



SUPPORTING THE SUSTAINABILITY AND AUTONOMY  
OF WOMEN'S ORGANIZATIONS PROVIDING SERVICES  
IN EASTERN EUROPE FOR WOMEN AND CHILDREN  
SURVIVORS OF DOMESTIC VIOLENCE

PROJECT CARRIED OUT BETWEEN JANUARY AND DECEMBER 2014

The report was prepared by the WAVE Team: Marion Lesur, Barbara Stelmaszek, Zeynep Topalan, with contributions from Rosa Logar, Aurora Perego and Maria Rösslhuber.

Financial support was provided by the Oak Foundation



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## IMPRINT



Women against Violence Europe (WAVE)  
Bacherplatz 10/6, 1050 Vienna, Austria  
Tel.: +43 (0) 15482720, Fax: +43 (0) 1548272027  
E-mail: [office@wave-network.org](mailto:office@wave-network.org)  
Website: [www.wave-network.org](http://www.wave-network.org)  
ZVR: 601608559

The report was prepared by the WAVE team: Marion Lesur, Barbara Stelmaszek, Zeynep Topalan, with contributions from Rosa Logar, Aurora Perego and Maria Rösslhumer

Copy editing: Kelly Blank

Place and Year of Publication: Vienna, February 2015

The WAVE Team would like to extend sincere thanks and gratitude to the following women's organizations and WAVE Focal Points for their dedication, cooperation and support in the development of this report.

Foundation United Women of Banja Luka – Bosnia and Herzegovina

Bulgarian Gender Research Foundation – Bulgaria

Autonomous Women's House Zagreb – Croatia

SOS Niksic Hotline for Women and Children Victims of Violence – Montenegro

Casa Marioarei Association against Violence – Moldova

Women's Law Center – Moldova

Autonomous Women's Center - Serbia

This project was funded by the OAK Foundation.



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## Women against Violence Europe

Women against Violence Europe (WAVE) is a European-wide feminist network NGO promoting human rights of women and children and working in the field of preventing and combating violence against women. WAVE's work focuses on advocacy, capacity building, exchange of information, research and networking. Based in Vienna, Austria, the network was founded in 1994. Today, the network comprises of more than 100 women's organizations and other organizations working in the field of combating violence against women across 46 European countries.

[www.wave-network.org](http://www.wave-network.org)

*“We must unite. Violence against women cannot be tolerated, in any form, in any context, in any circumstance, by any political leader or by any government.” - UN Secretary-General Ban Ki-moon.*

## FORWARD

Violence against women is endemic. There is no place in the world, where women are free and safe from violence. Women, unlike men, are more likely to experience violence in their home, a place, where they should feel at their safest, and most likely at the hands of their own partner, a person they love and should be able to trust. While there has been no global study conducted to estimate the true extent of violence against women, the recent study conducted by the European Agency for Fundamental Rights, measuring the extent of certain forms of violence against women, shows that at least one in three women across the European Union (EU) have experienced physical or sexual violence in their lifetime. This represents approximately 60 million women in the European Union. Due to various reasons, the rate is also likely underestimated. In some countries across all of Europe, national estimates have shown rates to be as high as 60% for certain forms of violence against women. Despite this, significant progress has been made in Europe in the last decades and the women's movement and women's civil society organizations have been at the forefront of combating violence against women, joined with state governments. The progress is both a sign and a hope in societies' capacity for real and positive change. In the future, if the efforts and cooperation between women's NGOs and the state are intensified, women will have better access to human rights, to live a life free from violence, to live in dignity and to realize their full potential.

Women's organizations have and continue to serve numerous roles in society and have historically been places, where women victims of violence have turned to for support. In addition to providing services for victims, women's organizations have been agents of social change, and supporting their work is a means of moving forward to build on the existing momentum in the area of preventing and combating violence against women and creating better and healthier societies.

This report aims to raise awareness about violence against women, its extent, causes and consequences, and link the autonomous women's service provision with helping women victims overcome violence and move on to live fulfilling lives, free of violence. Most often women seeking support from services are victims of coercive control, which is a pattern of abusive and violent behavior committed by perpetrators, meant to establish and maintain control over the victim. Women are most often victims of coercive control and men perpetrators thereof. The experience of such abuse and violence results in victims having specific needs that can only be met through autonomous, specialized and gender-specific services, applying specific principles and standards. Access to service provision is a right of women victims of violence.

Secondly, the report aims to provide a framework that supports the autonomy and sustainability of women's services, and as the focus of the report is on six countries (Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Serbia), it also provides an overview of the current situation in those countries in relation to the framework. Whenever possible, promising processes and practices that help to achieve aspects of the framework are identified, as are processes and practices from other European countries.

The report ends with a series of concluding observations made to provide both a summary, but also to stimulate discussion about ways in which the women's movement and the service provision that is a part of it can move forward, including challenges it faces and as well as areas upon which to focus for increased effectiveness.

## **OBJECTIVES AND METHODOLOGY**

This report focuses on the promotion of the work of women's organizations, more specifically feminist women's NGOs, who provide services to women survivors of violence and their children and to build knowledge in the area of ensuring sustainability and autonomy of women's organizations. The focus countries of this study are Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro and Serbia. The report is divided into three distinct, but interrelated parts.

Part I: The aim of Part I is to show the links between the dynamics of violence against women, more specifically, intimate partner violence (IPV), and the consequences of such violence that create certain needs of the women survivors. Part I also aims to show how specialized service provision, through specific principles and standards is the most effective means of meeting those needs. As violence against women is widespread and destroys the lives of women and their children, and since the journey to escape violence can be lengthy and complex, women and children cannot be left alone to deal with the consequences of the violence they suffered, and thus need comprehensive support to live healthy and meaningful lives free from the violence. Therefore, the report calls on State governments to recognize their obligation to meet the human rights of women to live a life free from violence by supporting the establishment and improvement of services run by independent women's NGOs, who historically hold the expertise to provide the most effective programs to support women affected by violence. Part I also includes definitions of different forms of violence, and explores the causes and consequences of violence, the prevalence of violence, the needs of survivors, principles and standards of service provision, and women's rights to services provision.

As Part I provides a theoretical basis for the report, it was drafted utilizing secondary research, international human rights documents and other documents relevant to the topics covered in this part. This included prevalence studies relevant to the studied countries, international and European human rights treaties and policy, research related to women's service provision, and sociological research. The different topics discussed are related to one another showing that combating violence against women is most effectively done by autonomous women's organizations that form or are part of the feminist movement.

Part II: The second part of the project consists of two main subparts: a model specifying areas supporting 'sustainability and autonomy' and country profiles. Based on the concepts of sustainability and autonomy, the objective of the first subpart is to provide a framework model with areas or indicators that serve as basis for structuring the subsequent country profiles of the project countries. The model and indicators informs about areas within national frameworks (e.g. legislation, policy, international processes, funding, cooperation, specialist standards for services) and how these impact the sustainability and autonomy of women's NGO service providers working on combating violence against women. The subsequent country profiles outline the current situation in each of the countries as related to each model area to show gaps and challenges, but also promising processes that have or are taking place to achieve or sustain the area. The goal here is to inform organizations forming the women's

movement about which areas of the national framework are most likely to support their own goals and work.

Part II was developed utilizing various research and documents on the achievements and goals of women's movement(s), expertise and documentation of WAVE, data collection conducted during a workshop with women's organizations from the project countries (in May 2014), experience of the women's movement in Austria, international and European human rights treaties and policy, as well as articles on the role of States in combating violence against women and the influence of international processes in States' meeting the obligations to promote, protect and fulfill women's human rights. Since the model serves as basis for the subsequent country profiles and analysis, as well as examples of promising practices, a more detailed explanation of the methodology and rationale for model areas (indicators) is provided in Part II of the report.

