



# **GEMMA against Violence!**

## **Gender based Empowerment of Migrants through a Multiagency Approach**

### **CONTEXT ANALYSIS<sup>1</sup>**

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**5. Migrant/ethnic minority women level of prevalence/vulnerability in relation with cultural belonging**

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## **1. INTRODUCTION**

The gender based violence is a violence against an individual based on his/her gender. It represents a violation of the fundamental right to life, freedom, security, dignity, equality between men and women, freedom from discrimination, and the right to physical and mental integrity. Gender based violence is not a new phenomenon for Bulgaria. In fact, in Bulgaria one in four women have been victims of domestic violence. When it comes to gender based violence in regard to migrant women/girls and ethnic minority women/girls we are still at the very beginning of exploring this issue. There exist many structures, centers, organizations and NGOs who deal with migrants and ethnic minority communities and implement various projects and conduct researches, but it is still very hard to obtain an overall picture for the problem. The statistics for migrant and ethnic minority women survived to violence in close or intimate relationship is limited and inexact. In this document we will analyse the reasons for the lack of sufficient information, the different types of violence experienced by them, the national legislation, protective measures and services provided.

## **2. MIGRANT/ETHNIC MINORITY WOMEN/GIRLS SURVIVED TO VIOLENCE IN CLOSE OR INTIMATE RELATIONSHIP (QUANTIFICATION AND STATISTIC BASED ON DEMOGRAPHY AND ETHNICAL BELONGING)**

### **2.1. In relation to migrant women/ girls survived to violence in close or intimate relationship**

**According to the State Agency for Refugees (SAR)** from 2009 until the end of 2015 there is a steady trend of increasing the number of people seeking asylum. For this period, 63 043 people in total have sought asylum in the Republic of Bulgaria. 11 729 of them were granted refugee status.

Only in 2015 a total of 20,391 people have sought protection, only 4708 have acquired refugee status and 889 were granted humanitarian status. The number of refusals is 623, and terminated proceedings were 14,567. The highest number of applications was submitted by citizens of Syria – 17 904, followed by Afghanistan – 16 212, Iraq – 14 818 without citizenship - 2 031 and Armenia – 1 922.

For the period 2014 – 2015, 56% of the people seeking protection were men, 13% - women and 31% - children. According to statistics of SAR the majority of the migrants in Bulgaria until August 2015 have low educational level – 24 % of them have no education, 30% have primary education, 26% with secondary education and university and college - 6%<sup>2</sup>.

From the beginning of 2016 until now the highest number of applications submitted is from citizens coming from Iraq, followed by Afghanistan, Syria, Pakistan and Iran. The total

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<sup>2</sup> “Journal” daily, art. from 28.09.2015



number of people who have sought protection is 3 160, as refugee status have been granted 136 people, humanitarian status – 87 people and refusals – 73 people.<sup>3</sup>

The official statistics for migrant women/girls survived to gender based violence is extremely poor. On the one hand, the reason for this is the fact that this is a relatively new phenomenon for our country and institutions are in the process of "learning" how to deal with it. On the other hand, the victims of violence are afraid to submit a complaint for a number of reasons that can be largely considered as well – founded.

Qualitative and quantitative data regarding migrant women/girls survived to GBV is gathered mainly on the basis of the information submitted to the respective state institutions by two non - government organizations working on this issue: Assistance Centre for Torture Survivors (**ACET**), which works closely with state and non-governmental institutions aiming at cooperation and providing effective assistance to people who have suffered torture and **Center “Nadya”** – non government organization providing support to women who have suffered physical, sexual and mental violence. The focus of the work of the psychologists from these centers is working with migrant women survived to violence.

According to the data provided by the two organizations, in 2015 there have been identified totally 26 cases of violence – 22 women and 4 girls as from them:

- 5 women have survived to sexual and gender based violence in their countries of origin (Cameroon, Nigeria, Iran, Iraq and Syria);
- 1 woman from Syria have survived to domestic violence in her country of origin as the violence has continued in Bulgaria;
- 14 women have survived to domestic violence in their countries of origin;
- 4 girls (up to 18 years) from Syria have survived to domestic violence in their countries of origin.

**Experts from the State Agency for Refugees with the Council of Ministers** note that the real number of cases of gender based violence on the territory of the Republic of Bulgaria is significantly higher than the above mentioned numbers. Stripped of the protection of home, and facing the threats of endless journeys, potential harassment, and sexual abuse, women are highly vulnerable. Because of gender discrimination, they are often excluded from decision-making about their own lives and families, and therefore are unable to ensure that their rights will be respected.

In the working process, specialists face cases, on a daily basis, when women file a complaint and almost immediately after that they withdraw it. This is due to the fact that most migrant women are accompanied by their families, children, and husbands or other relatives which hinders the possibility of speaking and sharing about conflicts, problems, domestic or other interpersonal violence in this environment. For these reasons they give up their words afterwards.

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<sup>3</sup> State Agency for Refugees - [www.aref.government.bg](http://www.aref.government.bg)



Another fear expressed by the women is that they do not want their cases to be subject of media coverage. They also share, almost unanimously, that in their communities and families it is not acceptable or even allowed to talk openly in front of other people about experiences concerning gender based violence.

**UNHCR Bulgaria** has conducted ‘participatory assessments’ of detention, reception and accommodation facilities since 2005, with refugees and asylum-seekers themselves take part in the assessment through interviews and focus groups. This is part of the agency’s worldwide Age, Gender and Diversity Strategy. These assessments, field visits and group discussions have been successful in revealing problems with the protection and assistance system, and have resulted in improved living conditions for asylum-seekers.

In its annual report at the end of 2015 the **Council for Refugee Women in Bulgaria** announced that they have worked with totally 980 refugees. 406 of them were women for whom there have been provided: consulting in regard to their needs and their families’ needs, humanitarian assistance, consulting regarding their duties and rights, accompanying and providing translation when issuing identification documents, providing assistance in the procedure for transferring health insurance from status of an asylum seeker to refugee status in the National Agency for Incomes, as well as mediation when choosing a General Practitioner<sup>4</sup>. Statistics related to women who have sought psychological and consultative support in regard to gender based violence is missing.

