

Current situation of female genital mutilation in Bulgaria



LEGAL FRAMEWORK

International and European conventions

Bulgaria has ratified various conventions condemning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the Charter of Fundamental Rights of the European Union (CFREU).

Criminal law

FGM may be treated as serious, medium or light bodily injury (Articles 126, 129 and 130 from the Penal Code) under the general criminal law provisions, Article 181 from the Penal Code could also be used in the prosecution of cases when the injury is inflicted within the family. This law has been in force since 1 May 1969 and was last amended on 5 August 2011. There is no specific law for prosecuting FGM in Bulgaria.

Child protection law

General child protection law, including preventive and protective provisions, may be applied in cases of FGM. Article 11 of the Child Protection Law refers to 'Protection against Violence' and can be potentially used where there is a risk of FGM. Article 23(4) of the Child Protection Law compares reasons for removing the child from the family, when the child is a victim of violence in the family and there is a serious danger of repeating (when physical, psychological, moral, intellectual or social development).

Asylum law

Article 8 (1) of the Asylum and Refugees Law can be applied to cases where asylum is granted on the grounds of FGM. The acts of persecution may be physical or psychological violence, legal, administrative, police or judicial measures, which are discriminatory or are applied with a discriminatory aim [...] There is no specific provision dealing with FGM in asylum law. The State Agency for Refugees (SAR) does not collect information on the subjects of FGM and does not have the right to ask refugees questions related to FGM in their interviews.

Professional secrecy law

General laws on reporting child abuse may be applied. The Child Protection Law (2000) stipulates that all citizens, including those professionals bound to secrecy, are obliged to report cases of child abuse. General sanctions for non-reporting are stipulated in Article 45 (1)1. There is no specific legal provision at all regard to reporting cases of performed or planned FGM in Bulgaria.

About the study

In order to contribute to identifying and filling the gaps in evidence data collection and support the development of approaches for combating female genital mutilation (FGM), the European Institute for Gender Equality has commissioned the 'Study to map the current situation and trends of female genital mutilation in 27 EU Member States and Croatia'. The study was launched at the request of Viviane Reding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yelena Winkler Management Consultants in division of I.A.G.C.

The desk research in the 27 EU Member States and Croatia and the in-depth research in nine EU Member States brings about the first collection of information on data, legal and policy framework, actors, tools and methods in the area of FGM in the EU. The different national approaches to tackle FGM in the EU were analysed and compared in order to identify practices with potential in prevention, prosecution, protection, provision of services, partnership and prevalence.

The data provided in this publication were collected through desk research conducted between December 2011 and April 2012. More information and references about the study are available at eige.europa.eu

Downloads



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