The country profiles were drafted to provide information on change over time as well as the current situation, where such possibility existed. The initial country profiles were drafted based on data provided during a workshop with women's organizations from the project countries (in May 2014). Additional information was supplemented with secondary research. As historical literature and documentation on the role of women's movement against violence is largely missing, so is documentation of the processes that took place in order to achieve the model on a national level. Where available, historical literature and research was utilized and compared to recent literature in order to further develop the country profiles, as well as other documents such as monitoring reports (e.g. CEDAW State and Shadow Reports, UNECE), among others. Sources utilized are cited as footnotes throughout the report. Lastly, the country profiles were reviewed by selected women's organizations in the six countries, with additional questions posed to clarify any gaps in data, prior to being finalized. As the country profiles also include information on processes or actions that took place in order to achieve a certain goal/result, these are differentiated in color (orange) throughout the texts of the country profiles.

Part III: The objective of the third part is to provide an overview of the six countries in form of summative text that also provides a comparative analysis of the situations under each area of the model, including information on challenges faced in establishing and maintaining the areas that support 'sustainability and autonomy' and relates some of the promising processes noted in Part II section on country profiles. Furthermore, promising practices noted in the six project countries are supplemented by several promising processes observed in other European countries that aim to support the areas of the model. Lastly, the section provides general concluding observations arising from the research that may be of use to organizations forming the women's movements in Europe to potentially stimulate both reflection, but also considerations of needed improvements in the future.

## **(PART I) VIOLENCE AGAINST WOMEN – EXTENT OF THE PROBLEM, CAUSES AND CONSEQUENCES**

Violence against women and girls is one of the most widespread forms of violation of human rights worldwide. It is the most severe expression of discrimination against women, a discrimination that affects a larger proportion of the world population than any other type of discrimination, or half of humanity. Although violence against women has always existed, it has only been in the recent decades, after women’s NGOs have brought the issue of violence against women to the public awareness, that violence against women has become recognized as gender-based violence and a human rights violation through international mechanisms.

### *Gender-based violence*

In 1992, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) defined violence against women as gender-based violence. In Article 6 of the UN CEDAW General Recommendation No. 19, gender-based violence is defined as “violence that is directed against a woman because she is a woman or that affects women disproportionately” and in Article 1 it is stated that “gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”<sup>1</sup>

In 2011, the Council of Europe adopted the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) as legally binding treaty to combat violence against women. Based on the definition of gender, which is socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men, the Convention addresses violence against women as gender-based violence and adopts the definition of CEDAW.<sup>2</sup>

### *Violence against women*

In 1993 the definition of violence against women was introduced in the UN Declaration on Elimination of Violence against Women and agreed upon internationally:

“The term violence against women means any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life... Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

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<sup>1</sup> European Union Fundamental Rights Agency (FRA). (2014). Violence against Women: an EU-wide survey. Pg. 9.

<sup>2</sup> The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. (12 April 2011). Article 3c, Article 3d.

(c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.”<sup>3</sup>

In 2011, The Istanbul Convention defined violence against women in Article 3 as a “violation of human rights and a form of discrimination against women and shall mean all acts of gender based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>4</sup>

### *Domestic violence*

Most violence committed against women and children occurs in the private sphere – in the family and in intimate relationships – and it was not before the 1970s that the extent of the phenomenon began to be revealed, as domestic violence slowly moved away from the domain of what constituted a ‘private’ matter. While this development occurred largely in Europe and the rest of the western world, domestic violence remains a taboo subject in many societies, and particularly so in places where women face obstacles to accessing their human rights.

The Istanbul Convention defines domestic violence as the following: “‘Domestic violence’ shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.”

### *Causes of violence against women*

Formulating a precise definition of violence against women is important in the international and national legal and policy documents in order to end violence against women, as recognizing the act as gender-based should guide State measures to combat violence against women effectively. Another important step is to elaborate the causes of violence against women. To understand the causes of violence against women, one should pay attention to the historical and social context. Definitions by international organizations tell us the power imbalance between women and men is the root cause of violence against women. The United Nations Declaration on the Elimination of Violence against Women (1993) states that “‘violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women...Violence against women is one of the crucial mechanisms by which women are forced into a subordinate position compared to men.”

Research carried out on the causes of violence against women and the results show various factors that operate at multiple levels. Violence against women is result of intersections of multiple factors such as social, cultural and legal norms. For instance, cultural norms endorsing male dominance, toughness and honor, women’s economic dependency, traditional division of labor in the family as well as poor relationship skills and sexist attitudes towards

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<sup>3</sup> Women against Violence Europe (WAVE). (2006). Bridging Gaps: From Good Intentions to Good Cooperation-Manual for Effective Multi-Agency Cooperation in Tackling Domestic Violence. Pg. 7.

<sup>4</sup> The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. (12 April 2011). Article 3a.

women in individual relations may be factors in violence.<sup>5</sup> Therefore, it is important to understand that attributing individual factors only such as alcohol and drug use and mental illness cannot explain the causes of violence against women alone, but can be noted as risk factors.

It is important not to forget that patriarchal gender roles limit women's roles to the private sphere, mainly as wives and mothers. This might be read as one of the reasons for violence against women and a justification of violence by the dominant gender. There seems to be a high correlation between being women and seen as passive subjects in society and women's subordination and violation of their rights by the active subjects of society.

As intimate partner violence is the most common form of violence against women, it might be helpful to recall the 'wheel of power and control' which is a tool aimed to provide understanding of the overall pattern of abusive and violent behaviors committed by perpetrators in order to establish and maintain control over women. The term coercive control has been given to a form of violence against women in close or intimate partner relationships that is based in patriarchal structures, most often perpetrated against women by men, and that results in severe physical and psychological consequences, such as injuries and mental illnesses, and that also puts women at higher risk of femicide. A significant percentage of women victims of femicide were coercively controlled. This type of violence is more frequent and more severe than other types of violence. Women, who experience coercive control are also likely to experience rape or sexual violence. Women victims seeking help from support services or institutions, as well as women applying for protection orders are most often victims of coercive controlling violence by their intimate partner.<sup>6</sup> The below graphic shows the Power and Control Wheel developed by the Domestic Abuse Intervention Program in Duluth, Minnesota with co-founders Ellen Pence and Michael Paymar, showing some of the main tactics that abusers use to maintain control over victims.

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<sup>5</sup> Htun, M. and Laurel Weldon, S. (2012). The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. *American Political Science Review*, 106(3), Pg. 549-550.

<sup>6</sup> Kelly, Joan B. and Michael P. Johnson. (July 2008). Differentiation among Types of Intimate Partner Violence: Research Update and Implications for Interventions. In: *Family Court Review*. Vol. 46. No. 3. Pg. 476-499.



### *Prevalence of violence against women in Europe*

As violence against women in Europe has received increased attention in the last decades, a number of studies have aimed to highlight the extent of the phenomenon in the European Union and on national level. Released in 2014 by the European Union Fundamental Rights Agency (FRA), the much-awaited study presented ‘EU-wide data for the first time, on the extent, nature and consequences of violence against women in all 28 Member States of the EU.’<sup>7</sup> Based on information collected through interviews conducted with 42,000 women in the European Union, one in three women (33%) has experienced physical and/or sexual violence since the age of 15. Eight percent of women have experienced physical and/or sexual violence in the last 12 months, and twenty-two percent have experienced physical and/or sexual violence by a current or previous partner since the age of 15.<sup>8</sup>

<sup>7</sup> European Union Fundamental Rights Agency (FRA). (2014). Violence against Women: an EU-wide survey. Pg. 7.

<sup>8</sup> Ibid. Pg. 21.