According to a Monitoring report from 2015 we can clearly outline several vulnerable groups in respect of sexual abuse and other forms of gender based violence. These are:

- unaccompanied minors;
- single mothers, who can become subject to human trafficking;
- women residing alone in the accommodation centers;
- women with disabilities and other illnesses;
- dark-skinned women exposed to additional risks, connected to discrimination, racism, and violence in combination with hate crime directed towards them<sup>5</sup>.

Based on other researches, Bulgaria is still preferred by migrants as a transit and frontier country in the EU periphery. The tendency for the feminise of migration has not been observed yet, though this has been argued by some researchers. These disputes are based on the logic that Bulgaria, Romania and some other acceding countries are part of a general European tendency rather than on any concrete statistics<sup>6</sup>.

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<sup>4</sup> Council of Refugee Women in Bulgaria, Annual report for 2014

<sup>5</sup> Monitoring Report on Sexual and Gender based Violence in the Context of International Protection in the Republic of Bulgaria in 2014

<sup>6</sup> Female Migrants – the New Nomads in Old Europe, International Centre for Minority Studies and Intercultural Relations



## **2.2. In relation to ethnic minority women/girls survived to violence in close or intimate relationship**

As for women/girls from ethnic minorities, victims of violence, the situation with the available quantitative indicators and statistics is quite similar to that of migrant women/girls victims of violence.

It is important to note that in most cases the women from ethnic origin do not consider themselves as such. Most of the times they identify themselves as “pure Bulgarian”, due to fear of discrimination, stigmatisation and respectfully decrement in their opportunities for equality and overall integration within the society.

In Bulgaria there are several distinct ethnic minority communities. Migration dynamics induced by the permanent migrations of nations has not subsided here in different historical eras. Some of these people settled temporarily or permanently on the territory of Bulgaria. This explains the presence of many traditional ethnic and linguistic minorities in the country, as well as various religious communities. According to the latest statistics from the census in 2011 these are:

- Turks - during the last census, the number of people who identified themselves as such is 585,024;
- Roma - census of 2011- their number was 320 761 people;
- Russians - the number of Russians to 2011 was 9868 people;
- Armenian – they reside in big cities like Sofia, Plovdiv, Varna, Bourgas, Rousse. Their number is 6 360 people;
- Vlachs - according to census data of 2011 – 3598 people;
- Karakachans - numbering 2511 people;
- Greeks - census of 2011 – 1356 people;
- Macedonians – 1130 people;
- Jews – 1130 people;
- According to last data 53 107 people do not identify themselves at all<sup>7</sup>

From the above indicated ethnic minority communities, most vulnerable to gender based violence and with highest number of cases of women/girls survived to violence in close or intimate relationship are those from Roma origin. As being members of ethnical minority exposed to discrimination in all its forms, Roma women are facing additional specific gender issues.

Although there is no exact data available, specialists claim that almost 99% of women and girls from ethnic origin become victims of domestic violence or victims of trafficking.

The problem “domestic violence and gender based violence” stays locked within the family and it is never a subject of discussion. It is rather firmly denied to exist<sup>8</sup>. The lack of information

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<sup>7</sup> National Statistic Institute – [www.nsi.bg](http://www.nsi.bg)



amongst Roma women with respect to where they could seek help in cases of domestic violence is a significant issue, as well as the lack of values, alcohol and drugs abuse, being unaware of the laws, illiteracy, patriarchal level of relationships in the Roma families, jealousy. Various analysis and researches undertaken by different centers, organizations and NGOs, funded by different donors and under different programs, indicate that the main issue is lack of awareness among women from ethnic origin and the efforts are focused on providing interdisciplinary and consultative services.

However, statistics from reports indicate that only 10-15% of Roma women and girls who are victims of domestic violence, dare to take actions after being informed about the opportunities under the Law on Protection from Domestic Violence, while this ratio is significantly higher for the other ethnic minority communities (25-30%)<sup>9</sup>. These qualitative indicators are so low because women and girls from ethnic origin seek help only in emergency situations when their life is put in danger. They take violence for granted because this is deeply embedded in their culture. In the neighborhoods where they are living there are capsulated communities where the girls are forbidden to study and it is considered that they can only be housewives. By growing up with this culture they do not actually realise that they become victims of violence. Also, there are more and more cases when children abuse their parents, but in Bulgaria it is yet to become an object of more extensive researches.

Besides various NGOs, the main institutions in Bulgaria working on these issues are the National Council for Ethnic and Integration Issues and the Bulgarian National Anti - trafficking Commission.

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<sup>8</sup> Program for work with victims of domestic violence from ethnic origin – [www.naia-tg.com](http://www.naia-tg.com)

<sup>9</sup> Statistics of Bulgarian Gender Center for Research – [www.bgrf.org](http://www.bgrf.org).



### 3. MIGRANT/ ETHNIC MINORITY WOMEN VIOLENCE SURVIVORS PROTECTIVE LAWS AND PROTECTIVE MEASURES (IN RELATION WITH THEIR DOUBLE VULNERABILITY AS WOMEN AND MIGRANTS)

#### 3.1 PROTECTIVE LAWS

##### A. Legislation about antidiscrimination and non-violence

Legal guarantees of equality and equal treatment of men and women contained in the current Bulgarian legislation:

- **Constitution of the Republic of Bulgaria** – sets out the principles of equality and non – discrimination;
- **Labor Code** - prohibits all forms of discrimination, privileges, restrictions based on gender;
- **Law on Protection from Discrimination** – protects from discrimination both Bulgarian citizens and foreigners, as well as people without citizenship on the territory of the Republic of Bulgaria. The law prohibits discrimination both by action and by omission (1.6. from the Additional provision). The law prohibits eight forms of discrimination – direct and indirect discrimination, torture, sexual abuse, incitement to discrimination, chasing, race segregation and architectural environment, impeding the access for people with disabilities. It provides protection from discrimination equally, regardless of the trait based on which the discrimination is applied (gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, marital status, property status or any other grounds) established by law or international treaty to which Bulgaria is a party. The list of protected characteristics under the law is open, i.e. the law allows protection also for other additional features that are not explicitly mentioned therein;
- **Law on Protection from Domestic Violence (LPDN)** – sets out the rights of persons who have suffered domestic violence, the protective measures and their implementation. According to the LPDN, domestic violence is each act of physical, sexual, mental, emotional or economical violence, as well as the attempt for such. Domestic violence is also considered the forced limitation of privacy, personal freedom and personal rights committed against people who are in a relationship, who are or have been in a family relationship or lived on cohabitation;
- **Anti-discrimination provisions relating to gender** are also contained in the Law for Initiating Employment, the Law for Social Support, the Law for Higher Education and the Law for Defense and Armed Forces of the Republic of Bulgaria.





