



28 TOO MANY
FGM... let's end it.

ORCHID  PROJECT



THE LAW AND FGM/C

BULGARIA

DECEMBER 2021

National Legal Framework

Overview of National Legal Framework in Bulgaria

National legislation:

X	Specific law/provision criminalising FGM/C
X	Provides a definition of FGM/C
✓	Criminalises the performance of FGM/C
✓	Criminalises the procurement, arrangement and/or assistance of acts of FGM/C
X	Obligation to report incidents of FGM/C to the authorities
✓	Criminalises the participation of medical professionals in acts of FGM/C
✓	Extraterritorial application regardless of double criminality

Introduction

Bulgaria is a country in south-eastern Europe with an estimated population of 6.95 million.¹ The country is a unitary republic with a parliamentary democracy. It has a civil-law legal system.

FGM/C Prevalence

There is no up-to-date information available on the prevalence of female genital mutilation/cutting (FGM/C) in Bulgaria, either for girls and women who have undergone FGM/C or those who are at risk of FGM/C.

A study conducted in 2005 by the Bulgarian Gender Research Foundation indicated that FGM/C is practised in 'isolated cases' and is recognised as a 'hidden phenomenon'.²

National Legal Framework

General Law

There is no specific law criminalising FGM/C in Bulgaria, nor has 28 Too Many encountered any statements by the Bulgarian Government condemning FGM/C or confirming the application of general criminal law to FGM/C.

However, Bulgaria has ratified conventions condemning FGM/C, and general criminal law does implicitly apply to the practice.³ FGM/C might fall under **Articles 128–130 of the Criminal Code of the Republic of Bulgaria (adopted in 1968, last amended in 2021)** (the *Criminal Code*), which, respectively, criminalise inflicting severe, medium and light bodily harm. The qualification of 'bodily harm' depends on the nature and the consequences of the injury, as follows.

- **Article 128(2)** prescribes that bodily harm will be considered 'severe', *inter alia*, if it has caused disfigurement that causes permanent disturbance of a sensory organ. According to court practice, the category of 'sensory organs' primarily includes organs linked to sight, smell, hearing and taste. It could be argued that this category could apply to FGM/C, as the clitoris could be described as a 'sensory organ' that (in some cases) is 'permanently disturbed', although it is more likely that FGM/C would fall under 'medium' bodily harm, as described in the paragraph below.

- **Article 129(2)** prescribes that bodily harm is considered 'medium', *inter alia*, if it has caused disturbance to the function of sexual organs without causing reproductive incapacity; disfigurement of parts of the body; and permanent impairment of health not dangerous to life. FGM/C would most likely fall under this second definition. It could also fall under the third definition, depending on the complications the FGM/C causes.
- **Article 130** describes 'light' bodily harm either as trivial bodily injury that impairs health apart from the cases described in Articles 128 and 129 or trivial bodily injury without impairment of health. Only the lightest form of FGM/C could fall under this Article.

Based on these definitions, it seems most likely that FGM/C would fall under inflicting 'medium' bodily harm under **Article 129**.

Article 131(1) of the Criminal Code contains several aggravating circumstances for which higher penalties can be given. They include how the bodily harm is inflicted: on a minor (**Article 131(1)(4)**); in a manner particularly painful for the victim (**Article 131(1)(5)**); or using means and ways with particular cruelty (**Article 131(1)(9)**). All these aggravating circumstances could apply in the case of FGM/C.

Article 181 of the Criminal Code criminalises violating the obligations a person has to direct family members (extending to grandparents and grandchildren) who are dependent on the care of the person, when the violation places the victim in a situation of serious difficulty or hardship. While this could also apply to FGM/C, this article only applies if the act does not constitute a graver crime, and, since FGM/C is more likely to fall under Articles 128 and 129, Article 181 would not often be applicable. Additionally, this article is intended for use in cases of negligence related to basic caregiving (such as providing shelter, food, etc.) to dependent family members and thus may be inapplicable to FGM/C.

Definition of FGM/C

Bulgarian law does not contain any definition of FGM/C, nor has 28 Too Many been able to find any government source defining FGM/C.