The rates of prevalence of violence against women show and remind us that violence against women is ever present. Violence against women continues to be a significant issue affecting women’s lives, and will require serious commitment and meaningful efforts by all stakeholders. As this particular project aims to focus on six countries (Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro and Serbia), prevalence of domestic violence and intimate partner violence in these countries should be mentioned as well. (The data comes from various surveys, none of which utilize the same methodologies and hence the rates of prevalence are not comparative among the countries).

*Bosnia and Herzegovina*<sup>9</sup>: The most recent research ‘Prevalence and Characteristics of Violence against Women in Bosnia and Herzegovina’ was conducted by the Agency for Gender Equality of the Ministry for Human Rights and Refugees in 2013. The survey was carried out on a sample of 3,300 households and adult women in the country. The research analyzed four main forms of violence: physical, psychological, sexual and economic violence. According to the research findings, 47.2% of the women surveyed have experienced at least one form of violence since the age of 15. The percentage is 47.2% for Federation of Bosnia and Herzegovina and 47.3% for the Republika Srpska.

Intimate partner violence in Bosnia and Herzegovina					
Physical violence		Sexual violence		Psychological violence	
Last 12 months	Lifetime	Last 12 months	Lifetime	Last 12 months	Lifetime
	<b>20.8%</b>	<b>1.3%</b>	<b>5.1%</b>		<b>39%</b>

*Bulgaria*<sup>10</sup>: The most recent prevalence study in Bulgaria comes from the findings of the above mentioned survey from the European Union Agency for Fundamental Rights, which was conducted with 1,507 women. According to the findings, 23% of the women surveyed have experienced intimate partner violence, and physical and/or sexual violence since the age of 15. The rate of domestic violence is 14% (physical and/or sexual violence). Furthermore, 6% of the women have experienced physical and/or sexual violence in the 12 months before the interview by their current and/or previous partners.

*Croatia*<sup>11</sup>: The most recent report on prevalence of violence was conducted in 2014 as a part of the aforementioned survey by the European Union Agency for Fundamental Rights. The survey was carried out with the sample of 1,505 women. According to the findings, 13% of the women surveyed have experienced physical and/or sexual violence in their lifetime by their current and/or previous partners, and 13% of the women surveyed have experienced domestic violence (physical and/or sexual violence) in their lifetime. Furthermore, 3% of women have experienced physical and/or sexual violence in the last 12 months by their current and/or previous partners.

<sup>9</sup> The Agency for Gender Equality of Bosnia and Herzegovina. (2013). Prevalence and Characteristics of Violence against Women in Bosnia and Herzegovina. Pg. 12-13.

<sup>10</sup> European Union Fundamental Rights Agency (FRA). (2014). Violence against Women: an EU-wide survey. Pg. 28, 34, 174.

<sup>11</sup> Ibid.

*Moldova*<sup>12</sup>: The most recent prevalence study was conducted in 2011 in Moldova. The survey was conducted with 1,575 households. The respondents were women aged 15-65. Cumulative intimate partner lifetime rate for psychological, physical or sexual violence was 63.4%, while the cumulative rate for the last 12 months was 26.8%.

Intimate partner violence in Moldova*					
Physical violence		Sexual violence		Psychological violence	
Last 12 months	Lifetime	Last 12 months	Lifetime	Last 12 months	Lifetime
<b>9%</b>	<b>40%</b>	<b>4%</b>	<b>19%</b>	<b>26%</b>	<b>60%</b>

\*Victims were women and perpetrators men and/or women

*Montenegro*<sup>13</sup>: A national survey on prevalence of violence against women has not been conducted in Montenegro. However, a number of minor studies and surveys exist on the issue. As an example, research called ‘Study on Family Violence and Violence against Women in Montenegro’ was conducted in 2012. The interviews were conducted over the phone with both women and men. According to the findings, 13% of respondents have been exposed to some form of family violence, with men more likely to be the perpetrators. 64% percent of women have experienced intimate partner violence in their lifetime.

*Serbia*<sup>14</sup>: The most recent survey on prevalence of violence was carried out in 2010 in Serbia with a title of ‘Mapping of Domestic Violence against Women in Central Serbia’. The survey was conducted to guide the development of the National Strategy for Preventing and Combating Violence against Women and Domestic Violence. Data was collected from 2,500 households with women aged 18-75. According to the findings, 54.2% of the women in Serbia have experienced domestic violence in their lifetime, while 37.5% have experienced domestic violence in the last 12 months.

Domestic violence - includes intimate partner violence in Serbia*					
Physical violence		Sexual violence		Psychological violence	
Last 12 months	Lifetime	Last 12 months	Lifetime	Last 12 months	Lifetime
<b>10.1%</b>	<b>21.6%</b>	<b>1.2%</b>	<b>3.8%</b>	<b>31.8%</b>	<b>48.7%</b>

\*Victims are women and perpetrators are men and/or women

### *Consequences of violence against women*

Violence against women results in serious consequences both for women survivors of violence and for society. The consequences vary at the individual level and societal level. Women survivors of violence endure negative personal, physical, psychological, mental, familial, social and financial consequences, when they suffer from violence.<sup>15</sup>

<sup>12</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 184-185.

<sup>13</sup> Ibid. Pg. 192.

<sup>14</sup> Ibid. Pg. 232-233.

<sup>15</sup> Women against Violence Europe (WAVE). (2004). Away From Violence - Guidelines for Setting Up and Running a Women’s Refuge. Pg. 11.

Individual level consequences for survivors of violence might occur as either immediate reactions (short-term responses and also called emotional responses), or long-term psychological consequences that can emerge and persist for some time.<sup>16</sup> As to emotional responses, research shows that it is common for victims of sexual violence to be fearful, to feel ashamed, embarrassed and/or guilty. The most common long-term psychological consequences of physical and/or sexual violence are anxiety, feeling vulnerable, and a loss of self-confidence that are more common as a result of intimate partner violence than non-partner violence.<sup>17</sup>

According to a report published by the World Health Organization on prevalence and health effects of intimate partner violence and non-partner sexual violence, violence against women has severe health consequences. Health outcomes such as HIV infection, sexually transmitted infections, abortion, low birth weight, premature weight, growth restriction in utero and/or small gestational age, alcohol use, depression and suicide, injuries and death from homicide were noted. However, other physical, mental and sexual and reproductive health effects such as adolescent pregnancy, abdominal pain, chronic pain, disability, anxiety and post-traumatic stress were also noted and linked to intimate partner violence.<sup>18</sup>

Women experiencing domestic violence, especially after a separation, are vulnerable to poverty for several reasons. In the majority of cases they are without financial means and without a place to live, and access to the labor market is especially difficult. The situation is even more precarious for women with a migration background. Often their subsistence and their right to stay in the country depend entirely on the abuser, and as a consequence they frequently stay with their abusive partners or have to return to them.<sup>19</sup> For many women with children, the decision to leave a violent partner means starting life as a single mother and thus facing the highest poverty risk. If their migration status is dependent upon the relationship, separation or divorce often result in women losing their financial security, social contacts and the legal basis that grants them the right to stay in the country.

The complex network of patriarchal power structures and a symbolic order that is associated with socioeconomic disadvantages for women is not only an underlying cause of greater (risks of) poverty among women that has to be analyzed and understood, it is also necessary to see its link to those spheres of life that are traditionally regarded as women's places: the fact that women often are in charge of unpaid care duties is one of the main reasons for the higher risks and levels of poverty among women. It still is often taken for granted that mothers, daughters (in law) or sisters will do care work without pay.<sup>20</sup>

As many women that have experienced violence are affected in terms of emotional and psychological wellbeing, society itself is also affected. Namely, lack of self-determination, self-confidence, and self-development affect victims' ability to participate in public life. Since

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<sup>16</sup> European Union Fundamental Rights Agency (FRA). (2014). Violence against Women: an EU-wide Survey. Pg. 56.

<sup>17</sup> Ibid. Pg. 57.