## 1.1 Main documents:

- **National Strategy for Initiating the Equality between Men and Women** for the period 2009 – 2015<sup>10</sup>. It corresponds to the relative European strategic documents. According to it, the actions of all public authorities should have the following specific goals: not allowing gender based discrimination in whichever sphere of the public life; overcoming the consequences of previous discrimination actions by undertaking active measures in relation to groups of men and women, which are victims of multiple discrimination, including gender characteristics; equalizing not only the rights of Bulgarian citizens, which are protected in the Constitution and the laws of the state, but also the opportunities to all people living on the territory of the country to benefit from these rights.
- The Strategy is being implemented by annual **National Action Plans for Initiating the Equality between Men and Women**<sup>11</sup>, adopted by the Council of Ministers. The plans contain specific measures from the competences of various institutions and organizations;
- In a process of implementation is also **Interinstitutional Action Plan for Execution of the Final Recommendations to Bulgaria**, created by the UN Committee for elimination of discrimination against women, adopted by the Council of Ministers in 2013. It relates to respecting the rights of women and gender equality in different fields - education, employment, health care, economic and social assistance, participation in political and public life, violence, trafficking, stereotypes and discrimination practices, disadvantaged women, legal framework for equality, mechanism for filing complaints and others;
- **A bill of Law on Equality between Men and Women** is submitted by the Council of Ministers in the National Assembly on 20.11.2015. The bill aims to ensure equality of women and men through legislative regulation of the bodies and mechanisms for implementation of a uniform state policy in the field of public relations.
- **Combating Trafficking in Human Beings Act** - This Act is intended to ensure cooperation and coordination between the bodies of state and the municipalities, as well as between them and the non governmental organisations (NGOs), with a view to preventing and defying trafficking in human beings, and developing the national policy in that area;
- **Child Protection Act** governs the rights of the child; the principles and the measures for child protection; the state and municipal bodies and their interaction in the process of performing child protection activities, as well as the participation of non-for profit legal entities and natural persons in the said activities.

## 1.2. Institutional mechanism

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<sup>10</sup> National Strategy for Initiating Gender Equality. Council of Ministers. Portal for public consultations – <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=482>

<sup>11</sup> National Strategy for Initiating Gender Equality. Council of Ministers. Portal for public consultations - <http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=482>



**The gender equality policy is horizontal** and it unites the activities of the executive authorities on all levels. It is implemented by combined application of integration (mainstream) approach and temporary initiative (targeted) measures for which is required effective national institutional mechanism. In 2004 was set the base of national coordination structure at the highest level of the executive authorities with the establishment of **National Council for Equality between Men and Women, part of the Council of Ministers**. The Council is a constantly acting body for conducting consultations and coordination between the executive authorities' units and the implementation of the national gender equality policy, as well as for the development and undertaking of all sectoral, regional and local policies and delivering analysis and evaluation of the impact prior to making decisions.



## B. Legislation for migrants

The legal status of foreigners in Bulgaria is defined by:

- **The Constitution and the legislation**, which foresee free movement within the country, free travelling abroad, emigration and repatriation. The authorities respect these rules in practice;
- **Law on Foreigners in Bulgaria**<sup>12</sup> - determines the terms and conditions under which foreigners can enter, stay and leave the Republic of Bulgaria (Art. 1). A foreigner under this Act is "any person who is not a Bulgarian citizen". Based on the duration of stay in the country, foreigners fall into three main categories: transit (with the right to stay for up to 24 hours), with short and long term stay. "Foreigners in the Republic of Bulgaria shall have all rights and obligations under Bulgarian laws and ratified international treaties to which Bulgaria is a party, except those for which Bulgarian citizenship is required". Art. 3.
- **Secondary legislation to the Law on Foreigners in the Republic of Bulgaria (RB):** Rules for applying the Law on Foreigners in RB which entered into force since 05.07.2011; it provides ordinance on the terms and conditions for issuing visas and identification of visa regime; ordinance on the terms and conditions of the issuance, denial and revocation of work permits to foreigners in RB; ordinance on the terms and conditions for issuing permits for carrying out free-lance activity by foreigners in RB; ordinance on the conditions and procedures for issuing permits for non-profit activity by foreigners in RB; regulation for temporary accommodation of foreigners, organization and operation of specialized homes for temporary accommodation of foreigners. The competent authorities carrying out administrative control over the stay of foreigners in the country are "Migration" Directorate and the regional units "Migration" of the Ministry of Interior<sup>13</sup>.
- **Law on Bulgarian Citizenship.** This law defines the terms and conditions for acquiring, losing and restoration of Bulgarian citizenship. The concept of Bulgarian citizenship is governed by the Constitution of the Republic of Bulgaria, by law and by international treaties that are in force upon the occurrence of the facts or events related to citizenship. A Bulgarian citizen who is a citizen of another country shall be considered only Bulgarian citizen when applying the Bulgarian legislation, unless the law provides otherwise.
- **Law for the Asylum and Refugee** settles the conditions and the order of providing special protection to foreigners on the territory of the Republic of Bulgaria, as well as their rights and obligations. The special protection provided by the Republic of Bulgaria to foreigners according to this law includes asylum, refugee status, humanitarian status and temporary protection.