Women and Girls of All Ages

The performance of FGM/C on women and girls of all ages has been criminalised in Bulgaria. The general prohibition on inflicting bodily harm is not limited by the age of the victim. However, inflicting bodily harm on a minor is an aggravating circumstance under **Article 131(4) of the Criminal Code**. It is also a specific aggravating circumstance (**Article 131(3)**) if bodily harm is inflicted on a mother – this potentially applies to re-infibulating a woman after she gives birth.

Procuring, Aiding and Abetting

Procuring, aiding and abetting FGM/C are criminalised in Bulgaria under general criminal law.

Procuring FGM/C – when someone has a cutter (or any other person) perform FGM/C on the victim – would most probably qualify that person as an 'abettor' under **Article 20(3) of the Criminal Code**, discussed below.

Article 20(2) of the Criminal Code states that a 'perpetrator' is a person who takes part in the actual perpetration of the crime. It could be argued that, if someone pays another person to perform FGM/C on the victim and that someone is closely involved in planning the FGM/C, that qualifies as 'taking part'. However, this seems quite unlikely.

An 'abettor' is described by **Article 20(3)** as a person who intentionally incited another to commit a crime, which can also be said to be the case when someone pays a cutter to perform FGM/C.

Someone who aids in the performance of FGM/C is qualified as an 'accessory' under **Article 20(4)** and is described as a person who intentionally facilitated the perpetration of a crime through advice, explanations, promises to render assistance after the act, removal of obstacles, supply of means or in any other way.

According to **Article 20(1)**, perpetrators, accessories and abettors are all seen as accomplices in the crime, and **Article 21(1)** stipulates that all accomplices are punished with the sentence provided in the law for the perpetrator. However, **Article 21(1)** leaves room for the judiciary to make due consideration of the nature and degree of the participation. **Article 21(2)** prescribes that accessories and abettors are only held responsible for what they intentionally abetted or assisted the perpetrator with.

Allowing the Use of Premises

Allowing the use of premises for FGM/C is criminalised in Bulgaria under the general law criminalising accessory to crime (**Article 20(4)**). Since allowing the use of premises offers opportunity for the crime, a person who does so is an accessory and therefore an accomplice to the crime under **Article 20(1)**.

Providing or Possessing Tools

Providing tools for FGM/C may be considered an offence in Bulgaria under the general law criminalising accessory to crime (**Article 20(4)**). Someone who provides tools for FGM/C can be said to have intentionally facilitated the perpetration of the crime through supply of means. That person is an accessory to the crime under **Article 20(4) of the Criminal Code** and, therefore, an accomplice to the crime under **Article 20(1)**.

However, simply possessing tools for FGM/C may not be considered an offence in Bulgaria under the general criminal law rules. **Article 17 of the Criminal Code** covers preparations for a crime, and possessing tools for FGM/C could fall under the definition in **Article 17(1)**. However, **Article 17(2)** stipulates that preparation is only punishable in the cases provided for by the law, and these do not include inflicting bodily harm under **Articles 128–130 of the Criminal Code**.

Failure to Report FGM/C

Failing to report FGM/C has not been specifically criminalised in Bulgaria, but there is a general civil-law obligation under punishment of a fine.

Article 7(1) of the Bulgarian Child Protection Act (adopted in 2000 and last amended in 2020) (the *Protection Act*) prescribes that any person who knows of a child in need of protection must immediately report the case to the municipal social assistance service, the State Agency on Child Protection or the Ministry of Interior.

Article 7(2) applies this obligation to professionals who become aware of a child in need of protection, irrespective of any occupational confidentiality. **Article 45 of the Protection Act** prescribes that persons who fail to fulfil an obligation pursuant to the Child Protective Act will be fined.

Medicalised FGM/C

Medicalised FGM/C is not specifically criminalised in Bulgaria. However, **Article 324(2) of the Criminal Code** criminalises unlicensed medical practice and practices by licenced physicians that violate established procedures, which would most likely cover FGM/C.

Nevertheless, it seems that the general provisions criminalising inflicting severe and medium bodily harm (**Articles 128 and 129**) are more appropriate.

Extraterritoriality

In principle, the **Bulgarian Criminal Code** has no extraterritorial application (i.e. the Criminal Code applies to crimes committed in the territory of Bulgaria). However, in some specific cases exhaustively envisaged by the Criminal Code, it may apply to Bulgarian citizens or foreigners who have committed crimes outside Bulgaria.