<sup>18</sup> World Health Organization (WHO). (2013). Global and Regional Estimates of Violence against Women- Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence. Pg. 21.

<sup>19</sup> Women against Violence Europe (WAVE). (2009). The Poverty Risks of Women Affected by Violence and their Children - Report of the Socioeconomic Situation in Austria. Pg. 13.

<sup>20</sup> Ibid. Pg. 9.

women serve many roles in society, it hurts the overall health of society if women as a group are marginalized and cannot realize their full potential.

### **1.1. Needs of Women Survivors of Violence and Their Children**

In order to design services specialized to support women survivors of violence and their children, it is necessary to elaborate on the needs of the women survivors. The present needs themselves must be understood within the context of intimate partner or domestic violence and coercive control (see ‘wheel of power and control’), and how the traumatic experiences result in needs that must be met through specialized and individualized support for survivors. Intimate partner violence is the most common form of violence against women, and unlike other forms of violence, it can involve coercive control.<sup>21</sup> Through coercive control, the perpetrator aims to control the woman’s movement, habits, resources and vulnerabilities as a means of undermining her physical and psychological integrity. This is a concept developed by Evan Stark. Coercive control has the aim to limit a woman’s options and her ‘space for action’ (see below). The woman’s options and spaces for action present areas of autonomy or ‘safety zones’ which are challenged and limited by the perpetrator in the process of coercive control.<sup>22</sup> It is therefore precisely the role of specialized services to provide women survivors of violence and their children with areas of autonomy or ‘safety zones’.

Living in a violent relationship or being subjected to violence means leading a life of fear and insecurity. Even in the presence of psychological violence only, women do not feel safe. Suffering from intimate partner violence is further magnified because the person inflicting the violence is someone the victim has loved and trusted.<sup>23</sup> This emotional link, likely further compounded by financial insecurity and shame, among others, is the reason women stay in violent relationships, only to be questioned by those lacking sensitization as to why the woman did not leave. Women survivors of violence are further subjected to secondary victimization through victim-blaming attitudes directed at them for remaining in the violent relationship. Women who eventually find the strength to leave a violent relationship find the path extremely difficult, especially following long-term isolation, which is common in intimate partner violence. Further challenges include lack of a supportive environment as well as lack of employment, fear of safety for her children, and diminished self-esteem. The combination of elements and aspects results in a set of needs attributed to women survivors of violence, which can only be met through specialized service provision.

Every human being has the right to bodily integrity and bodily health as well as psychological and emotional well-being, freedom of expression and opportunities for development,<sup>24</sup> including space for action.<sup>25</sup> According to U.S. philosopher Martha Nussbaum, these are some

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<sup>21</sup> Women against Violence Europe (WAVE). (2004). Bridging Gaps: From Good Intentions to Good Cooperation – Manual for Effective Multi-agency Cooperation in Tackling Domestic Violence. Pg. 6.

<sup>22</sup> Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 11-12.

<sup>23</sup> Women against Violence Europe (WAVE). (2004). Bridging Gaps: From Good Intentions to Good Cooperation – Manual for Effective Multi-agency Cooperation in Tackling Domestic Violence. Pg. 17.

<sup>24</sup> Women against Violence Europe (WAVE). (2009). The Poverty Risks of Women Affected by Violence and their Children: Report on the Socio-economic Situation in Austria. Pg. 7.

<sup>25</sup> Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 11-12.

of the prerequisites to living a fulfilling life, and an environment free from violence is essential to utilize one's capabilities and to lead a self-determined life.<sup>26</sup>

The needs of women survivors of violence often include the following:

*Information about access for help and available services:* According to the recently published European Union-wide survey on violence against women, women survivors of violence are not always aware of the services available to them and rarely seek help, even after experiencing the most severe incident of violence. The reason for this depends on the country in which the women live (as service provision availability differs among European Union Member States), or the level of awareness, but both reflect the resource capacities of the specialized services.<sup>27</sup>

*Ability to speak to someone about the situation<sup>28</sup> and moral support:<sup>29</sup>* Women are often hesitant to speak about the abuse they experience due to the prevailing attitude of shame associated with domestic violence. At the same time, disclosing the violence is the first step towards leaving a violent relationship.<sup>30</sup>

*Support with children:* Children are often directly or indirectly affected by the violence, either by being abused by the father or by the woman's partner, or by witnessing the violence against the mother. They are in need of support to overcome the trauma. The trauma may equally impact the relationship between the mother and the child, which would have to be strengthened following the experience of violence.

*Assistance with practical affairs:<sup>31</sup>* This may include legal affairs related to divorce, child custody, or financial support, as well as documentation and paper work, among other practical support.

*Information about violence, including awareness of gender stereotypes and patriarchal attitudes:* It is important for women survivors to recognize the dynamics of violence and how it manifests. This enables reflection and learning strategies to resist violence in the future, while at the same time further developing the woman's agency to choose her path in life towards freedom from violence.<sup>32</sup>

*Material support:* This may include access to financial resources, access to education/training, and accommodation, among other support types.

*Ending vulnerability to poverty:* Women who experienced violence are at a significant risk of poverty due to numerous reasons. In some cases, women are without accommodation when

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<sup>26</sup> Women against Violence Europe (WAVE). (2009). The Poverty Risks of Women Affected by Violence and their Children: Report on the Socio-economic Situation in Austria. Pg. 7.

<sup>27</sup> European Union Agency for Fundamental Rights (FRA). (2014). Violence against Women: An EU-wide survey. Pg. 65-69.

<sup>28</sup> Ibid. Pg. 69.

<sup>29</sup> Ibid.

<sup>30</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 4-7.

<sup>31</sup> European Union Agency for Fundamental Rights (FRA). (2014). Violence against Women: An EU-wide survey. Pg. 69.

<sup>32</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 4-7.

they need to leave the home they have shared with the perpetrator, or are not safe in their own home, when the perpetrator knows where the victim resides. Furthermore, access to the labor market is especially difficult, while for women who are employed, there is a risk of losing their job. Certain groups of women are further vulnerable to poverty, for example, migrant women, women with restricted physical mobility, and women with mental or physical illnesses, as they can be further marginalized in society due to their status. The ending of vulnerability is two-fold, in that it requires services that support women in accessing social benefits, while at the same time, a social structure must be in place to ensure the ability of women survivors of violence to qualify for the benefits. Additionally, on the level of society, issues such as occupational segregation, unequal pay, reconciliation of work and family life, as well as discrimination against women in the workplace must be addressed.<sup>33</sup>

*Supporting and trust-building environment:* In order to seek and accept help, women must find themselves in an environment where they are believed and supported, which in turn leads to the development of a trusting relationship.<sup>34</sup>

*Clear stance against abuse:* Women survivors of violence need to be aware that the violence against them was not a result of their actions; instead, the perpetrator, and only the perpetrator, can be responsible for the violence to which the woman was subjected.<sup>35</sup>

*Empowerment:* One of the reasons women who have experienced violence, are referred to as survivors, and not as victims, is because of the coping skills they utilized in order to avoid or minimize the violence. At the same time, violence and coercive control can result in the woman's loss of self-esteem. The need for empowerment entails the recognition of their survival skills and an environment that is conducive to rebuilding the woman's self-esteem.

*Adequate legal framework:* Women survivors of violence depend upon a strong and effective legal framework when seeking protection and provision of redress. Legal frameworks also play an equal role in ending women's vulnerability. While the effectiveness of a legal framework in place is outside of the control of specialized services, specialized services enable women survivors to navigate the existing legal frameworks through aid and advice. At the same time, specialized services are not responsible for the framework in place; however, their role as actors of social change enable some level of influence in contributing to amending, where necessary, the legal framework.<sup>36</sup>

As specialized service provision should be meant to meet the needs of women victims of violence, it is considered life-saving, and supports women in establishing a meaningful and healthy life, free from violence. The following are statements from women survivors of violence discussing their needs and/or experiences with service provision:

*"... To be a woman victim of war, while also being a mother, a wife, a daughter and a sister, is a burden that we who survived such events must live with. You all talk about rights and*

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<sup>33</sup> Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 102-116.