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<sup>12</sup> Bulgarian Legal Portal - <http://www.lex.bg/laws/ldoc/2134455296>

<sup>13</sup> Research on the rights of migrants in Bulgaria, Bulgarian Helsinki Committee



### C. Legislation for ethnic minorities

The legal framework on minority issues is constituted by the sum of the provisions of Bulgarian legislation on the status of minorities in Bulgaria, as well as the relationship between minorities and society as a whole, and the state's attitude towards representatives of various minorities. It includes parts of **the Constitution and various laws** that expressly define equal rights for people regardless of their nationality, race, religion, social origin, membership in a particular organization or party. Laws determine the penalties for infringement of those rights. There are the international instruments ratified by Bulgaria that address the issues listed above:

- **Law on Protection against Discrimination** (look above). There are allowed measures to protect the unique cultural, religious and linguistic identity of minorities.
- **Framework Convention for the Protection of National Minorities**<sup>14</sup>. According to the Framework Convention, any person belonging to a national minority has the right to freely choose whether to be treated as such or not. Moreover, neither from this choice, nor from the exercising of the rights associated with that choice, may arise any unfavorable effects. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the Framework Convention, both individually and in association with others.
- **The Constitution** recognizes the existing ethnic, religious and linguistic diversity in the state - Art. 37, para. 1, which speaks of "tolerance and respect between believers of different faiths"; Art. 36, para. 2, which refers to "citizens, for whom the Bulgarian language is not their mother," Article 29, para. 1, which prohibits the existence of organizations whose activity is directed to "incitement of national, ethnic or religious hatred"; Art. 54, para. 1, which establishes the right of individuals "to develop their culture in accordance with their ethnicity"<sup>15</sup>

In addition to the above explained, it is worth mentioning that Bulgaria is a party to the main international instruments on human rights at the United Nations and the Council of Europe and adhere strictly to the principles and rights enshrined in the Universal Declaration of Human Rights, the Declaration of the UN General Assembly on the rights of persons belonging to national or ethnic, religious and linguistic minorities (1992), the Declaration of the UN General Assembly on the elimination of all forms of intolerance and of discrimination based on religion or belief (1981), the UNESCO Declaration on race and racial prejudice (1978).

### 3.2 PROTECTIVE MEASURES

A major tool for protection against the most common form of gender-based violence is the **Law on Protection from Domestic Violence (PDVA)** presented in the above section. Access to

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<sup>14</sup> National Council for Cooperation on Ethnic and Demographic Issues – [www.nccedi.government.bg](http://www.nccedi.government.bg). Framework Convention for the Protection of National Minorities. Position of the Republic of Bulgaria in respect of this act. Constitutional Court decisions on these matters.

<sup>15</sup> Report of the Republic of Bulgaria under Article 25, paragraph 1 of the Framework Convention of the Council of Europe for protection of national minorities



justice under the law is easier for victims because it stipulates that in the absence of other evidence, the court shall issue a protection order based solely on the statement of the victim and the allegations described in the plea, relating to domestic violence. The judge may order one or more of the measures for protection against domestic violence in PDVA, which are the following: requiring the perpetrator to refrain from committing domestic violence; removal of the offender from the jointly occupied dwelling for a period determined by the court; prohibiting the offender from approaching the victim, housing, workplaces and places for socialise and leisure attended by the victim under terms and conditions determined by the court; temporarily determining the domicile of the child at the victim parent or the parent who has not committed violence under terms and conditions determined by the court if it does not contradict the interests of the child; obliging the perpetrator of violence to attend specialised programs; directing victims to rehabilitation programs. Measures are imposed for a period of 3 to 18 months. The order is immediately enforceable. Police are responsible for the execution of the order. The main principles when applying the protective measures are: *speed and even emergency protection; rapid separation of the oppressor from the victims; special protection to victims; availability of legal proceedings; a variety of protective measures; combining the court defense under judicial administration with administrative measures and measures for social protection and rehabilitation; cooperation between state bodies and NGOs*<sup>16</sup>.

In cases where there is sexual violence and all other forms of gender based violence, protection may be sought under the **Penal Code (PC)** and **Penal Procedure Code (PPC)**. According to Art. 3 of the Penal Code, the Code applies to all offenses committed on the territory of Bulgaria. The Bulgarian Penal Code applies to crimes committed by foreigners abroad, where so provided in an international agreement with the participation of the Republic of Bulgaria. In those circumstances, women in proceedings for granting international protection, for example, can therefore get protection in case of various forms of sexual violence, trafficking punishable under the Penal Code, as well as in cases of injury in its various forms.

Problem area is still the rare prosecution under criminal law and the relatively low incidence of criminality acts of domestic violence constituting crimes. This is due to the fact that the minor and average injury between spouses and relatives is still a crime from private character in which the victim may file a complaint within 6 months. It makes it extremely difficult for the victims of domestic violence because they are still under the dependence and control of the perpetrator and they are in fear and most often they do not file pleas. It is necessary to accredit these crimes as crimes from common character so they could be prosecuted by the state.

According to Art. 21 of the PPC persons involved in criminal proceedings who do not understand the Bulgarian language can use their native or another language in which to appoint an interpreter.

A research<sup>17</sup> conducted between mid to late 2014 shows that despite the currently existing regulations, policies, measures and mechanisms, the system cannot provide women an adequate protection against gender based violence. Women, as a group in need of additional and specialized protection, still remain invisible and their needs are not indicated in the social interventions.

