronger prohibitions and penalties.⁷⁶ This type of response complicates a victim's ability to document three domestic violence incidents under the terms of the new Criminal Code.⁷⁷ Local NGOs report that, in general, issues of violence against women and domestic violence are just "not a priority" for police or prosecutors in Bulgaria.⁷⁸ The system is very centralized, with regional prosecutors setting the agenda for local prosecutors and directing them as to which issues to prioritize, for example, organized crime or financial crimes, but not crimes involving violence against women.⁷⁹

28. Social assistance directorates and health care providers are also hindered in their efforts to protect and provide services to victims of domestic violence by stereotypes about the roles of women in the family and society. Health care workers will provide medical treatment to victims but often fail to issue the medical documentation required to file a claim.⁸⁰ Social service officials underestimate the risk faced by domestic violence victims and rely on personal beliefs about women rather than acting in compliance with the law. As a result, many victims are prevented from obtaining adequate and timely assistance and are not directed to appropriate providers for protection and assistance.⁸¹ Lack of inter-agency knowledge impedes coordination and delays necessary interventions. Moreover, lack of communication between agencies often leads to contradictory actions by different institutions (e.g., between social assistance directorates and police, or social services providers, or the NGOs providing legal aid and/or crisis shelters). These attitudes towards victims and a lack of coordination efforts by institutions often lead to reoccurrence of violence against the victim and the victim's loss of trust in the system.⁸²

29. For example, the government's Coordination Mechanism for Assistance and Support to Victims of Domestic Violence is supposed to provide a way for police, social workers,

⁷⁴ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 7.

⁷⁵ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 5.

⁷⁶ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), at 5; Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2017: Annual Report* (Sofia, Bulgaria: Bulgarian Helsinki Committee, 2018), 134.

⁷⁷ The Alliance for Protection against Domestic Violence (the Alliance), *Monitoring of the Legislation related to protection against domestic violence and other forms of gender-based violence: A Summary of Main Findings from 2013-2014*, 11.

⁷⁸ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

⁷⁹ Interview with Attorney, Varna, Bulgaria, November 13, 2019.

⁸⁰ Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 5; Interview with Advocate, August 7, 2019.

⁸¹ The Alliance for Protection Against Domestic Violence (the Alliance), *Monitoring of the Legislation related to protection against domestic violence and other forms of gender-based violence: A Summary of Main Findings from 2013-2014*, 6; Partners Bulgaria Foundation, *National Study on Domestic and Gender Based Violence and Elaboration of Victims Support Model: Policy Brief* (Sofia, Bulgaria; Partners Bulgaria Foundation, 2016), 9.

⁸² The Alliance for Protection against Domestic Violence (the Alliance), *Monitoring of the Legislation related to protection against domestic violence and other forms of gender-based violence: A Summary of Main Findings from 2013-2014*, 16.

prosecutors, judges, and other system actors to meet and discuss domestic violence issues and solutions. According to local NGOs, nothing ever happens. Even if a meeting does take place, prosecutors reportedly never attend.⁸³

30. The State party does not address the Committee's request that it specify the measures taken to ensure that courts duly consider the possible existence of domestic violence in child custody cases. According to stakeholders, this is not an issue that the State party takes seriously. They report that courts, law enforcement, and social service providers continue to believe that the rights of an abusive father to visitation with his children in cases of domestic violence supersede the rights of the non-violent parent to security and safety.⁸⁴ As a result, victims are pressed to mediate or negotiate such meetings with their abuser, thus re-victimizing them.⁸⁵ Abusive fathers are also often able to convince courts to deny custody rights to survivors⁸⁶ and courts often insist on hearing an indefinite number of expert opinions.⁸⁷ Stakeholders report that "victims are at a disadvantage in child custody proceedings" and that there is a "network of fathers" organization that helps perpetrators undermine victims and get custody of a victim's children. They say that in general, the child protection system is not effective when it comes to domestic violence and that judges and other system actors do not "have sensitivity to children as victims of domestic violence".⁸⁸
31. Bulgaria continues to "woefully" underfund shelters and other services for victims of domestic violence,⁸⁹ falling far short of the international standard for adequate housing and shelter for victims of violence and their children. Of recent note, four programs supporting victims of violence in central and northern Bulgaria have ceased to operate, due to municipal opposition and the appropriation by local officials of state funds originally intended to support domestic violence services.⁹⁰
32. The State party does not elaborate on the availability and geographical distribution of State-funded shelters for victims of violence, as requested by the Committee, only the total number of "crisis centres" in the country, not all of which are shelters and eleven of which are operated by NGOs with state funding. More specifically, stakeholders report that the amount of money the State is required to allocate under the Program for the work of NGOs for domestic violence is "woefully short" of what is needed and is not sufficient to open a second domestic violence shelter in Sofia, a city of two million people with only 14 shelter beds.⁹¹
33. Additionally, the LPADV provides that the Ministry of Justice shall annually include a line item in its budget to provide funding for the development and implementation of programs for the prevention of and protection against domestic violence, including crisis centers, social support centers, training of protection officers, and NGO projects addressing domestic