<sup>34</sup> Ibid. Pg. 34, 67-77.

<sup>35</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women's Refuge. Pg. 21.

<sup>36</sup> Women against Violence Europe (WAVE). (2009). The Poverty Risks of Women Affected by Violence and their Children: Report on the Socio-economic Situation in Austria. Pg. 13.

*justice for victims, but in reality those are absent from our everyday lives. In order for us to fulfill any of those rights, we have to go from one institution to another, speak about our painful past and explain who we are... Many women victims of war do not have access to proper housing. They are unemployed and their children find no support for education... In such families, even greater traumas are generated, sometimes leading women to have suicidal tendencies... I ask you to do everything possible to improve the lives of victims and to empower them economically... Only once we are safe and secure, once we have homes, and once our children can go to school and find employment without problems, will our burden feel lighter. Until then, we will not only be victims of war, but also victims of peace... ”<sup>37</sup>*

– Bosnia and Herzegovina –

*“I am 42 years old and have a 15 year old daughter. I, along with my daughter, suffered physical, psychological and economic abuse at the hands of my partner for 14 years, which started when I was pregnant... I had no support from my family, was unemployed and my physical and psychological health was severely affected, and I had visible signs of abuse on my face and body... My daughter and I are currently accommodated at the shelter and have received economic aid and healthcare, and I have been referred to employment programs offered by state institutions... I hope I will soon find a job and will then be able to rent a place for myself and my daughter, in order for us to continue a normal life.”<sup>38</sup>* – Albania –

*“I spent 12 years in an abusive relationship, with a husband who beat me, abused me and humiliated me continuously... I decided to for once escape the violence, when my husband attempted to murder me... During my marriage, my world was broken. I was always nervous, fearful and felt isolated... The violence also impacted the relationship between my son and I... The psychological counseling I received helped me regain my self-confidence and independence, which helped me overcome many fears... [Now] I work, earn money and am able to sustain my family by myself.”<sup>39</sup>* – Armenia –

*“One day, I left my violent husband and fled to a friend... She took me to a police station, where I was informed about the possibility of staying at a women’s shelter. When I went to the shelter for the first time, I did not know what to expect, everything was new and I just hoped I would receive help for my situation... I had a quiet room at the shelter, where I could stay, and finally got some sleep, and that in itself was amazing for me... It was comforting to see that the work [shelter staff] did was more than just a job for them, that they put their heart into it, I still remember this to this day... ”<sup>40</sup>* – Austria –

## **1.2. Principles and Standards of Service Provision for Women Survivors of Violence and Their Children**

In order to meet the needs of women survivors of violence and their children, the services should follow certain standards and principles. In providing specialist services, the state must recognize the link between dynamics of intimate partner violence against women, consequent needs and how the services should be set up in order to meet those needs:

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<sup>37</sup> Ibid. Pg. 56-57.

<sup>38</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 32.

<sup>39</sup> Ibid. Pg. 36.

<sup>40</sup> Ibid. Pg. 40.

*Specialized services with a gender-based approach to combating violence against women, including women supporting women:* Domestic violence or intimate partner violence is a gendered phenomenon with which generic social services are not equipped to deal with. It is necessary therefore to develop a system of specialized women's support services that work solely in the field of combating gender-based violence against women.<sup>41</sup> It is largely understood that, just as different types of physical illnesses require different types of specialist medical assistance, violence against women requires specialist support that takes into account its specific root causes, forms and impacts on the lives of women. Specialized services for women survivors of violence also provide support tailored to the specific needs of target groups depending on their age, migration status, physical mobility, education or employment background.<sup>42</sup> As such, special attention is given to address the needs of specific groups of women, such as young and elderly women, migrant and undocumented migrant women, asylum-seeking and refugee women, women from minority ethnic groups, or women with disabilities.<sup>43</sup> Since the needs of survivors may differ according to the type of violence suffered, these must be met with support from specialized services such as rape crisis centers, young women's shelters, women's shelters for survivors of forced marriage, and centers for women from minority ethnic groups, among others.<sup>44</sup> Specialized service provision for women survivors of violence, and further individualized and tailored support is important as women, who reach out to services often have complex needs which may include addressing mental health, addictions, physical illnesses, including HIV/AIDS, among others.<sup>45</sup> There is preference for services run by women and supporting women only, as gender-based violence affects women disproportionately, the spaces should be reserved for women.

*Independence and social change:* Because the rights and needs of the women who benefit from support services should always remain at the center of the work of organizations providing services, women's support services should ideally remain outside of the influence of state authority as well as religious groups, or other institutions.<sup>46</sup> Autonomy of services ensures that these remain available for all women, irrespective of their legal status, origin, social or religious background, and be based on feminist principles. Independence of outside influence also enables women's organizations to speak freely and provide honest consultation (e.g. to government officials) regarding improvements necessary in existing frameworks, such as ineffective areas of legislation or identifications of gaps in the system in place to combat violence against women. Independent women's organizations are able to not only effectively support survivors, but also influence positive social change. The role of women's specialized services goes far beyond the provision of services, and their role in bringing about social change should be acknowledged. Since the onset of the women's shelters movement in Europe in the 1970s, women's services have been at the forefront of the struggle for women's rights, and intense work of activism has led to important milestones. By working to eliminate

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<sup>41</sup> Women against Violence Europe (WAVE). (2004). *Away from Violence: Guidelines for Setting Up and Running a Women's Refuge*. Pg. 17. See also: Kelly, Liz et al. (2014). *Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence*. Pg. 83-84.

<sup>42</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). *Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence*. Pg. 21.

<sup>43</sup> Women against Violence Europe (WAVE). (2014). *Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support?* Pg. 14.

<sup>44</sup> Ibid.

<sup>45</sup> Global Network of Women's Shelters (GNWS). (2014). *Global Shelter Data Count 2013*.

<sup>46</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). *Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence*. Pg. 22.

preconceptions, stereotypes, attitudes and behavior patterns that foster violence, services work at creating more democratic and peaceful societies for all.

*Crisis support and long-term services:* In order to overcome the experience of violence, women must receive immediate support that is ongoing and over the long term, as the journey to a life free from violence is often complex and lengthy. The support must continue until the woman feels autonomous and independent, and in control of her life.<sup>47</sup>

*Proactive and ongoing support:* There are numerous reasons why women survivors of violence may not reach out for support and for this reason, proactive services initiating the contact are important. As soon as women report violence, service providers should try to establish contact with the woman as soon as possible in an effort to provide her with information and also to build a relationship of trust, as well as to encourage the victim to continue with the support. At the same time, it must be respected that the decision whether to accept help must be made freely by the woman herself.<sup>48</sup> Should the woman agree to receive support, it should become ongoing and not end after the emergency intervention.

*Protection, safety and security. Safe accommodation:* The safety and security of women survivors and their children, as well as of the staff working at support services, is paramount. Women seek refuge at women's shelters not only to escape a violent situation, but also to hide themselves and their children from a violent perpetrator. A number of threatening and violent examples involving perpetrators coming to women's refuges and severely injuring or killing them as well as other women residents or staff members, illustrate not only the importance of comprehensive and coordinated safety security measures, but also the importance of places providing accommodation for women survivors of violence and their children.<sup>49</sup>

*Training and cooperation with law enforcement:* Training and cooperation with law enforcement includes safety planning and risk assessment with the police, training of professionals in the police to identify and respond to cases of domestic violence, and gender-sensitive training of lawyers and judges to better respond to relevant cases. Training and cooperation with law enforcement is essential to guarantee the safety and security of survivors and staff, as well as to enable women's survivors of violence access to justice.<sup>50</sup>

*Legal, social and financial aid:* Women survivors of violence may need support in civil proceedings such as applying for a civil protection order and/or court accompaniment. In cases of criminal proceedings, women may need additional support, including court accompaniment. Migrant women with dependent or irregular residency status may also need legal aid and advice related to their situation. Additionally, to limit women's vulnerability, especially in situations of unemployment or underemployment, women need support in accessing financial aid from the state.