In particular, **Article 4** states that its provisions apply to Bulgarian citizens who have committed crimes outside of Bulgaria. Further, pursuant to **Article 5**, the latter also applies to foreigners who have committed crimes of a general nature abroad that affect the interests of the Republic of Bulgaria or of a Bulgarian citizen.

Penalties

Penalties are dependent on the form of bodily harm that a specific instance of FGM/C is judged to inflict and on whether any aggravating circumstances apply.

- **Article 128(1)** prescribes a sentence of *three- to ten-years' imprisonment* for inflicting severe bodily harm.
- **Article 129 (1)** prescribes a sentence of *up to six years' imprisonment* for inflicting medium harm.
- **Article 130(1)** prescribes a sentence of *up to two years' imprisonment, or corrective labour* for inflicting trivial bodily harm that causes a health impairment not described in Articles 128 and 129.
- **Article 130(2)** prescribes a sentence of up to *one year's imprisonment, corrective labour or a fine* for inflicting trivial bodily harm without causing health impairment.

In the case of FGM/C it is very likely that aggravating circumstances under **Article 131(1) of the Criminal Code** are present, since the victims are often minors (**Article 131(1)(4)**), and performing FGM/C can be excruciatingly painful (**Article 131(1)(5)** and **Article 131 (1)(9)**). If an aggravating circumstance is present, **Article 131(1)** prescribes a sentence of:

- *three- to fifteen-years' imprisonment* for inflicting severe bodily harm; and
- *two- to ten-years' imprisonment* for inflicting medium bodily harm.

Thus, the maximum sentence for FGM/C in Bulgaria may be *15 years' imprisonment*.

There are no specific penalty guidelines for aiders and abettors, who qualify as accomplices under **Article 20(1) of the Criminal Code**.

Article 21(1) leaves it to the discretion of the judiciary to consider the degree and nature of the participation of all accomplices and decide upon their punishments within the limits of the punishment prescribed by the law for the perpetrated crime.

Protection

Protecting Uncut Girls and Women

Child protection laws provide general protection for uncut girls. **Article 11(2) of the Protection Act** prescribes that every child has a right to be protected against, *inter alia*, all methods of upbringing that undermine his or her dignity and against physical, psychological or other types of violence.

Article 23 of the Protection Act contains a set of protective measures that can be ordered within the family environment, without the child being placed out of her parents' care. Two of these measures could be suitable in cases where there is a non-imminent threat of FGM/C for an uncut girl.

- **Article 23(1)** prescribes the provision of pedagogic, psychological or legal aid for parents concerning problems with child rearing, upbringing and education; and
- **Article 23(6)** prescribes social work to facilitate child-parent relations and resolution of relational conflicts and crises.

These measures could be used to make parents aware of the criminality of FGM/C in Bulgaria and to convince them to abandon the practice. However, this must be done carefully, since it could be offensive to parents or even incite them to have their daughters undergo FGM/C more quickly. **Article 24 of the Protection Act** prescribes that such services be rendered by the municipal social assistance service upon request by the parents or the child, as well as on the discretion of the municipal social-assistance service itself.

Article 25 of the Protection Act provides the possibility for out-of-home placement, but not necessarily or explicitly for cases of imminent violence. **Article 25** prescribes that a child can be placed out of home if the parents:

- have passed away, are unknown or the child has their parents' rights divested or limited (**Article 25(1)**);
- without valid reason, permanently fail to provide care for their child (**Article 25(2)**); or
- are in a position of permanent inability to rear their child (**Article 25(3)**).

None of these grounds would apply in a case of a child threatened only by FGM/C. Therefore, this article does not seem to be of much value in these cases.

However, **Article 38 of the Protection Act** does facilitate protection by the police in case of violence or imminent threats of violence. **Article 38(1)** prescribes that the measure of police protection is to be applied when, *inter alia*, there is an immediate threat to a child's life or health. This could apply to situations where FGM/C will take place in due course. **Article 39** states that, under these measures, a child can be accommodated in special premises (**Article 39(1)(1)**) or placed in specialised institutions (**Article 39(1)(2)**). Based on **Article 40**, the police must notify the child's parents, the municipal social-assistance services and the prosecution. However, **Article 41** prescribes that the child may not remain under police protection longer than 24 hours, so, although this affords some protection to uncut girls under immediate threat of FGM/C, it is not a long-term solution, and it is unclear how further protection will be arranged after they have been released from police protection.