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<sup>16</sup> Kostadinova, R. – assistant professor of criminal law and director of the program "Law", NBU. Legal mechanisms to protect victims of domestic violence - report

<sup>17</sup> Tisheva, G., Nikolova, A. Monitoring report on Sexual and Gender Based Violence in the Context of the International Protection in the Republic of Bulgaria, Sofia, January 2015





#### **4. MIGRANT/ETHNIC MINORITY WOMEN NATURE AND PREVALENCE OF VIOLENCE EXPERIENCED IN RELATION WITH THEIR ETHNICAL/CULTURAL BELONGING**

##### **4.1. Gender based violence against migrant women – violence experienced in relation with their ethnical/ cultural belonging**

The membership of Bulgaria to the European Union and the growing number of immigrants in the country raised the need for a new type of communication between ethnic groups in the country. The affluence of ethnic groups in our country is increasing given the increased migration. A contemporary attitude is required in order to build a modern multi-ethnic model that unites the newly arriving migrants with the already established Bulgarians, Turks, Roma, Armenians, Jews, Russians, Arabs, Karakachans, Greeks and other ethnic groups living in Bulgaria. Ethnic groups are descendants of historical, linguistic and cultural communities, which require new social interactions and rejection of prejudice. In this way the ethnic problematic becomes a social one and, even more importantly, our country must adhere to already established social values and norms of tolerance and overcome existing historical burden<sup>18</sup>. In a statement, the Committee on Women's Rights and Gender Equality stated that during armed conflicts women and children, including women and children refugees, asylum seekers and persons without citizenship, are among the most vulnerable groups in the society. Furthermore, the risks that the displaced adolescent girls face during humanitarian crises are significantly larger and that violence and/or discrimination against women cannot be justified by any political, religious or cultural reasons<sup>19</sup>.

Female migration is not a new phenomenon but it is increasing, as is female refugees' and migrants' vulnerability to human trafficking, exploitation, discrimination and abuse. Single women travelling alone or with children, pregnant and nursing women, adolescent girls and elderly women are among those who are particularly at risk. Lack of sufficient readiness at all levels to accept migrants has led to the nascence and acts of violence not only in the family but also within the community and on institutional level.

The fact that Bulgaria is a country in unstable economic situation also affects the growing acts of aggression and violence against women, as in times of crisis, women proved more vulnerable and easy targets of violence. Job loss, for example, can cause frustration, which could prompt some men to acts of violent behavior.

It should be noted that both in our country and in the countries of origin, violence against women is manifold - emotional/psychological violence, physical, social, sexual, institutional, financial, and also based on religion or beliefs. Regardless of the nature and prevalence the gender-based violence is a major obstacle to achieving equality between men and women and inevitably has

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<sup>18</sup> Lukova, K., PhD, The theme ethnos in the media language of the press before and after the acquisition of Bulgaria to the European union – psycholinguistic and sociolinguistic aspects, analysis, 2014

<sup>19</sup> [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/femm/ad/1049/1049169/1049169bg.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/femm/ad/1049/1049169/1049169bg.pdf)



serious impact on victims. It has severe immediate and long-term effects on physical and mental health of women survived to violence. Various studies and researches show that on the territory of our country the domestic, sexual and institutional violence against migrant/ethnic minority women in relation to their ethnic and cultural belonging most often stands out.

Monitoring report for 2014<sup>20</sup> on sexual and gender based violence in the context of international protection of the Republic of Bulgaria indicates that the violence occurs not only in the migrants' countries of origin, but it continues on the territory of the host countries and the attitude of the community stays the same. To illustrate this, there are given examples of episodic sharing for mental, physical and sexual violence and forced marriages. The women who find the courage to complain from the continuing violence in practice in the host country remain with the abusive partner. They often do not recognise the violence towards them as such and they take it as a norm. Due to the fact that most of these women have low or no education, no professions and they have a lot of children, they are afraid to share experience concerning violence, because of the risk of being rejected by their family and by the community. These stereotypes follow them along the way to procedures for granting international protection even in European countries where they and their families are willing and able to settle. Patriarchal and gender stereotypes in the communities and families of migrant women are very strong and deep-rooted and should be examined and considered when supporting them and their families.

Migrant women experience high level of **domestic violence**. The nature and prevalence of this kind of violence is not much different than in the Native communities, but migrant women are living at a significant risk because they are very isolated. Domestic and gender-based violence cases in Bulgaria face a number of evidentiary difficulties due to 'the nature of domestic violence as a phenomenon behind the walls of home and covered by the shame and guilt of those involved', which makes it 'invisible for the outside world'<sup>21</sup>. As a result, there is often no written evidence about the violence committed, because of which the court can issue a protection order only based on the victim's declaration.

Migrant women in Bulgaria become victims of **sexual violence** comparatively rare. Sexual violence committed by an intimate partner remains a serious challenge. Contrary to the common belief that a stranger commits the rape, studies show that very often the victim knows the abuser. The public's reluctance to treat sexual violence as a serious crime and to excuse the perpetrator's behavior is supported by several widespread gender-based beliefs, in which rape is often portrayed as a sexual act which men are entitled to, rather than pinpointing it as violence. Furthermore, reference is often made to various stereotypes such as women's infidelity or secret

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<sup>20</sup> Tisheva, G., Nikolova, A. Monitoring report on Sexual and Gender Based Violence in the Context of the International Protection in the Republic of Bulgaria, Sofia, January 2015

<sup>21</sup> Interinstitutional working group with the Ministry of Justice: Co-ordination mechanism for aid and support of victims of domestic violence. Sofia: Interinstitutional working group with the Ministry of Justice.





approval and victim blaming<sup>22</sup> traditional norms of affecting the tolerance to sexual violence. Similarly, marital rape is still a practice that does not often cause public outrage.

Migrant women also face **family violence** which encompasses a broad range of controlling behaviors, commonly of a physical, sexual and/or psychological nature, which typically involve fear, intimidation and emotional deprivation. It occurs within a variety of close interpersonal relationships, such as between partners, parents and siblings, and in other relationships where significant others are not part of the physical household but are part of the family and/or are fulfilling the function of family.

The high levels of stress, provoked by the change of the way of life and the separation with relatives and close ones, has a special place as a factor unlocking violence. Furthermore, the tension caused by the uncertainty about the future is an additional factor that stimulates aggression. The continuous and exhausting procedures in the course of the refugee status determination procedure, and the uncertainty regarding the final result of the asylum-seeking, provoke high levels of stress and anxiety which unlocks acts of violence.

Last but not least, women face violence due to discrimination, and the attitude of the local citizens. The dark-skinned women become victims of racist attacks by skinheads. Some of the women complain to the police, which in many of the cases states that it is unable to assist them for one reason or another. Such an attitude is an expression not only of general discrimination and racist and xenophobic acts but also of multiple discrimination and acts of hatred specifically to women with dark skin<sup>23</sup>.

