

Court watching to monitor the implementation of the law on victims' protection against domestic violence

Bulgaria

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Bulgaria's court watch reduces discrimination and delay in the courts

Summary

The job of court watching involves trained volunteers attending court cases involving domestic violence, to note down a set of indicators such as the demographic characteristics of the victims and perpetrators, whether or not a protection order is issued and how many cases are withdrawn or delayed.

The court watch project in Bulgaria started at both Varna Regional and at Varna District Court in 2006, after a memorandum of cooperation was signed between Varna Regional Court and SOS Families at Risk Foundation. It is carried out by four local NGOs.

Court monitoring reduces the incidence of bias and discrimination, and also improves indicators such as the number of immediate protection orders, the range of measures included in the final decisions and the average duration of the lawsuit. The statistics show that between 2010 and 2011, the number of protection orders issued more than doubled.

Court monitoring costs very little – approximately €8,000 a year per court, but does rely on the time given by committed volunteers.

The project was funded by the Open Society Foundation, and because of its success has now extended the project to cover four other Bulgarian towns. Other donors are also making this form of action a priority.

Improving implementation of the law on domestic violence



The most specific feature of the policy approach to violence against women in Bulgaria is the importance of the legal framework and the involvement of law enforcement institutions. There is a firm belief that only a law

can change the situation in a case of serious social problems such as domestic violence and trafficking in human beings. These are not just individual problems of the people who are suffering from violence, but public problems. In accordance with the Law on Protection against Domestic Violence (adopted in March 2005) the responsible institutions elaborated a National Programme on Prevention and Protection against Domestic Violence. The first programme was approved for the period 2007-2008. While challenges remain for all sectors,



the response has been encouraging. The law's effective implementation is essential to make victims safe and bring offenders to account. Bulgaria's non-governmental organisations have been instrumental in this process through their initiatives in training, victim support, and coordination among government sectors.

Why watch courts?

The main benefit provided by domestic violence court watch is that it provides independent monitoring of the law's implementation. Its methodology stands for an active civil society and it supports judicial reform efforts. Observation of judicial practices prevents or at least limits the effect of bias, prejudice and discrimination and makes the rule of law a little more predictable. It also enhances the law's impact by communicating what is observed via the media.

Bulgaria's first court watch project started in 2006 at both Varna Regional and at Varna District Court. It was inspired by the experience of a lawyer who took part in court watch in the USA, and is enshrined in after a memorandum of cooperation signed between Varna Regional Court and SOS Families at Risk Foundation. The memorandum itself is not limited in time, and may be extended to cover other laws soon, such as the law to combat trafficking in human beings and cases under the criminal code. The watch is conducted by four non-for-profit organisations: the Demetra Association in Burgas, the Youth Alliance Association in Varna, the NGO centre in Razgrad and the Bulgarian Gender Research Centre Foundation in Sofia.

Its aims are to obtain information on the demographic characteristics of the victims and the perpetrators, the results of the imposed penalties (for instance, whether the fines have been paid), and the quantity and the quality of the work the judges and their auxiliaries have carried out. Using this information, it hopes improve the protection of victims of domestic violence, make judges and prosecutors more aware of the issue of victim protection, and increase the visibility of the justice done in cases of domestic violence.

The job consists in weekly monitoring of domestic violence cases in the district and regional court by specially trained monitors, following an *ad hoc* designed questionnaire for each proceeding. The questionnaires are then processed.

Protection orders double

Court watch appears to be transforming court performance. Comparing the statistical data from 2010 and 2011 shows that the number of immediate protection orders rose from 13 to 34, and the number of subsequent protection orders rose from 18 to 29. Taken together, this represents nothing less than a doubling. The number of cases terminated or withdrawn by the client was 11 in 2010 and 10 in 2012. The average duration for lawsuits under the Law for Protection against Domestic Violence shows a falling trend from over two months to under two months. There is also an improvement in an improvement in the range of measures included in the final decisions.

The estimated cost of performing extensive court monitoring of the Law for Protection against Domestic Violence is €8,000 a year, which shows that it is quite a low-cost and efficient intervention.

Lawyers need to be trained



The project assessed how the law was being implemented according to parameters including the way the court's activity was organised, meeting deadlines, and the reasons cases were delayed or postponed. A year after the law was adopted court watch helped to identify a number of significant problems, and therefore made the following recommendations:

- the court can only intervene effectively in cases of domestic violence in combination with the victim support and perpetrators' social programmes stipulated in the law;
- most cases under the Law for Protection against Domestic Violence are heard in the big cities where civil society organisations supporting victims and watching the courts have been set up. However very few people outside these organisations are familiar with the law, and so victims do not take advantage of the opportunities it offers. This shows that there is a need to run campaigns to promote the law, and to educate lawyers.

There are a couple of ways in which the system could be improved. The court observer's card needs to be revised and re-elaborated periodically, to respond to current aims and gain new significant information. Secondly, annual feedback questionnaires and interviews of lawyers, judges, prosecutors, etc. could be carried out.

Court watching spreads to other towns

The court watching project in Varna has inspired emulation. The Open Society Institute (Sofia) funded the first project as part of its programme for promoting judicial reform and human rights protection in Bulgaria. A year later, given the positive results it achieved, it extended its support to other regions of the country, and chose four projects for funding, in Sofia, Varna, Burgas and Razgrad. The concept has also been disseminated in 11 towns in Bulgaria through the Alliance for Protection against Domestic Violence, which brings together 13 local NGOs across the country. Between 5 and 10 volunteers in each of 10 towns have been trained and prepared to conduct observations in their local courts.

The first projects attracted a lot of interest, and other donor organisations such as the judicial system strengthening initiative of the US Agency for International Development also gave court watch a high priority. This provides other civil organisations with a chance to use and develop this practice as well. Annual projects within the National Programme on Prevention and Protection against Domestic Violence financed by the Ministry of Justice may support the activity on a local level. Resources gathered by the Alliance may be dedicated to the action as well.

More organisations are deciding to develop programmes for perpetrators, because one of the measures under the law obliges perpetrators to participate in rehabilitation programmes, and this will possibly increase the effectiveness of the process.

Court watching is successfully providing the judicial system with an external independent monitoring system. It provides empirical data on the implementation of the law, enhances public information on the effectiveness of the law, and supports legal reform.

Given the agreement of the relevant court, the sustainability of this practice depends on two main factors: on the one hand finance for those activities which require it (such as conducting surveys, preparing reports and organising events) and on the other motivated volunteers. There is an obstacle to expanding court watch to cover a wider range of cases, not only those cases initiated by the NGOs, which is that it depends on the court providing in



good time a schedule of cases being heard under this specific law. This aspect proved to be critical.

The lessons learned from the process are that where institutional bodies or initiatives are lacking, court watch is a powerful tool available for civil society organisations to monitor the implementation of the law and to promote law reform. The watch also proved to be useful and effective in the assistance and support of victims.

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