

BULGARIA

Recommendations to improve data collection on intimate partner violence by the police and justice sectors



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at a meeting on 16 August 2017 in Sofia, Bulgaria. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

1. Legislative and policy recommendations

Strengthen political commitment

Political commitment is essential in order to improve administrative data collection on intimate partner violence. It provides a catalyst for change and ensures the sustainability of systematic and harmonised data collection practices on intimate partner violence in the police and justice sectors.

Bulgaria signed the Istanbul Convention in April 2016 and is currently in the process of harmonising its domestic legislation with the Victim's Rights Directive. These steps will provide opportunities for changing the law on protection from domestic violence to also cover all forms of gender-based violence, in addition to improving data collection on intimate partner violence. However, domestic and intimate partner violence are not explicitly included in the Criminal Code and therefore corresponding statistical data on them is lacking. To overcome this issue, the provisions of the new law on equality between women and men will contribute to the establishment of a system that monitors existing data on violence against women. This demonstrates political commitment from Bulgaria. The 2016-2020 implementation of the national strategy for the promotion of gender equality aims to bring the legal, strategic and operational framework in the field of gender-based violence up to date. This development can be fostered by steadfast political commitment. Greater support is needed to bring about what will constitute considerable changes to the processes through which violent offences are criminalised and investigated and for which perpetrators are prosecuted and punished.

It is recommended to strengthen political commitment to ensure that progress on the improvement of administrative data collection is sustainable, and that the implementation of the current initiatives relating to data collection which the law on equality between women and men will bring about is prioritised.

Make all intimate partner violence cases distinct, non-private criminal offences

Currently, Article 4 of the Criminal Code distinguishes between bodily injuries suitable for general public prosecution, and those of a private nature for which private prosecution is appropriate. 'Light' and 'medium' injuries inflicted by a spouse or close relative constitute private crimes according to domestic legislation and so the victim is responsible for filing a complaint against the perpetrator. This poses a considerable challenge for intimate partner victims who are dependent on, or under the control of, the perpetrator.

It is recommended that intimate partner violence become criminalised as a distinct, non-private offence in the Criminal Code and for which state prosecutions are granted.

Ratify the Istanbul Convention

Bulgaria signed the Istanbul Convention on 23 April 2016 and is expected to ratify it. As the Istanbul Convention is the most significant and comprehensive legally binding text addressing violence against women, its immediate ratification is strongly recommended. Ratifying the Istanbul Convention would enable Bulgaria to meet its minimum data requirements for international comparisons and assist its policymakers and practitioners in their efforts to combat intimate partner violence and rape.

It is recommended that the necessary steps be taken to ensure a swift ratification of the Istanbul Convention.

Develop an action plan to facilitate the estimation of the costs of violence against women

In Bulgaria, no studies have been undertaken that endeavour to estimate the economic burden of intimate partner violence on the police and justice sectors. The European Institute for Gender Equality (EIGE) estimates that the cost of intimate partner violence against women in Bulgaria could amount to EUR 1 584 651 699 per year (1.6 billion). This figure was calculated according to the methodology used in EIGE's 2014 study ⁽¹⁾. Developing an action plan to estimate the costs of intimate partner violence and violence against women could lead to a better understanding of the phenomenon in the context of the economic burden it creates.

It is recommended that a purpose-built economic model be adopted so that the cost of violence against women to the police and justice sectors can be estimated. The purpose-built model developed by EIGE can be used for this purpose.

(1) European Institute for Gender Equality, *Estimating the costs of gender-based violence in the European Union*, Publications Office of the European Union, Luxembourg, 2014.

2. Data collection infrastructure and cooperation between different authorities

Collate and standardise data collection in the police and justice sectors

Data gathered on intimate partner violence offences is more reliable when the systems and methodologies used across sectors are harmonised and are complementary and easily collated. At present, the police and justice sectors employ different data collection methodologies and use different units of measurement. The police sector collects data that is disaggregated by different variables to that collected by the justice sector, and there is currently no mechanism in place through which data from both sources can be collated. These challenges to data collection and collation are confounded by the fact that the data storage system used by the justice sector is not electronic.

It is recommended that a specific, common methodology for gathering and storing data be adopted by the police and justice sectors. To facilitate this, all storage systems should become digitalised and standardised through ensuring that common variables are used by both sectors to collect data on intimate partner violence.