⁸³ Interview with Attorney, via Skype, August 7, 2019.

⁸⁴ Interview with Advocate, Zagreb, Croatia, July 8, 2019.

⁸⁵ The Alliance for Protection against Domestic Violence (the Alliance), *Monitoring of the Legislation related to protection against domestic violence and other forms of gender-based violence: A Summary of Main Findings from 2013-2014*, 8.

⁸⁶ Interview with Advocate, Zagreb, Croatia, July 8, 2019.

⁸⁷ Personal Communication with NGO, Sofia, Bulgaria, via email, (Sept. 27, 2017) (on file with authors).

⁸⁸ Interview with Attorney, via Skype, August 7, 2019.

⁸⁹ Interview with Advocate, via Skype, August 7, 2019.

⁹⁰ Personal Communication with Service Provider, Sofia, Bulgaria, via email, December 2019 (on file with authors).

⁹¹ Interview with Attorney, via Skype, August 7, 2019.

violence.⁹² The amounts allocated annually have been inadequate to meet the growing need for service providers. In 2016-2018, the Ministry of Justice made no adequate funding allocation despite annual amounts disbursed to the Ministry's budget from the State budget.⁹³ As a result, there are only 10 domestic violence shelters in the entire country and they are often full; there are two domestic violence hotlines which are privately funded and often do not operate 24 hours a day; there are insufficient counseling centers for victims; and legal representation is not uniformly available across the country, particularly in rural and remote areas.⁹⁴ This is drastically short of the international standard for adequate housing, services and shelter for victims of violence and their children. It also raises the question of how the State party provides "immediate support" to victims of domestic violence⁹⁵ when many victims have no real access to services.

34. In the Regional Directorate of Pleven of north central Bulgaria, the State party's approach of allowing local officials to determine the need for shelters and other services (State party report, p. 71) has led to the cancellation of almost all programs supporting domestic violence victims and a "significant" reduction in the number of protection orders issued by local courts.⁹⁶ Programs cancelled include a rehabilitation program for survivors of domestic violence, a legal program, a mobile team for small communities, and a specialized program for perpetrators of domestic violence.⁹⁷ According to a service provider, "[a]ll women victims are abandoned in Pleven because no one follows what happened to them."⁹⁸ The NGO that provided victim services was stripped of its funding and the shelter it operated was closed and physically gutted by the municipal authorities in 2018.⁹⁹ The authorities told the NGO and another advocate that they wanted to open their own crisis centre in the NGO's building, which would also allow the municipality to retain State funds allocated for this purpose;¹⁰⁰ however, local NGOs report that no new shelter or crisis centre has been opened and domestic violence victims in the area currently receive no support or protection; additionally, "[t]here are no other crisis centers in northern and northwestern Bulgaria."¹⁰¹ Stakeholders also note that Pleven's experience represents a trend in Bulgaria, with local authorities increasingly hostile to the provision of services for victims of violence: "[O]nly in

⁹² LPADV, Art. 6(7).

⁹³ Personal Communication from NGO, Sofia, Bulgaria, to The Advocates for Human Rights, via email (Sept. 27, 2017) (on file with authors); Interview with Attorney, via Skype, August 7, 2019.

⁹⁴ Interview with Attorney, via Skype, August 7, 2019.

⁹⁵ Convention on the Elimination of all Forms of Discrimination against Women, *Eighth Periodic Report submitted by Bulgaria under article 18 of the Convention pursuant to the simplified reporting procedures* (23 October 2019), U.N. Doc. CEDAW/C/BGR/8, ¶ 73.

⁹⁶ Submission of Information to the Special Procedures, on behalf of Service Provider, Pleven, Bulgaria (2018) (on file with authors); Interview with Service Provider, Sofia, Bulgaria, November 19, 2018.

⁹⁷ Personal Communication with Service Provider, Sofia, Bulgaria, via email, November 27, 2019 (on file with authors).