There are no specific or general laws protecting uncut women, aside from general criminal law.

Implementation of The Law

Court Cases

There are no Bulgarian court cases in relation to FGM/C known to 28 Too Many.

Conclusions and Suggestions

Conclusions

FGM/C is **not explicitly criminalised** in Bulgaria through a specific law, provision or governmental declaration. However, Bulgaria has ratified conventions condemning FGM/C (not the Istanbul Convention, however), and general criminal law does implicitly apply to the practice.

Consequently, the law does not contain a definition of 'FGM/C' and it is not clear whether all **types of FGM/C** would fall under general assault laws.

Procuring, aiding and abetting FGM/C would be criminalised through general laws on participation in offences.

Any person who is aware of a child in need of protection must **report** this to local authorities (regardless of professional secrecy requirements). Failure to do so is punishable by a fine under the Child Protection Act.

The Bulgarian Criminal Code has two provisions on **extraterritorial application**, pursuant to which the provisions of said Code apply also to (i) Bulgarian citizens who have committed crimes outside of Bulgaria; and (ii) foreigners who have committed crimes of a general nature abroad that affect the interests of the Republic of Bulgaria or of a Bulgarian citizen.

Recommendations

It would be useful for Bulgaria to order an inquiry into the prevalence of FGM/C and the number of girls and women possibly at risk of it.

We recommend that Bulgaria issue a governmental declaration confirming the application of criminal law to FGM/C, including a definition of FGM/C that corresponds to the WHO's and specifying that FGM/C is a criminal offence if performed on a woman or girl of any age, regardless of perceived consent (especially in the case of a minor).

We urge Bulgaria to reconsider its stance regarding the Istanbul Convention.

Appendix I: International and Regional Treaties

BULGARIA	Signed	Ratified/ Acceded	Reservations on reporting?
International			
International Covenant on Civil & Political Rights (1966) (<i>ICCPR</i>) ⁴	✓ 1968	✓ 1970	No
International Covenant on Economic, Social & Cultural Rights (1966) (<i>ICESCR</i>) ⁵	✓ 1968	✓ 1970	No
Convention on the Elimination of All forms of Discrimination Against Women (1979) (<i>CEDAW</i>) ⁶	✓ 1980	✓ 1982	No
Convention on the Rights of the Child (1989) (<i>CRC</i>) ⁷	✓ 1990	✓ 1991	No
Regional			
Istanbul Convention ⁸	✓ 2016	X	N/A*
European Convention on Human Rights ⁹	✓ 1992	✓ 1992	No

* Deemed unconstitutional.¹⁰

‘Signed’: a treaty is signed by countries following negotiation and agreement of its contents.

‘Ratified’: once signed, most treaties and conventions must be ratified (i.e. approved through the standard national legislative procedure) to be legally effective in that country.

‘Acceded’: when a country ratifies a treaty that has already been negotiated by other states.

Appendix II: National Laws

Bulgarian Criminal Code

Article 17

- (1) Preparation shall be the getting ready of the means, the finding of accomplices and the creating of conditions in general for the perpetration of intended crime, before the commencement of its perpetration.
- (2) Preparation shall be punishable only in the cases provided for by the law.
- (3) The acting person shall not be punished where he has given up the perpetration of the crime of his own accord.

Article 20

- (1) Accomplices in the perpetration of intentional crime shall be: perpetrators, abettors and accessories.
- (2) A perpetrator shall be a person who took part in the perpetration itself of the crime.
- (3) An abettor shall be a person who intentionally incited another to commit a crime.
- (4) An accessory shall be a person who intentionally facilitated the perpetration of a crime through advice, explanations, promises to render assistance after the act, removal of obstacles, supply of means or in any other way.