Take steps to centralise the civil and criminal law systems for data collection

At present, data relating to intimate partner violence in the justice sector is separated depending on whether the offence is registered as a civil or criminal case. The civil law and criminal law systems for collecting and holding data are currently separate; the criminal law system is markedly more developed than the civil law system. Domestic violence is specified as a civil offence, while other crimes which might still constitute intimate partner violence will be collected as criminal offences. Such discrepancies mean that data on intimate partner violence in the justice sector is disconnected, which prevents unified analysis of intimate partner violence cases in the justice sector.

It is recommended to centralise the civil and criminal law systems in the justice sector so that all information on intimate partner violence can be collected and analysed as a whole. This will be facilitated by recognising intimate partner violence as a separate criminal offence.

Establish a coordinating body

Research suggests that the implementation of a coordinating body results in the improvement of the quality and availability of statistics. Such a body would also promote good practices and procedures on data collection on intimate partner violence. At present, there is no single body responsible for regulating administrative data collection on intimate partner violence. A challenge to this lies in the fact that information on intimate partner violence is currently collected by different institutions and under different crimes. In the absence of a coordinating body, there is limited potential to improve data harmonisation at national level.

It is recommended to establish a coordinating body for the purpose of improving data collection practices across sectors and institutions.

Publish data that is appropriately disaggregated

When institutions responsible for collecting administrative data on intimate partner violence make their data publically accessible, the extent of national intimate partner prevalence can be more easily understood. At present, the National Statistical Institute publishes data annually on its website on convicted persons, disaggregated by gender and age and according to the type of crime. However, there are still no official statistics published anywhere on the victims of crime. Consequently, it is not possible to obtain statistics relating to intimate partner violence from the criminal statistics published by the National Statistical Institute. At justice level, information on domestic violence is published annually by the Prosecutor's Office, through reports on the prosecution's activities^(?). Despite this, as intimate partner violence is not a distinct offence criminalised in the Criminal Code, it is not possible to identify intimate partner violence cases from data published by the judiciary.

It is recommended that all bodies responsible for the administrative data collection of intimate partner violence, including the National Statistical Institute and the Prosecutor's Office, publish in all their official publications comprehensive information relating to intimate partner violence. This data should be published with all necessary breakdowns, including the age and sex of the victim and the perpetrator and the relationship between them, in order to specify intimate partners.

(?) http://www.dnevnik.bg/bulgaria/2016/08/15/2811678_delata_z_a_domashno_nasilie_v_sofiiskia_sud_se/ (not available in English).

3. Technical recommendations

Record the relationship between the victim and the perpetrator in the justice sector

Recording the relationship between the victim and the perpetrator is absolutely fundamental to any form of data collection on cases of intimate partner violence: this disaggregation enables the identification of offences in the context of an intimate relationship. Information on the relationship between the victim and the offender, as well as the place of the incident, is currently collected in the police sector, but not in the justice sector. Information from a relationship variable is necessary to gather accurate data on intimate partner violence; thus, there is an urgent need to ensure that information on the relationship between the victim and the perpetrator is systematically recorded.

It is recommended that the necessary changes be made to the recording systems at both police level and justice level to facilitate the documentation of the relationship between the victim and the perpetrator, ensuring that the relationship variable is disaggregated into different forms of variables. This will enable intimate partner violence to be distinguished from other relationships in the domestic sphere. It will also enable closer and more accurate data comparisons between the police and justice sectors.

Record information on the victim for all intimate partner violence related crimes

For crimes relating to intimate partner violence which fall under the Criminal Code, both the police and justice sectors collect data on the age and sex of the victim. However, domestic violence is not explicitly included in the Criminal Code, therefore information collected on it cannot be disaggregated by the age or sex of the victim.

It is recommended to take steps to make the systematic recording of the age and sex of the victims in the recording systems used by the police and justice sectors mandatory for all crimes, not only those which fall under the Criminal Code.

