**Working Group on discrimination against women in law and in practice**

**Questionnaire on good practices**

In accordance with its mandate, the UN Working Group on the issue of discrimination against women in law and practice has developed this questionnaire to gather information on “good practices” in eliminating discrimination and empowering women for its next thematic report. Given the centrality of the law to the Working Group’s mandate, the report will focus on the processes by which laws that support women’s equality and enjoyment of human rights come into being and are implemented in ways that support women’s enjoyment of their human rights and fundamental freedoms.

The questionnaire intends to solicit information on how a specific law aimed at addressing discrimination against women and promoting women’s substantive equality has come into being, was effectively implemented (I), and what impacts the law has had for women on the ground (II).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes State obligation to respect, protect and fulfill women’s human rights, ensuring the de facto enjoyment of those rights by women. CEDAW’s framework is founded on the principle of substantive equality, which requires States to take active measures to not only eliminate laws and practices that directly discriminate against women, but to create an environment in which women’s rights can be fulfilled. Good practices in the promotion of women’s human rights thus require a holistic approach that addresses both the causes and consequences of discrimination, and aim at social transformation.

Recognizing the aspiration of the Working Group to better understand the processes and elements which contribute to build “good practices” in legislation and its implementation the Working Group requests that you provide detailed information on at least **one law** adopted in a State that has been successfully implemented in that it has had a notably substantial impact on eliminating discrimination against women in the specific area related to that law and has enhanced women’s enjoyment of their human rights in your national context, such that you consider it a “good practice.” Processes of substantive change often take place over a period of many years, so the law need not be new: this survey should focus on a law whose impact has been substantiated and the impacts of which are still being seen.

The Working Group wishes to thank all stakeholders for responding to this questionnaire **by 12 September 2016.**

**Questionnaire**

**For the following sections, please provide information about a law that has been selected as an exemplary case study of a “good practice” in eliminating discrimination and empowering women in your national context.**

**I. Identification of a law that has eliminated or substantially reduced discrimination and supported women’s empowerment.**

*Background Information on the Law*

1. Name/Title of the Legislation: Protection against domestic violence act
2. Date the law passed and came into force:

*Promulgated, State Gazette, issue 27 of 29 March 2005, in force since 1 April 2005*

3. Was it a new law or an amendment of an existing law?

New ( X ) Amendment ( )

 If it was an amendment of an existing law, please provide name/title of existing law and any pertinent information here: N/A

4. Is the legislation focused specifically on discrimination against women/gender equality, or is it part of a larger piece of legislation (i.e. Labour law with provisions around gender)? Please explain.

The law is focused on protection against domestic violence.

5. Please provide a summary of the content of the law, its preamble or explanatory note, policy measures, dissemination and implementation regulations, and provisions for access to justice, as well a link to where all these can be found online.

**PROTECTION AGAINST DOMESTIC VIOLENCE ACT**

*Promulgated, State Gazette, issue 27 of 29 March 2005*

Chapter One

**GENERAL PROVISIONS**

**S. 1.** (1) This law governs the rights of individuals having suffered from domestic violence, the protection measures, and the procedure applicable to the imposition of such measures.

(2) Liability under this Act shall not preclude the civil and the criminal liability of the respondent.

**S. 2.** Domestic violence is any act of physical, mental or sexual violence, and any attempted such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or have had family or kinship ties or cohabit or dwell in the same home.

**S. 3.** Protection under this Act may be sought by any individual having suffered from domestic violence applied by:

1. a spouse or former spouse;
2. a person with whom that individual cohabits or has co-habited;
3. a person with whom that individual has a child;
4. an ascendant;
5. a descendant;
6. a sibling;
7. a relative by affinity up to the second degree;
8. a guardian or foster parent.

**S. 4.** (1) In the event of domestic violence the victim has the right to refer to the court to seek protection.

6. When was the first draft of this law introduced, and when was it adopted (please specify dates of first draft and adoption?

First draft in 2002.

In force since 1 April 2005.

The Law’s Compliance with CEDAW

7. In your view, does the law in question place a positive duty on the State to achieve substantive equality for women?

Yes ( ) No ( X )

 If yes, please explain:

8. Does the law contain a definition of discrimination that is in accord with Article 1 of CEDAW?

and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Yes ( ) No ( X )

 If yes, please direct us to the section of the pertinent document. If not, please indicate if that definition is enshrined already in the constitution or charter of rights.

9. Does the law’s definition of discrimination include and define both direct and indirect discrimination?

Yes ( ) No ( X )

 If yes, please explain:

10. How has the Constitution supported the process of adoption and implementation of the law? Does the Constitution have an equality and non-discrimination provision?

**Article 6.** (1) All persons are born free and equal in dignity and rights.

(2) All citizens shall be equal before the law. Neither abridgement of rights nor any privileges whatsoever shall be admissible on the basis of race, nationality, ethnic identity, sex, origin, religion, education, convictions, political affiliation, personal and social status, or property status.

11. Does the law contain provisions that address discrimination against women from an intersectional perspective, taking into account a diversity of women’s social identities, statuses and experiences?