Article 21

- (1) All accomplices shall be punished by the punishment provided for the perpetrated crime, with due consideration of the nature and degree of their participation.
- (2) Abettors and accessories shall be held responsible only for what they have intentionally abetted or by what they have assisted the perpetrator.
- (3) Where because of certain personal characteristics or attitude of the perpetrator the law treats the perpetrated act as a crime, liable for this crime shall be both the abettor and the accessory with respect of whom such circumstances do not exist.
- (4) The special circumstances, due to which the law excludes, reduces or increases the punishment for some of the accomplices, shall not be taken into account for the remaining accomplices with respect to whom such circumstances do not exist.

Article 128

- (1) A person who inflicts on another severe bodily injury shall be punished by imprisonment for three to ten years.
- (2) A bodily injury shall be considered severe if it has caused: continuous disturbance of consciousness; permanent blindness of one or both eyes; permanent deafness; loss of speech, reproduction inability; disfigurement which causes permanent disturbance of the speech or of a sensory organ; loss of one kidney, the spleen or a lung lobe; loss or mutilation of a leg or an arm; permanent general health impairment, dangerous to life.

Article 129

- (1) A person who inflicts on another medium bodily injury shall be punished by imprisonment for up to six years.
- (2) The bodily injury shall be considered medium if it has caused: permanent weakening of the eyesight or hearing; permanent disturbance of speech, difficulties of the movement of the extremities, the body or the neck, disturbance of the functions of the sexual organs without causing reproductive incapacity; breaking of a jaw or knocking out of teeth, without which chewing or speech are impaired; disfigurement of the face or of other parts

of the body; permanent impairment of health not dangerous to life or impairment of health temporarily dangerous to life; injuries which penetrate into the cranial, thoracic and abdominal cavities.

Article 130

- (1) A person who inflicts on another impairment of health apart from the cases under Articles 128 and 129, shall be punished for trivial bodily injury by imprisonment for up to two years or by corrective labour.
- (2) For trivial bodily injury, manifested as causing of pain or suffering without impairment of health, the punishment shall be deprivation of liberty for up to six months or corrective labour or a fine from BGN one hundred to three hundred.
- (3) If in the cases under the preceding paragraphs the victim has immediately reacted to the attacker by inflicting the same bodily injury, the court may exempt both of them from punishment.

Article 131

- (1) For inflicting bodily injury:
 1. to an official, a representative of the public, a serviceman, including such of an allied or friendly state or army, in the course of or in connection with the fulfilment of his duty or functions, or to a person enjoying international protection;
 2. by an official, a representative of the public, a police authority in the course of or in connection with the fulfilment of his duty or function;
 3. to a mother or to a father;
 4. to a pregnant woman, a minor or to more than one person;
 5. in a manner particularly painful for the victim;
 6. by a person who has intentionally inflicted another severe or medium bodily injury under

Articles 128 and 129 or under this article, for which no sentence has been pronounced;

7. for a second time, if the bodily injury is severe or medium;
 8. by a person acting at the orders or in implementing a decision of an organized criminal group;
 - 8a. for the purpose of dispossessing the victim of a body organ, tissue, cell or body fluid;
 9. using means and ways dangerous to the life of many or with particular cruelty;
 10. with a venal goal in mind;
 11. in view of facilitating or concealing another criminal act;
 12. out of hooligan, racist or xenophobic motives the punishment shall be imprisonment: for three to fifteen years for severe bodily injury; from two to ten years for medium bodily injury; for up to three years for trivial bodily injury under Article 130, paragraph (1), and for up to one year or corrective labour under Article 130, paragraph (2).
- (2) For bodily injury inflicted on a judge, a prosecutor, an examining magistrate, a police body, an investigating officer, a public enforcement agent, a private enforcement agent or an assistant private enforcement agent, as well as on a customs officer, a revenue officer, an officer of the Executive Forestry Agency, or an officer of the Ministry of Environment and Waters performing a control activity or a medical specialist, a teacher (tutor) in the course of or in relation to carrying out his/her duties or functions, the punishment shall be imprisonment:
 1. from five to fifteen years in the case of severe bodily injury;
 2. from three to ten years in the case of medium bodily injury;
 3. from one to five years in the case of trivial bodily injury under Article 130, paragraph (1);
 4. up to three years in the case of trivial bodily injury under Article 130, paragraph (2).