⁹⁸ Interview with Service Provider, Sofia, Bulgaria, November 19, 2018.

⁹⁹ Submission of Information to the Special Procedures, on behalf of Service Provider, Pleven, Bulgaria (2018) (on file with authors).

¹⁰⁰ Submission of Information to the Special Procedures, on behalf of Service Provider, Pleven, Bulgaria (2018) (on file with authors).

¹⁰¹ Submission of Information to the Special Procedures, on behalf of Service Provider, Pleven, Bulgaria (2018) (on file with authors); Personal Communication with Service Provider, Sofia, Bulgaria, via email, November 27, 2019 (on file with authors).

places where there are personal relations between NGOs and the municipality can these services continue.”¹⁰²

35. In March 2019, Parliament passed a new Law on Social Services, which was supposed to enter into force on January 1, 2020.¹⁰³ The new law would have provided for a public-private partnership between the state and NGOs providing social services, as well as a number of important measures for the victims of domestic violence. The law also contained special rules to protect child victims of violence, including in cases where the violence is perpetrated by a parent. At the end of 2019, a campaign was launched that claimed, falsely, that the new law would allow the state to take away children from their parents without any reasonable ground. As a result, at the end of December 2019, Parliament decided to postpone the entry into force of the law by one year.¹⁰⁴ The State party again has failed to prioritize the protection of women and children from domestic violence.

I. Suggested recommendations for the Government of Bulgaria

- Amend the LPADV to remove the 30-day deadline for survivors to seek an order for protection;
- Change the legal definition of crimes committed "in conditions of domestic violence" so that victims do not have to prove three prior incidents of domestic violence before the state will prosecute perpetrators "ex officio";
- Change the legal definition of stalking to eliminate unnecessary barriers to "ex officio" prosecution of stalking crimes, including removing requirements that victims prove multiple instances of both stalking and domestic violence before the State will act to punish perpetrators;
- On ratification of the Istanbul Convention, the State party should acknowledge that: 1) there is no legal obstacle for the Constitutional Court to adopt a new decision recognizing that the norms of the Istanbul Convention are in accordance with the Bulgarian Constitution, 2) the State may continue to incorporate provisions of the Istanbul Convention into domestic law without ratification; and 3) if the European Union ratifies the Istanbul Convention, then the State party may be required to implement the Convention's provisions and should act proactively to strengthen protections for all victims of gender-based violence in domestic law;
- Adequately support and fund NGOs that provide services for domestic violence victims and others, including provision of legal counsel and shelter; ensure that State funds allocated for these purposes are in fact distributed to NGOs supporting victims of violence and not diverted for other purposes unrelated to victim services; investigate the elimination of victim services and shelter in the Regional Directorate of Pleven and determine when and how such services will be re-established;
- Explicitly criminalize marital rape as an "ex officio" crime;

¹⁰² Interview with Service Provider, Sofia, Bulgaria, November 19, 2018.

¹⁰³ Personal Communication with Attorney, Sofia, Bulgaria, via email, (January 3, 2020) (on file with authors).

¹⁰⁴ Personal Communication with Attorney, Sofia, Bulgaria, via email, (January 3, 2020) (on file with authors).

- Create and implement a system for collection of verified statistical data on cases of domestic and gender-based violence against women, accompanied by a study analyzing why cases are not reported or prosecuted;
- Review family law, procedure and case law in Bulgaria to determine how often and why custody of children is awarded to a domestic violence perpetrator or a parent who has been accused of violence. Propose, enact, implement and fund any necessary legislative or procedural changes to protect women and children from further violence or the threat of violence in family law proceedings, including a rebuttable presumption of granting custody to the non-violent parent; ensure the new Law on Social Services promptly enters into force and eliminate additional delays;
- Actively counter harmful stereotypes about women and domestic violence, including through comprehensive education and awareness-raising campaigns on women's human rights and gender-based violence against women;
- Enact a law on gender equality with substantive provisions and protections for women against discrimination;
- Develop and implement effective trainings for judicial system actors on women's human rights, domestic violence, and implementation of the LPADV, including prioritizing victim safety and security in the issuance of orders for protection. These and similar trainings should be mandatory, regular and country-wide for police, prosecutors, and judges, as well as social service and healthcare providers, and child protection authorities;
- Effectively implement, support and prioritize the Coordination Mechanism for Assistance and Support to Victims of Domestic Violence, to ensure that domestic violence survivors have access to critical support services such as legal aid and shelter.