 Yes ( ) No (X)

 If yes, please explain which social identities, statuses and/or intersectional factors are explicitly noted in the law:
12. Whom of the following are bound by the law?

 The State Yes ( X ) No ( )

Public Authorities/Bodies Yes ( X ) No ( )

Civil society organisations Yes ( X ) No ( )

Private companies Yes ( X ) No ( )

Individuals Yes ( X ) No ( )

**II. How the law came into being and was implemented**

1. What was the impetus for the development of this law (i.e. social movement activism, political platform, a Supreme Court ruling, an egregious case of discrimination, constitutional reform…)?

The impetus for the development of this law was the activism of the NGOs working in the field and the constructive efforts of the Government. Bulgaria was obliged to generally meet the commitments and requirements arising from the accession negotiations in the areas of equal treatment of women and men, health and safety at work, social protection as well as employment policy, and was expected to be in a position to implement this acquis from accession, so the momentum was there in 2005 – and the Act was adopted.

2. Were there any conditions in the political context that made it possible for this law to be developed and adopted at the time that it was (i.e. a particular political party in power, a conflict/post-conflict situation, a recent ratification of an HR instrument, etc.)?

Yes ( X ) No ( )

If yes, please explain:

The political will and understanding was an important factor for the adoption of the act in the context of the ongoing EU accession process.

3. What actors were consulted and how were they consulted in the law’s development and formulation? Check all that apply, and, where possible, provide names of involved individuals, agencies, organizations, etc.

Legal Experts/scholars (please specify) ( X ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Government Ministries ( X )

NHRI ( X ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NGOs/CSOs ( X ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other social groups (specify) ( X ) Academia\_and Police

An interagency expert group was set up.
4. Was there opposition to the law?

Yes ( X ) No ( )

If yes, please explain from whom and why, and how it was addressed:

6. Were there other laws that needed to be reformed in order to enact this law?

Yes ( X ) No ( )

If yes, please list and explain:

The Code of Civil Procedure

The Ministry of Interior Act

The Social Assistance Act

7. Were any international human rights treaties or mechanisms referenced in the law’s creation?

Yes ( X ) No ( )

If yes, please list and explain:

CEDAW, the Beijing Declaration and PfA, etc.

8. Did any international/regional/national human rights mechanism issue recommendations to the State in regard to amendment or formulation of this law, or regarding effective implementation? If yes, was this recommendation formulated prior, during or after the adoption of the law?

Yes ( X ) No ( )

If yes, please list and explain: The UN Committee on the Status of women issued several times such recommendation to Bulgaria.

9. What measures to support implementation were built into the law or developed immediately after (and as a result of) its passing? This could include such measures as budgetary and resource allocation, monitoring mechanisms, data collection, impact measurement mechanisms, independent monitoring, etc. Please list and explain, providing any relevant documents.

- data collection is foreseen;

- monitoring is forteseen.

10. How was the law made accessible to the public? Did it include formal training on the new law for all stakeholders involved? Were specific groups of women targeted for these activities? Who was involved in these initiatives, and where did the funding come from? Please answer in detail.

- It is forthcoming, the law is new.

11. Have there been any barriers to the law’s full and successful implementation?

Yes ( X ) No ( )

If yes, please explain the barriers and how they were/are being addressed:

The barriers have been addressed through the National programme for prevention of domestic violence. Several legislative amendments also have been made.

12. What kinds of roles are being carried out by civil society/women’s organizations in supporting the implementation and impact of the law? How are these activities being financed?

Women associations took the leading role for the adoption and implementation of the Act since 2001 to date.

 **III. The impacts that the law has had for women on the ground**

1. Did the adoption of the law result in the creation of any policies?

Yes ( X ) No ( )

If yes, please list and explain:

The coherent prevention and protection policy is substantial, the awareness raising is very important also in order to support the victims and perpetrators to seek help.

1. Have court cases/decisions resulted from the law? Has this data been systematically collected? If so, please provide details about the number of cases, convictions, decisions made.

We observe several positive developments since the implementation of the Protection Against Domestic Violence Act, including increased cooperation from police officers in cases of domestic violence, a "substantial" increase in the number of women leaving abusive households for shelters and crisis centres, and an increase in the number of women seeking redress for domestic violence. The NGOs indicated that long-term solutions for victims are needed in order to reduce the number of victims who return to abusive relationships; according to the NGOs, only about 10 per cent of women completely escape from abusive situations .

3. What specific and measurable outcomes showing the impact of the law on society and on women’s enjoyment of their rights have been recorded as a result of the adoption and implementation of the law? How have these been monitored and by whom?

4. Are there other impacts of the law that have been observed?

Yes ( ) No ( X )

If yes, please list and explain what they are, as well as monitoring mechanisms used to observe and/or measure those impacts:

5. What mechanisms have been set up to review and assess the implementation of the law?

Monitoring is foreseen by the law.

6. Is there data on how the law has affected some groups of women differently (i.e. based on race, ethnicity, religion, social class, age, etc.)?

Yes ( ) No ( X )

If yes, please explain the differential impacts and provide any relevant documents.

7. Has there been independent monitoring of the law?

Yes ( ) No ( X )

Please provide information.