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<sup>47</sup> Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 38-40.

<sup>48</sup> Logar, Rosa. Good Laws are not enough: Experiences from Austria in developing a comprehensive intervention system to prevent violence against women and support survivors. Pg. 11.

<sup>49</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women's Refuge. Pg. 66.

<sup>50</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence.

*Psychological and medical support:* The consequences of repeated abuse and victimization are difficult to overcome, both mentally and physically. Severe injury may have long-term consequences, therefore, it is necessary to offer of psychological and medical services.<sup>51</sup>

*Support for children:* Children are always affected by violence against their mothers, as witnesses and also often by experiencing abuse themselves. As a result, children of women survivors of violence require special attention and comprehensive and high-quality specialized support – this includes crisis intervention, psycho-social, pedagogic and therapeutic work. Women’s specialized support services should therefore have adequately trained staff and resources to support children (according to their age and needs) to regain physical and emotional safety, improve their mental and emotional health and well-being, support the mother and child relationship and to help children regain and enjoy their childhood.<sup>52</sup> Furthermore, research and practice show that children who have experienced domestic violence are at higher risk of becoming victims or perpetrators, for this reason, they should receive support to help them deal with the traumatic experiences. Therefore, it is also very important that women are able to bring their children with them, for example, if staying in a shelter.<sup>53</sup>

*Availability 24/7:* Violence can happen at any time. Women fleeing from violence should be able to reach services (especially shelters) 24 hours per day to ensure emergency protection and immediate support. At the same time, going to a shelter is not often the first step women survivors of violence take, instead, they contact a helpline, which should also be available 24/7.<sup>54</sup>

*Fair access and free of charge:* Support should be available free of charge, and be equally distributed across regions, with one shelter place per 10,000 inhabitants. Since violence can happen at any time of the day or night, services should be available 24/7, and there should be no limitation to the time women can benefit from services – this is particularly relevant to stays at women’s shelters, which should be unlimited, or extensions of accommodation should be considered based on individual cases.<sup>55</sup> Regional distribution is especially important as women in rural areas or difficult to reach areas often lack access to services as they are more likely to be available in larger cities/urban areas.<sup>56</sup>

*Diversity and non-discrimination:* All support services should respect the diversity of women, which should be valued and encouraged. There should be no discrimination in access to services by women based on nationality, ethnicity, race, class, age, disability, religion, culture, sexual orientation, or other background.<sup>57</sup> Diversity among women working at

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<sup>51</sup> Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 78-82.

<sup>52</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women’s Refuge. Pg. 42-43.

<sup>53</sup> Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 88-92.

<sup>54</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women’s Refuge. Pg. 22.

<sup>55</sup> Women against Violence Europe (WAVE) and Women’s Law Center. (2014). Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence. Pg. 27.

<sup>56</sup> Global Network of Women’s Shelters (GNWS). (2014). Global Shelter Data Count 2013.

<sup>57</sup> Women against Violence Europe (WAVE). (2006). Bridging Gaps – From good intentions to good cooperation. Pg. 28.

women's services should also be seen as an important asset, as they can offer additional language skills as well as a better understanding of the specific backgrounds (including cultural) of service users.<sup>58</sup> Women service users often come from a variety of backgrounds and from different communities, as well as have different experiences of violence. This includes women from minority ethnic groups, women with disabilities, younger or older women, women exposed to violence in the name of 'honour', women escaping forced marriage, undocumented migrant women, women with no economic resources, among other groups of women and women facing other difficult and challenging situations.<sup>59</sup> Specialized women's services have to offer additional language support and a better understanding of the specific backgrounds of migrant women.<sup>60</sup>

*Advocacy and support:* Women survivors of violence need support all throughout their long journey to recovery and empowerment. For this, they need services that help them manage the different processes, such as legal proceedings, and coordinate the interventions.<sup>61</sup> Support services provide survivors with a wide range of services, and when they do not provide these services in-house, they refer beneficiaries to other organizations where specific support can be provided – (e.g. legal advice/aid in the area of migration issues/visa or criminal law).<sup>62</sup> Support services which provide advocacy and additional support ensure that women receive the most comprehensive and appropriate support possible.

*Empowerment and autonomy:* Violence is a traumatic experience that involves a strong feeling of powerlessness and dependency. The role of support services focuses on helping women survivors overcome this sense of powerlessness, so they can lead a self-determined life again. By evidencing the dynamics behind domination and violence, and enabling women to develop strategies to resist violence effectively, services aim to increase women's access to their right to live a life free from violence.<sup>63</sup> The aim of all service provision for women survivors of violence is to empower them through ensuring information about and access to rights and entitlements, as well as to utilize their own skills to rebuild their life. Each woman's right to autonomy and self-determination should be promoted in order to enable women to regain control over their lives.<sup>64</sup>

*Multi-agency work, coordinated response and holistic approach:* Women who have been victimized have many short-term and long-term needs; these include access to information and help, safe accommodation, legal and psychological support, social and financial aid, medical support, and many others. In order to provide full, comprehensive and effective response to violence, support services need to work together with other relevant institutions (state/governmental agencies, other NGOs, social services) to assist each woman

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<sup>58</sup> Women against Violence Europe (WAVE). (2004). *Away from Violence: Guidelines for Setting Up and Running a Women's Refuge*. Pg. 21.

<sup>59</sup> Global Network of Women's Shelters (GNWS). (2014). *Global Shelter Data Count 2013*.

<sup>60</sup> Women against Violence Europe (WAVE). (2004). *Away from Violence: Guidelines for Setting Up and Running a Women's Refuge*. Pg. 22.

<sup>61</sup> Women against Violence Europe (WAVE). (2006). *Bridging Gaps – From good intentions to good cooperation*. Pg. 27.

<sup>62</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). *Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence*. Pg. 29.

<sup>63</sup> Women against Violence Europe (WAVE). (2004). *Away from Violence: Guidelines for Setting Up and Running a Women's Refuge*. Pg. 19.

<sup>64</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). *Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence*. Pg. 36.

individually.<sup>65</sup> Specialized women's services are embedded in a network of institutions and services, which can be supportive. Networking should therefore take place on two levels: among women's NGOs and support services and through inter-agency cooperation. Furthermore, cooperation between governments and support services should be implemented in order to produce satisfactory results.<sup>66</sup>

*Confidentiality and anonymity:* In order to protect a woman's rights and her integrity, it is necessary that she be entitled to decide which information about her is passed on to others. In this regard, no information should be distributed by specialized services without the woman's consent. In exceptional circumstances when a woman's right to confidentiality is limited – for instance, if there is threat to the health or security of the woman and her children – it is also essential that she be adequately informed.<sup>67</sup>

*Governance and accountability:* This is one of the most important areas, as the way an organization is managed and functions reflects upon all areas of the organization, including service provision, which has an impact on beneficiaries.<sup>68</sup> Services should always be accountable to the women using them, and to society in general, which includes that its conduct should be transparent and comprehensible.<sup>69</sup> Governance also requires staff to be well trained, professional and sufficiently remunerated. The work with women survivors of violence and their children is challenging, especially that 'women seek help when the situation is coming up to a really dangerous point. [This delay] of disclosure concerning domestic violence incidents turns [the service providers] duty to an enormous task as it is harder for victims to recover from chronic abuse compared with victims that just entered a violent relationship.'<sup>70</sup> At the same time, women's service providers have responsibilities and must answer to the women and their children, to the organization and its members and to society in general.