Indicator 1 — Annual number of women (aged 18 and over), victims of intimate partner violence ⁽³⁾ committed by men (aged 18 and over), as recorded by police

Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

Bulgaria recognises domestic violence through the law on protection from domestic violence, which contains provisions for the protection and support of victims of domestic violence. Domestic violence and intimate partner violence are not yet separate criminal offences, therefore data is not collected in this regard. Some information collected by the justice sector regarding protection orders can provide proxy data but is not relevant or precise enough to populate these indicators.

For indicators 1, 2 and 3

It is recommended that, until intimate partner and domestic violence become separate criminal offences, changes be made to the statistical forms used for data collection by the police sector so that an added separate mandatory variable will allow for the recording of an intimate partner violence offence. It is additionally recommended that information on the sex and age of the victim and their relationship to the perpetrator be recorded through additional mandatory variables.

⁽³⁾ Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence (4) committed by men (aged 18 and over), as recorded by police

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence (5) committed by men (aged 18 and over), as recorded by police

Domestic violence and intimate partner violence are not yet separate criminal offences, therefore they do not generate criminal statistics. Data collected under ‘bodily injury’ in the Criminal Code could provide a proxy for physical intimate partner violence, as could the coercion offence for psychological violence. However, data collected on these offences is not disaggregated by the sex of the victim. It is not possible to populate these indicators.

For indicators 4 and 5

It is recommended that, until intimate partner and domestic violence become separate criminal offences with a definition that includes all forms of violence, information collected under bodily injury and coercion be disaggregated by the sex of the victim and their relationship to the perpetrator. This will enable the identification of the number of women victims of physical and psychological intimate partner violence.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence (6) committed by men (aged 18 and over), as recorded by police

Proxy data available related to the number of women victims of sexual violence includes all reported rape offences and debauchery, which is defined as cases of molestation to persons under the age of 14. Available data is not disaggregated by age so it is not possible to populate this indicator as specific cases of intimate partner violence cannot be identified. Additionally, sexual violence in a marital/intimate relationship is not explicitly considered as rape or as an aggravating circumstance. While it can be prosecuted as an act of domestic violence, in practice the competent authorities are reluctant to investigate or to impose sanctions on matters considered to be ‘family affairs.’

It is recommended that, until intimate partner and domestic violence become separate criminal offences with a definition that includes all forms of violence, information collected for sexual violence incidents be disaggregated by the age of the victim and their relationship to the perpetrator. This will enable the women victims of sexual intimate partner violence to be distinguished from other victims of sexual violence including women under the age of 18 and victims of acts committed by perpetrators who are not in an intimate relationship with them.

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence (7) committed by men (aged 18 and over), as recorded by police

At present data is not gathered on economic violence, as economic violence in the context of intimate partner violence is not yet criminalised in the Criminal Code.

It is recommended that economic violence be recognised as a criminal offence within the context of intimate partner violence. Both must be defined in the Criminal Code.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape (8) committed by men (aged 18 and over), as recorded by police

Data is available to populate this indicator as rape is criminalised.

It is recommended that steps be taken to ensure that all rape offences, including those occurring within an intimate relationship, are treated as equally criminalised offences.

(4) Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

(5) Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

(6) Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

(7) Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

(8) Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

Indicator 9 — Women victims of intimate femicide ⁽⁹⁾ (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)

Data currently available on homicide can be disaggregated by the sex of the perpetrator, but not the sex of the victim or their relationship to the perpetrator. This prevents the distinction between femicide and other homicide cases. Therefore it is not possible to populate this indicator.

It is recommended that data collected on homicides be disaggregated by the sex of the victim and their relationship to the perpetrator.

Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court

The law on protection from domestic violence is a general law on domestic violence and does not allow for the specific identification of intimate partner violence cases. Consequently, it is not possible to fully populate this indicator, as there is no disaggregation on intimate partner violence cases.

It is recommended that data collected on protection orders that are applied for and granted be broken down by a variable relating to intimate partner violence.

Indicator 11 — Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women**Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women****Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty**

It is not possible to populate these indicators as neither domestic violence nor intimate partner violence is criminalised in domestic legislation. Therefore data on the number of men prosecuted and sentenced for crimes cannot be disaggregated by intimate partner violence cases, as measures against perpetrators of domestic violence are civil-administrative, not penal.

For indicators 11, 12 and 13

It is recommended that intimate partner violence and domestic violence become distinct and fully criminalised offences in the Criminal Code.

⁽⁹⁾ The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).



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