#### **4.2. Gender based violence against ethnic minority women – nature and prevalence of violence in relation with their ethnical/cultural belonging**

The Roma community is being identified as an extremely high risk group in relation to violence, together with refugees and migrant communities in terms of poverty and social exclusion. According to a research conducted by the European Agency for the Protection of Human Rights every fourth woman is a victim of domestic violence – physical or mental, in the intimate partnership. As an object of gender based violence stands out mostly women from **Roma origin**, because this ethnic minority group is the biggest one in Bulgaria.

In Bulgaria members of the Roma community are subject to **widespread discrimination**, including negative stereotyping through publicly accepted images and characterisations utilised by mainstream media. A major consequence of this is the isolation of the Roma in “Gypsy neighborhoods”, and mainstream communities’ avoidance of everyday life interactions with the Roma, i.e. spatial and social segregation.

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<sup>22</sup> Rape Crisis (England and Wales), Common myths about rape, available at: <http://www.rapecrisis.org.uk/commonmyths2.php>

<sup>23</sup> Tisheva, G., Nikolova, A. Monitoring report on Sexual and Gender Based Violence in the Context of the International Protection in the Republic of Bulgaria, Sofia, January 2015



There is little data available on violence experienced by Roma women and measures taken by the government to specifically address the multiple discrimination experienced by them. According to the Animus Association Foundation, **domestic violence** is widespread and generally tolerated in the Roma community, which “has its own mechanisms to regulate relationships”. Anecdotal evidence from women’s organisations working in Bulgaria indicates that very few Roma women seek external assistance in matters of domestic violence and where they do, they predominantly seek out locally trusted Roma organizations. Unequal access to economic and social rights, early marriage, forced marriage, so-called ‘honor’ based violence, being thrown out of homes, and being denied medical and gynecological care remain some of the particular issues facing Roma women. There is very little detailed evidence about the nature and prevalence of this violence. Services targeting Roma women facing domestic violence are almost non-existent, as there are no shelters for this group of women.

The widespread **institutional and personal discrimination** against Roma in Bulgaria has not bypassed also maternity care. Most often young mothers complain of being placed in separate rooms from ethnic Bulgarians, lack of attention and insufficient information concerning their status and the status of their children. Different forms of disrespectful treatment and violence against women in labor at a hospital birth may include indirect degrading treatment, lack of attention from the staff, disregard of the wishes of the mother, improper detention, verbal and physical violence<sup>24</sup>.

Bulgaria is a source, transit point and, to a lesser extent, final destination for **victims of trafficking**. 80% of the registered cases are women, from which 13% aged between 13 and 17, 45% aged 18 – 24, 41% - over 25 years<sup>25</sup>. The main risk group are ethnic minorities women from Roma origin – almost 70% from the victims of trafficking. There is also a traffic of human beings inside the country – mostly to the Black Sea resorts and neighboring regions with Greece. Even though there is a lack of specific studies and research on the extent and characteristics of **honor related violence** in Bulgaria, several groups at risk have been identified: some Roma communities (related or not to Muslim religion), Turkish communities, refugees’ and immigrants’ communities and some deeply remoted patriarchal communities in Bulgaria<sup>26</sup>.

As a result of the harmful tendencies affecting Roma communities, low levels of education, deep poverty, marginalisation and discrimination, Roma women are particularly vulnerable to trafficking. Areas near the border are with the highest risk. There are outlined two zones: North-east (Dobrich, Varna, Vidin, Rousse) and Southwest (Blagoevgrad, Kyustendil, Kurdjali, Petrich).

There are cases of girls, mostly Roma, who are sold by their parents or relatives. In Roma communities the trade of women for marriage or labour (mostly pickpocketing) is common issue. Often, buying a woman is for the purpose of profiting from her work. The kidnapping of a

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<sup>24</sup> Kalcheva, K., “Discrimination at the beginning of life”, Bulgarian Helsinki Committee

<sup>25</sup> Eurostat, Trafficking in Human beings, 2014

<sup>26</sup> Exchange of good practices on gender equality, Awareness raising activities to fight violence against women and girls, United Kingdom, 7-8 February 2012, Comments paper - Bulgaria



woman and her sale within the network of pimps is generic form of revenge. The model for recruiting victims amongst the close relatives of the trafficker, as well as recruiting victims aiming at marriage or starting an intimate relationship with the victim is highly widespread element of the strategy for imposing control on her. In these cases the trafficker is local, family member or an intimate partner. In cases when the trafficker is a woman, most of the times she is victim of trafficking herself and for a number of reasons, including psychological, economic or from other nature, she accepts to collaborate with the men who have trafficked her in order to mitigate her own exploitation, to reduce the risks for her close people and others related. This contemporary slavery is deeply – rooted in the poverty and exclusion and, for this reason, the elimination of the unacceptable living conditions that many Roma people are placed should be a main strategic goal. The EU and Member States should take more vigorous action to combat this phenomenon, especially in regard to the abolition of organised crime and the protection of vulnerable groups, such as ethnic women/girls.

## **5. MIGRANT/ETHNIC MINORITY WOMEN LEVEL OF PREVALENCE/ VULNERABILITY IN RELATION WITH CULTURAL BELONGING**

The problem in Bulgaria is how a single law can regulate attitude, based on more than one culture. The multiculturalism is a concept, according to which this is possible through gradual and mutual cultural compromises so migrants can develop freely. It's not about cultural freedom in general, but it's about freedom to express one's own culture.

When we talk about violence in relation with cultural belonging, there are no different opinions – it is unacceptable. Researching the relation violence – ethnicity – culture we discover multiple interfaces and mutually binding trends.

### **5.1. Ethnic minority women level of prevalence/ vulnerability in relation with cultural belonging**

As it became clear from the previous sections, women from all ethnic minority communities, as representatives of different cultures are at a particular (multiple) risk to survive gender - based violence due to a number of interrelated factors – increased discrimination, social exclusion, life in a significantly higher isolation. For Bulgaria, the data shows, that women from Roma and Turkish origin are most vulnerable and most often become victims of violence related to their cultural belonging. These are the only ethnic groups in Bulgaria, which are subject to more extensive researches in relation with gender – based violence under different programs and projects. Probably, women from other ethnic minority groups inevitably face the same issues, but as it was mentioned before, there is no available statistics and data and at this stage they do not fall within the scope of the work of various institutions, organisations and NGOs.

