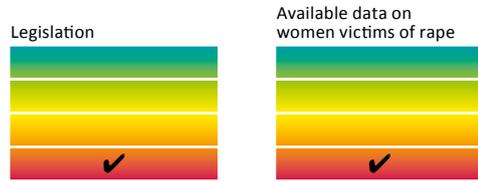


NATIONAL ANALYSIS

Bulgaria



Expert
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Legislation

The Bulgarian Penal Code defines a more severe penalty for a person 'who commits an act in order to arouse or satisfy sexual desire without copulation' when it relates to a person under 14 years of age (Art. 149) than for a person who is 14 years or older (Art. 150).

Specifically, Article 152 defines the penalty for rape of a female:

Art. 152. (1) Someone who copulates with a female person:

1. who is unable to defend herself and without her consent;
 2. by compelling her by force or threat;
 3. by rendering her helpless;
- shall be punished for rape by a term of imprisonment of two to eight years.

(2) The penalty for rape shall be imprisonment of three to ten years:

1. if the rape victim is under 18 years of age;
2. if she is a descending kinswoman;
3. if it is a second offence;
5. if it demonstrates dangerous recidivism.

(4) The penalty for rape shall be imprisonment of ten to 20 years:

1. if the rape victim is under 14 years of age;
2. if severe bodily harm has been caused;
3. if a suicide attempt has followed;
4. if it represents a particularly severe case.

Article 153 defines rape. Someone who forces copulation on a female by using her material or employment dependence on him shall be punished by imprisonment of up to three years.

Art. 158. In the cases of art. 149 - 151 and 153 the perpetrator shall not be punished or the stated penalty shall not be imposed if the man and woman get married before the sentence is carried out.

Additional comments

In the Bulgarian Penal Code, there is no explicit definition of rape as there is in the Istanbul Convention (engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object).

Marital rape is not criminalised, even under Art. 149 (regarding a person under 14) **as long as there is a marriage** between the man (perpetrator) and the woman (victim of rape) (art. 158)

Under the current judicial system, investigation and prosecution depend on a victim's statement when there is no other/or very little material evidence.



18

Available data on women victims of rape

In general, the Bulgarian government does not produce data on female victims of rape and there aren't many studies on sexual violence. There is one recent sociological study carried out by the Alpha Research Agency – a private agency. The research, published in 2012, shows that between 100,000 and 250,000 Bulgarian women (11% of all Bulgarian women) are sexually abused. In 80% of cases, the assailant is an acquaintance of the victim. Bulgarian women are embarrassed to talk about sexual violence. Among teenagers between 14 and 18 years of age, there has been an increase in date rape. The data compiled by Alpha Research shows that only half of the respondents consider rape a critical issue. Despite the frequent and often severe cases of sexual harassment, there is no specific State policy on this issue and no mechanism for facilitating the access of women to counseling and to justice. With the exception of a few NGO projects and programs offering counseling and legal aid for women, the State provides no other measures.

Most of the few studies done focus on child sexual abuse at residential institutions (see, for example: www.sapibg.org/attachments/article/1223/Narrative_Repor_BG_ENG_Desk_Review.pdf)

Useful Contacts

24-hour hot line for victims of violence, including sexual abuse – 02 9817686

Contacts for organizations providing services to the victims of domestic and/or sexual violence, and publications for the victims are available at <http://nasilie.eu/>