*Participation and consultation:* Participation of staff and beneficiaries of support services, as well as cooperation between them, is essential to ensure fair decision-making and democratic structures. Participation and consultation should be applied in both provision and evaluation of services.<sup>71</sup>

*Privacy and individuality, good capacity and location:* Enabling women to recover from traumatic experiences also involves providing an environment that offers opportunities for solitude and rest, which is especially relevant to the life in women's shelters. In shelters, this would entail that women are given enough space for themselves and their children (for instance in rooms, or the use of bathrooms) to maintain some level of privacy in a shared

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<sup>65</sup> Ibid.

<sup>66</sup> Women against Violence Europe (WAVE). (2010). Country Report 2010: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 12.; Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women's Refuge. Pg. 16.; See also: Kelly, Liz et al. (2014). Finding the Costs of Freedom: How Women and Children Rebuild their Lives after Domestic Violence. Pg. 127.

<sup>67</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence. Pg. 25.

<sup>68</sup> Ibid. Pg. 32.

<sup>69</sup> Women against Violence Europe (WAVE). (2006). Bridging Gaps – From good intentions to good cooperation. Pg. 29.

<sup>70</sup> Global Network of Women's Shelters (GNWS). (2014). Global Shelter Data Count 2013.

<sup>71</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence. Pg. 20.

environment.<sup>72</sup> Furthermore, while establishing services, the mobility of women in the area, the quality of public transport, the employment rate of women and the publicity attracted by opening a shelter or other service must be considered. The building that houses the services, especially shelters, must meet certain standards, and also guarantee safety of the women and children utilizing the service.<sup>73</sup>

*Holding perpetrators accountable:* There is no excuse for violence, and it is essential for support services to always keep a clear stance that the perpetrator is the only one responsible for the violence, and that he must be held accountable for it. However, women who seek help at services should not be compelled to present ‘evidence’ of violence. Additionally, trying to remain neutral entails the risk of tolerating violence.<sup>74</sup> Although the organization does not need to condemn the perpetrator as a person, the organization should adopt a clear stance against any form of violent behavior and condemn violent acts, especially those perpetrated by men against women and their children.

### **1.3. Types of Services for Women Survivors of Violence and Their Children**

Women’s specialized support services which work at protecting and empowering women survivors of intimate partner violence and their children and which ground their work on the principles and standards developed in the previous section, aim to address the different needs of survivors, and provide comprehensive response to different types of violence (e.g. physical, emotional, sexual, economic). Since women’s support services are often the first places women turn to for immediate protection and support, women’s helplines, women’s shelters and women’s centers (including centers for survivors of sexual violence) are largely considered the most vital services for women survivors of violence.

*National women’s helplines* for women survivors of domestic violence serve only, or predominantly, women. They provide support in the form of counselling, crisis intervention, online safety planning and referral to relevant agencies, as well as referring other callers experiencing violence to relevant support services, and providing information on relevant support services to family and friends of women experiencing violence.<sup>75</sup> However, many women’s services, including women’s refuges and women’s centers, run their own local hotlines for women survivors of violence; while these hotlines are important as they may often represent the only kind of telephone support available nationally, a women’s helpline operating at the national level should be a prerequisite for effective victim support in each country.

To meet the needs of women survivors of violence, a national women’s helpline should operate 24/7, free of charge, be accessible on a national level, and have professionally trained staff. There is a number of reasons why a free of charge women’s helpline is important, starting with calls to the helpline not being recorded on a phone bill, and preventing the risk that the perpetrator finds out that the woman has contacted a women’s helpline. A helpline counselling session, especially in complex cases, may last up to or even longer than one hour. However, women survivors of violence, many of whom also experience economic violence,

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<sup>72</sup> Ibid. Pg. 37.

<sup>73</sup> Women against Violence Europe (WAVE). (2004). *Away from Violence: Guidelines for Setting Up and Running a Women’s Refuge*. Pg. 25.

<sup>74</sup> Ibid. Pg. 21.

<sup>75</sup> European Institute for Gender Equality (EIGE). (2012). *Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support*. Pg. 39.

including restricted access to financial and other resources, may not have the finances to cover expensive phone bills. Because violence can happen at any time of the day or night, it is important that helplines, along with other support services for women survivors of violence, be available round-the-clock.<sup>76</sup> Similar to other emergency numbers (e.g. police, medical emergencies), a national women's helpline should have a simple, easy-to-remember phone number that can be dialed by women in extremely stressful situations. For example, in France, the four-digit national women's helpline 3919 is a good example of simple and memorable emergency number. As the name states, a national women's helpline should be available to women nationally, and provide adequate support to women from each region of a country. This means that the staff should also be knowledgeable about regional situations, and all relevant provisions.<sup>77</sup> To be available to all women experiencing violence, national women's helplines should provide support in all languages relevant in the country, and at least in main minority languages spoken in the country. Diversity in the staff working at a women's helpline is therefore essential and, as mentioned previously, should be encouraged.

Minimum standards established in the Istanbul Convention, and the related recommendations set by the Council of Europe Taskforce to Combat Violence against Women, including Domestic Violence include states' provision of **one national women's helpline, operating 24/7, free of charge, addressing all forms of violence against women and providing multilingual support.**<sup>78</sup>

*Women's shelters* or refuges are tailored to meet specific immediate and long-term needs of women survivors of violence and their children. They provide safe accommodation where women escaping violence can live without fear of being abused, and they offer special services and safety precautions. Women's shelters are among the most vital support services women survivors of violence turn to. Their role in supporting survivors in rebuilding their lives and in combating all forms of violence against women in the society is immense.<sup>79</sup>

In addition to safe accommodation, women and children residing in shelters receive the kind of support they need to deal with traumatic experiences, to end the violence, to regain their self-esteem, and to set the foundations for a self-determined and independent life. Services provided at women's shelters include crisis support and ongoing counselling as well as support in all matters related to situation they are in resulting from the violence, such as legal proceedings, housing and employment, access to financial resources, and therapy, among others. Children of victimized women need special attention while living in shelters. Services provided for children of women survivors of violence include crisis intervention, psycho-social, pedagogic, therapeutic and group-dynamic work.<sup>80</sup> Women's shelters also often provide these services as non-residential services, enabling other women who are not residing in shelters to have access to them. For the same reason as helplines, and because women who

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<sup>76</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 12.

<sup>77</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 9.

<sup>78</sup> Council of Europe Taskforce to Combat against Women, including Domestic Violence. (27 May 2008). Paragraph 60.

<sup>79</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women's Refuge. Pg. 18.

<sup>80</sup> Ibid. Pg. 43.

are victimized have an urgent need for safe accommodation for themselves and their children, women's shelters must be free of charge, operate 24/7 and serve women only.<sup>81</sup> Women's shelters should be available to all women in need of safe accommodation and support, regardless of legal status, nationality, religion, political and sexual orientation, or other background, and women and their children should be able to stay at a shelter until they feel safe and empowered to lead a life without violence.<sup>82</sup> Since it is almost never the case that a woman experiencing violence leaves her child/children behind to move into a shelter, it is essential that women's shelters always accept women together with their children. When restrictions based on age or sex of the child exist, these should be kept minimal, and alternative solutions for accommodating children should be provided. Women and children seeking shelter from physical abuse need a safe place, where they are protected from the violent behavior of the partner or father. Safety and security measures are therefore a matter of priority for women's shelters. Comprehensive safety planning encompasses not only technical security precautions (e.g. safe entrances, surveillance cameras) and confidential location, but also general and individual security planning with law enforcement authorities.<sup>83</sup>

Minimum standards established in the Istanbul Convention, and the related recommendations set by the Council of Europe Taskforce to Combat Violence against Women, including Domestic Violence include states' provision of **one women's shelter space per 10,000 of inhabitants (for accommodation of a woman and her children).**<sup>84</sup>

*Women's centers*, just as women's helplines and women's shelters, are crucial services that provide women survivors of violence both immediate and long-term support. Women's shelters do not exist in all regions, and women's centers enable women to have access to gender-specific advocacy and counselling, provided as non-residential services.<sup>85</sup> Services provided in women's centers include information, advice, counseling, practical support, court accompaniment, legal information, pro-active support, and outreach, among others. Different types of women's centers include intervention centers providing legal, social and health assistance to women, women's crisis or counseling centers and women's centers for survivors of sexual violence, among others. As previously mentioned, women's shelters providing non-residential services are also important providers of aforementioned services.<sup>86</sup>

Council of Europe standards for a good system of support services provide for a minimum of **one specialist violence against women (VAW) counseling service in every regional city, one per 50,000 women.**<sup>87</sup>

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<sup>81</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 13.