Women from ethnic minority groups are extremely vulnerable to different types of violence subjected to coercion and pressure within the family. Most pressing problems in this category are



early and/ or forced marriages, genital mutilations (data available for 5 cases)<sup>27</sup> as well as serious restrictions in regard to social freedom. When it comes to level of prevalence, as mentioned in Section 3, most distinguished are the **domestic, sexual and institutional violence** with an emphasis on domestic violence from close or intimate partner.

It is a well - known fact that in many Roma communities in Bulgaria, the violence by husband to wife is socially approved. This, combined with the marginalisation of the Roma minority group, the low social status of Roma women and strong patriarchal habits, leads to extremely widespread violence against women in Roma families. The legitimate nature of violence against women in Roma communities makes it almost unrecognisable as a problem. Most of the Roma women take the **physical violence** as a normal part of the everyday life and they even recognise it as part of their identity. The model of the good woman in the Roma communities is “she is hungry, she walks barefooted, but she endures drubbing”<sup>28</sup>.

In broader society context, violence against women is fueled by the attitude of the lower subordinate status of women compared to men. The ideas of man as "head of the family" and "hard" man's hand may sound harmless, but in many families, especially in ethnic communities, they have specific physical manifestations. The dominant, authoritative role of men in the family and society creates those psychological and social preconditions that generate violence against women.

Often, within these ethnic communities, there is an underlying attitude that the victim "deserved what she got" and this type of attitude is also part of the mechanism of reproduction of violence against women within the society and is a serious obstacle to eliminating it. Violence against women is explained and excused by points as dress code, behavior of the woman, her presence at a certain place at a certain time. This type of attitude very clearly illustrates that the vulnerability of women is not only a statistical or physical, but also social, and it is deeply embedded in our thinking<sup>29</sup>.

As a next level of prevalence/ vulnerability in relation with cultural belonging stands out the **sexual violence**, which is most often expressed in trafficking aiming at sexual exploitation. Among the social layers, which most often admit to cases of physical and sexual assault and which consider it more likely to be the victims of it, are the women of Roma ethnicity and those with low income and social status. In a report from a meeting of the Committee on Elimination of Discrimination against Women<sup>30</sup> it has been concluded that efforts to end the trafficking of women and girls had been ineffective, particularly in the case of Roma women and the Penal Code did not punish perpetrators of sexual violence and rape if they married their respective

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<sup>27</sup> “Demetra” Association

<sup>28</sup> Collection “Roma woman”

<sup>29</sup> Nenova, Gergana. “Domestic violence and violence against women”, 26 November 2015

<sup>30</sup> Adoption of Gender-Equality Strategy, Domestic Violence Laws Led to Women’s Improved Status, Bulgarian Delegation Tells Anti-Discrimination Committee, Report, 12 July 2012



victims. Experts also share common opinion that awareness-raising campaigns were not made available to Roma women, who were at high risk for trafficking.

However, we should give credit to the Government for the fact that there have been implemented programs for training judges and prosecutors on the issue of trafficking for sexual exploitation. Various state structures and NGOs are continuously working on national and international projects and programs for combatting this issue and the situation is evidently improving, but there is still much more to be done.

In terms of level of prevalence/ vulnerability of **institutional discrimination**, again, the Turkish and Roma minority groups are particularly disadvantaged. For instance, in Bulgaria, because of their poverty and lower educational level, including poor knowledge of Bulgarian language, they face more difficulties when interacting with institutions. They often become victims of neglecting attitude (a form of violence) and as a result their access to social, educational, health, cultural and other services is extremely obstructed. Their rights as citizens of the country are not guaranteed and even restricted. People of Turkish and Roma origin face more difficulties in covering their health insurance when they are not insured by the state, and so it is difficult for them to find resources to pay for health services and medicines and ethnic minority women are often excluded even from services provided for pregnant women and their children. Some minorities, such as the Muslim minority members in Bulgaria, tend to rely on their family, their relatives, and on their community rather than on the state for support when they are in need. In Bulgaria, with transition to a market economy, ethnic migrant women suffer from unemployment and poverty more than men. Turkish women have been expelled from the legal economy, and many of them have been obliged to stay at home, carrying out care work and housework. The share of long-term unemployed women is higher than that of the men, and rural women are particularly vulnerable<sup>31</sup>.

Roma communities also face barriers related to reduced access to information (especially for those in isolated locations), lack of trust in professional health services, difficulty discussing health problems with strangers (especially if they are men), and difficulties with language, resulting in cultural barriers to understanding some medical concepts<sup>32</sup>. According to the European Union Minorities and Discrimination Survey<sup>33</sup> between 11% and 23% from the Roma respondents (from Bulgaria and 6 more countries) indicated that they had experienced discrimination in an encounter with a health care professional in the previous 12 months. Ethnic minority women fear of losing children in cases of separation and/or divorce, and feelings of shame are the most important factors that prevent Roma women from seeking help (both

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<sup>31</sup> „Ethnic minority and Roma women in Europe: A case for gender equality?“, synthesis report, 2008

<sup>32</sup> Corsi M, Crepaldi C, Samek M, Boccagni P, Vasilescu C (2008). Ethnic minority and Roma women in Europe: a case for gender equality? Luxembourg: European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities (Publications Office of the European Union)

<sup>33</sup> FRA (2009). EU-MIDIS. European Union minorities and discrimination survey. Data in focus report. The Roma. Vienna: European Union Agency for Fundamental Rights



informally, such as seeking help through relatives or community leaders, and formally, through health or social care services<sup>34</sup>.

## **5.2. Migrant women level of prevalence/ vulnerability in relation with cultural belonging**

Both ethnic minority women and migrant women suffer multiple discrimination and all kinds of violence, but we can hardly talk about prevalence and trends, due to the fact that the officially registered cases are very few and there is not enough base for comparison and elaboration of absolutely exact analysis.