Article 181

A person who violates an obligation to a spouse, a relative of ascending or descending line, incapable of taking care for himself, and thereby places him in a position of serious distress, shall be punished by probation as well as by public censure, provided the act does not constitute a graver crime.

Article 324

- (1) A person who exercises a profession or handicraft without having the necessary recognised capacity or licence, shall be punished by imprisonment for up to one year or by a fine from BGN one hundred to three hundred.
- (2) Where the profession or handicraft are related to health services for the population, the punishment shall be imprisonment for up to three years and a fine from BGN one hundred to three hundred. The same punishment shall be imposed on a medical doctor, dentist or master of pharmacy exercising their profession in violation of the duly established procedure.
- (3) If the act under the preceding paragraph has been committed for a second time, the punishment shall be imprisonment for one to five years and a fine from BGN one hundred to three hundred, whereas the court may also rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

Bulgarian Child Protection Act 2000

Article 7

- (1) Persons, who become aware of the existence of a child in need of protection, shall immediately report the case to the municipal social assistance service.
- (2) The same obligation shall be undertaken by all persons, who become aware of the said situation in the course of exercising their profession or occupation, irrespective of them being bound by occupational secret.

Article 11

- (1) Every child has a right to protection against involvement in activities that are harmful to his or her physical, mental, moral and educational development.
- (2) Every child has a right to protection against all methods of upbringing, that undermine his or her dignity; against physical, psychical or other types of violence; against all forms of influence, which go against his or her interests.
- (3) Every child has a right to protection against the use of children for purposes of begging, prostitution, dissemination of pornographic material, receipt of unlawful pecuniary income, as well as protection against sexual abuse.
- (4) Every child has a right to protection against forcible involvement in political, religious and trade union activities.

Article 23

The following shall constitute protection measures in a family environment:

1. provision of pedagogic, psychological and legal aid to parents and to persons, entrusted with parental functions, concerning problems with child rearing, upbringing and education;
2. referring persons to the centres for social rehabilitation and integration;
3. consulting and informing the child in accordance with the level of his or her development;
4. consulting the parents or the persons, entrusted with parental functions, on issues of social assistance and services;
5. provision of assistance with a view to improve living conditions;
6. conducting social work to facilitate child-parent relations and solution of relations conflicts and crises;
7. studying the individual abilities and interests of a child and referring him or her to a suitable educational establishment;
8. assistance in finding appropriate jobs for children in need thereof, who have reached the age of 16, under the conditions set forth by the labour legislation;
9. referring the child to appropriate activities to fill up his or her spare time;
10. assisting the adoptive parents in their preparation to assume their parental responsibilities, to complete the act of adoption, as well as protecting the child's rights in cases of termination of adoption.

Article 24

- (1) Assistance, support and services in a family environment shall be rendered by the municipal social assistance service upon request of parents, of persons, entrusted with parental functions, of the child, as well as by discretion of the municipal social assistance service.
- (2) Protection measures under para 1 may be rendered in combination with other protection measures pursuant to the present Act.

Article 25

A child may be placed to live out of his or her family in cases where his or her parents:

1. have passed away, are unknown or have their parents' rights divested or limited;

2. without valid reason permanently fail to provide care for their child;
3. are in a position of permanent inability to rear their child.

Article 38

Police protection is an urgent measure to be applied when:

1. the child has become subject of crime or there is an immediate threat for his or her life or health, as well as when there is a danger of the child getting involved in a crime;
2. the child has been lost or is in a helpless condition;
3. the child has been left without supervision.

Article 39

(1) The specialised bodies of the Ministry of the Interior may:

1. accommodate the child in special premises, where they shall not permit any contacts with the child that may prove harmful to him or her;
2. place the child in specialised institutions and where necessary provide him or her with food;
3. return the child back to his or her parents or the persons entrusted with the parental functions.

(2) The specialised bodies under para 1 shall inform the child and explain to him or her in an understandable manner the measures undertaken and the grounds for them.

Article 40

The police bodies, who have implemented the protection, shall notify immediately:

1. the child's parents;
2. the municipal social assistance service of the region where protection has been implemented;
3. the municipal social assistance service of the place of the child's residence;
4. the prosecution.

Article 41

The child may not remain under police protection longer than 24 hours.