Nevertheless, as most often observed cases of violence we can summarise again the **domestic, sexual, institutional and economical** such. And again, on the basis of data provided by the psychologists from the centers working with migrant women survived to violence, we can concluded that with the highest level of prevalence stands out the **domestic violence** in all its forms.

Intimate partner violence is a considerable problem for any society, but its effects are particularly significant for migrant communities. In addition to the usual reasons men abuse women, it is fairly acknowledged that migration is a stressful process for migrants and it heightens the risk of women to experience domestic violence. In many cases, men in migrant communities mistreat their partners or spouses as a way to regain control and power in their lives, particularly when their migrant status has deprived them of this social standing<sup>35</sup>. Despite of the fact that such attitude by men to women is a part of their culture and social norms, women demonstrate criticism and define it as humiliating and unfair. Most women share about violence by their intimate partners by the time they lived in their countries of origin, as the violence continues after the family has moved to another country, in this case Bulgaria.

The barriers to reporting for migrant women are mostly the feeling of lack of social support, cultural differences, language and limited knowledge of local laws, lack of knowledge of available services, deportation fear, economic challenge and many more.

In terms of domestic violence, migrant women in Bulgaria are object of emotional violence and neglect, rather than physical violence. In most cases it is expressed through brutal verbal aggression and deprivation.

There are cases, although very rare, when families divorce, but for one reason or another these cases are not a subject of discussion and articulation.

The level of prevalence of **sexual violence** in terms of raping is significantly low. Psychologists who work with migrant women victims to gender – based violence report for just one such case in the last 10 years, and it has happened on the territory of another country during passing the

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<sup>34</sup> Ceneda S (2002). Romani women from central and eastern Europe: a 'fourth world' or experience of multiple discrimination. London: Asylum Aid (<http://www.asylumaid.org.uk/wp-content/uploads/2013/02/Romani-Women-from-Central-and-Eastern-Europe-A-Fourth-World.pdf>)

<sup>35</sup> International Centre for Migration, Health and Development



border. Most cases of sexual violence happen within the family. In research from 2014<sup>36</sup> it is found that the lack of information and clarification on their rights in an accessible language, the mistrust and the dependent position in regard to the institutions further isolate the group at risk and deprive it of the opportunity to be adequately referred to protection services, legal, social, and psychological support. Besides, migrant women are not protected from sexual violence and other forms of gender – based violence, as more and more legislation and practice in our country do not match the major trend shown at the universal, regional papers and documents of the EU. This is highlighted in a relatively new document adopted within the EU - European Parliament resolution<sup>37</sup> on migrant women: it calls on Member States to ensure that migrant women, including those undocumented who have been victims of abuse or violence gender exploited in the sex industry, will be protected and supported and their situation will be regarded as a special reason for granting refugee status or residence permits on humanitarian grounds.

The level of prevalence of violence on **institutional level** also stays unclear. Migrant women in Bulgaria also hardly talk about institutional violence and when they file complaints concerning institutions, it is usually related with refusal for granting a refugee status, but this cannot be considered as violence by its nature. We can rather speak about institutional violence when it comes to the Homes for temporary accommodation of refugees in Busmantsi and Lyubimets, where the irregular migrants, the undocumented ones and those who have exceeded their lawful stay in the country are sent to, and yet there are no officially registered filed complaints. As for neglect by the health care services, the health mediators share that migrants are very likely to exaggerate the situation.

There also exists **economical violence**, which is a separate element of the family violence, where there is observed absolute neglecting of women and children in terms of finances. Officially filed complaints and data are again completely missing.

## 6. CONCLUSION

As it became clear from the data of the research, migrant and ethnic minority women in Bulgaria are at an increased risk of violence and multilayered discrimination. The data collected by institutions is quite limited and insufficient in order to be able to outline the real dimensions of the issue. This is due to various factors such as poor public awareness, lack of information, withdrawn complaints and reporting due to fear of revictimisation, and also because the victims continue to live under the dependence and control of the perpetrator.

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<sup>36</sup> Tisheva, G., Nikolova, A. Monitoring report on Sexual and Gender Based Violence in the Context of the International Protection in the Republic of Bulgaria, Sofia, January 2015

<sup>37</sup> European Parliament resolution of 4 February 2014 on undocumented women migrants in the European Union (2013/2115(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0068+0+DOC+XML+V0//EN>



The cases of prosecutions against the perpetrators are very few because an average injury within the family is still considered as a crime of private nature and not of a common one and the system is incapable to ensure the victims a proper protection.

Migrant and ethnic minority women in Bulgaria are not an exception from the typical for significant part of the female population in Bulgaria practical experience with violence. We can clearly distinguish three most common – domestic, sexual and institutional with emphatically prevalence of the domestic violence. This is due to the fact that the women do not recognise this kind of violence as such, because it is highly tolerated in their communities and rather considered as a norm. The social isolation and patriarchal habits combined with marginalisation and poor information leads to absolute ignorance in identifying and accepting the violence as a general rule. With the same force that statement applies both for the women in Bulgaria and the migrant communities. This makes the problem of violence among migrant women even more complicated because it "weaves" lack of sensitivity to violence between cultures (including Bulgarian) and "encapsulates" the phenomenon further.

Very important part of the already existing obstacles for handling the issue concerning violence to migrant and ethnic minority women is the fact that the access to information is to a greatest extent limited by the language barrier, cultural factors, and gender stereotypes. Migrant and ethnic minority women should be provided with better information in regard to their rights and the available legal, social and psychological services. The medical services are also insufficient. There is alarming need of improvements in the legal system, as well as better and more efficient coordination between different institutions. There is also a shortage of skilled specialists at all levels. There is a clear need of more training and exchange of good practices between the stakeholders.

Last, but not least there is a lack of pro – active actions from the specialists for early identification of potential victims. The measures for prevention of violence in the migrant communities are not sufficient. This could be explained with the limited knowledge regarding specifics of the culture, customs, moral and ethics norms in the different migrant communities. An exception to this statement can be made for the Roma community, because it is not a new phenomenon for Bulgaria, although there we also observe trends for changes in the characteristics and dynamics of internal processes.

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