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- 1 Republic of Bulgaria (2020) *National Statistical Institute, Population and Demographic Processes in 2019*. Available at <https://www.nsi.bg/en/content/18125/%D0%BF%D1%80%D0%B5%D1%81%D1%81%D1%8A%D0%BE%D0%B1%D1%89%D0%B5%D0%BD%D0%B8%D0%B5/population-and-demographic-processes-2019> (accessed 4 May 2021).
 - 2 European Institute for Gender Equality (2013) *Current situation of female genital mutilation in Bulgaria*. Available at <https://eige.europa.eu/publications/current-situation-female-genital-mutilation-bulgaria> (accessed 4 May 2021).
 - 3 *Ibid.*
 - 4 *International Covenant on Civil and Political Rights* (1966) United Nations Treaty Collection: Status of Treaties. Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en (accessed 4 May 2021).
 - 5 *International Covenant on Economic, Social and Cultural Rights* (1966) United Nations Treaty Collection: Status of Treaties. Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4 (accessed 4 May 2021).
 - 6 *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) United Nations Treaty Collection: Status of Treaties. Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=_en#9 (accessed 4 May 2021).
 - 7 *Convention on the Rights of the Child* (1989) United Nations Treaty Collection: Status of Treaties. Available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en (accessed 4 May 2021).
 - 8 Council of Europe (2021) *Chart of signatures and ratifications of Treaty 210, Convention on preventing and combating violence against women and domestic violence*. Available at <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=210> (accessed 4 May 2021).
 - 9 - Council of Europe (2021) *Chart of Signatures and Ratifications of Treaty 005, Convention for the Protection of Human Rights and Fundamental Freedoms*. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?module=signatures-by-treaty&treatynum=005> (accessed 4 May 2021).
 - Council of Europe (2021) *Reservations and Declarations for Treaty 005, Convention for the Protection of Human Rights and Fundamental Freedoms*. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/?module=declarations-by-treaty&numSte=005&codeNature=0> (accessed 4 May 2021).
 - 10 Georgi Gotev (2018) 'Istanbul Convention "unconstitutional" in Bulgaria', *EURACTIV*, 27 July. Available at <https://www.euractiv.com/section/future-eu/news/istanbul-convention-unconstitutional-in-bulgaria/> (accessed 4 May 2021).

Cover images: *Bulgaria* from Canva stock library.

Fahmi Riyadi (2020) *Woman in blue denim jacket wearing white hijab*. Unsplash image ID: 4PfQzNANADM.

Please note that the use of a photograph of any girl or woman in this report does not imply that she has, nor has not, undergone FGM/C.

This report analyses and discusses the application of national (criminal) laws to the commission of FGM/C and any possible related crimes. It also explores other legal factors deemed relevant, such as legal obligations to report the commission or likely upcoming commission of FGM/C, available legal protective measures for girls and women at risk of FGM/C, and any obligations of national governments in relation to FGM/C.

The initial research conducted for this report consisted of a questionnaire developed by 28 Too Many (part of Orchid Project) and Ashurst LLP. The information contained in the responses to that questionnaire was then reviewed by Middelburg Human Rights Law Consultancy, updated and used as the basis of further research from relevant sources. This report is mainly based on primary legal sources such as legislation, case law and authoritative literature, but does use secondary sources such as government documents, journal articles and newspaper articles.

This report has been prepared as a work of legal research only and does not represent legal advice in respect of any of the laws of Bulgaria. It does not purport to be complete or to apply to any particular factual or legal circumstance. It does not constitute, and must not be relied or acted upon as, legal advice or create an attorney-client relationship with any person or entity. Neither 28 Too Many, Orchid Project, Ashurst LLP and Middelburg Human Rights Law Consultancy nor any other contributor to this report accepts responsibility for losses that may arise from reliance upon the information contained herein, or any inaccuracies, including changes in the law since the research was completed in August 2021. No contributor to this report holds himself or herself out as being qualified to provide legal advice in respect of any jurisdiction as a result of his or her participation in this project or contribution to this report. Legal advice should be obtained from legal counsel qualified in the relevant jurisdiction/s when dealing with specific circumstances. It should be noted, furthermore, that in many countries there is a lack of legal precedent for the penalties laid out in the law, meaning that, in practice, lesser penalties may be applied.

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