<sup>82</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women's Refuge. Pg. 22.

<sup>83</sup> Ibid. Pg. 67-68.

<sup>84</sup> Council of Europe Taskforce to Combat against Women, including Domestic Violence. (27 May 2008). Paragraph 60.

<sup>85</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 12.

<sup>86</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support. Pg. 36.

<sup>87</sup> Council of Europe. (2008). Combating Violence against Women: minimum standards for support services. Pg. 38.

*Women's centers for survivors of sexual violence:* Sexual violence is still considered taboo in most countries, which has a direct impact not only on the amount of reporting of sexual violence against women, but also on the level of prosecution of such offenses, and on effective support for survivors. Findings from the 2014 European Union Agency for Fundamental Rights study 'Violence against Women: an EU wide survey' reveal that one in 20 women (5%) in the European Union has been a victim of rape, since the age of 15, either by a partner or non-partner. Further, when considering any form of sexual violence by a partner and non-partner, an estimated 11% of women in the European Union have been victimized, since the age of 15.<sup>88</sup> Sexual violence is a traumatic experience, and women survivors are in a great need of specialized short- and long-term support, including psychological, medical and legal accompaniment. However, and as sexual violence is still given less attention than other forms of violence, a majority of European countries have limited service provision in this area, or no provision at all.<sup>89</sup> Specialized support is provided by centers for women survivors of sexual violence, which include rape crisis centers, offering long-term support including counseling and therapy, support groups and support in contact with other services, and sexual violence referral centers – specialized in immediate medical care, high-quality forensic practice and crisis intervention, as well as other services for women survivors of sexual violence.<sup>90</sup>

Minimum standards established in the Istanbul Convention, based on the related recommendations set by the Council of Europe Taskforce to Combat Violence against Women, including Domestic Violence, provide for state provision of at least **one rape crisis center or sexual violence referral center per every 200,000 inhabitants**. These should be accessible to all victims of such violence, in rural areas as much as in cities.<sup>91</sup>

#### **1.4. Access to Support Services by Women Facing Multiple Discrimination and Marginalization**

Specialized support services provide adequate support to women survivors of domestic violence, who have individual needs. Particular attention and support to women who face marginalization is essential to prevent further victimization. Services that provide help to women facing multiple discrimination should have specially trained staff, and centers that can guarantee accessibility and meeting of their needs.<sup>92</sup> To effectively reach target groups, information about victims' rights and available services should be made accessible in different languages and formats, as well as disseminated in all relevant locations, (e.g. health centers, nursing homes, cultural centers targeted at migrant communities), among others. Most marginalized women who experience domestic violence are particularly at risk of being isolated, and having little access to information about rights and support services they can seek help from. As such, actively reaching out to these groups is essential. The Council of Europe standards on service provision include the need for outreach services that target the

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<sup>88</sup> European Union Agency for Fundamental Rights (FRA). (2014). Violence against Women: an EU-wide survey. Pg. 41.

<sup>89</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 4.

<sup>90</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence – Explanatory Report. (2011). Article 25.

<sup>91</sup> Ibid.

<sup>92</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support. Pg. 52.

largest local minority groups and women with disabilities, who have limited access to services (such as women in prisons or mental hospitals).<sup>93</sup>

*Women with disabilities:* Women and girls with disabilities face multiple discrimination based on their disability as well as based on their gender. In particular, women with disabilities are at higher risk of victimization through physical, sexual and economic violence, most often perpetrated against them by their care-takers. As a result of their particular dependency on the perpetrator, escaping a violent environment or relationship is extremely difficult, as is the filing of complaints. As presented by Gill Hague (University of Bristol), on the occasion of the Council of Europe Parliamentary Network Women Free from Violence Hearing on Violence against Women with Disabilities on 24 June 2014, “women with disabilities often experience distressing and frequent, prolonged violence, including sexual, emotional and financial violence as well as physical, from their partner who is often also their main carer, from their family or paid carer. Disabled women are frequently in a situation of extreme isolation, extreme vulnerability and extreme neglect.”<sup>94</sup> While twice as likely to experience gender based violence as women without disability, disabled women are also less likely to seek help. A 2008 study from Women’s Aid Federation of England finds that disabled women make up only 7% of users at support services, and that help is often not appropriate.<sup>95</sup>

For specialized services to be accessible to women with disabilities, it is important that services be accessible, for example wheelchair access, provision for hearing impaired and vision-impaired women, and/or personnel who know how to work with women with learning difficulties.<sup>96</sup> Also, information should be made available by taking into consideration specific disabilities; (e.g. information and advertising printed in Braille, provided in audio or large print, for women with visual impairments).<sup>97</sup>

*Elderly women,* much like women with disabilities, are often dependent on other individuals who care for them, including family relatives, partners and staff at specialized institutions.

*Migrant and undocumented migrant women:* Migrant women victims of violence face multiple discrimination, based not only on their origin, but also based on their legal and residency status, and their gender. Because migrant women are often dependent on their partner or husband’s residency status to remain in the country, and as such lack independent residency status, separation or divorce from the perpetrator is largely associated with the fear of detention and deportation. In addition, the fact that children may have legal citizenship by birth in the arrival country-which would involve leaving them behind with the perpetrator in case of deportation-increases this fear and compels women to remain in violent relationships. Isolation is a central component of violent relationships, in which a perpetrator purposefully limits a woman’s contact with the outside, including family and friends, as a way to increase

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<sup>93</sup> Council of Europe. (2008). Combating Violence against Women: Minimum Standards for Support Services. Pg. 38.

<sup>94</sup> Council of Europe. (2014). Violence against women with disabilities is an invisible reality. [<http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5145&lang=2&cat=135>]

<sup>95</sup> Nia. Double Oppression: Violence against Disabled Women – A resource pack for practitioners. Pg. 12. [[www.niaendingviolence.org.uk/perch/resources/double-oppression-violence-against-disabled-women.pdf](http://www.niaendingviolence.org.uk/perch/resources/double-oppression-violence-against-disabled-women.pdf)]

<sup>96</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support. Pg. 52.

<sup>97</sup> Nia Ending Violence. (2013). Double Oppression: Violence against Disabled Women – A resource pack for practitioners. Pg. 13.

domination over her, and prevent her from seeking help.<sup>98</sup> Migrant women are particularly at risk of isolation; limited contact with the outside hinders their capacity to integrate in the country (including learning of the local language, and familiarization with available social and institutional services), which effectively limits their capacity to seek help. In addition, policy-driven destitution, including limited access to state-funded accommodation and to mainstream state emergency shelters and specialist services (including women's shelters, either state-funded, or working based on state-established standards), further limits the possibility for migrant women to leave abusive relationships and seek protection.<sup>99</sup>

Undocumented migrant women are particularly at risk of serious and repeat victimization. The absence of legal status, and consequent fear of detention and deportation, prevents victimized undocumented women from contacting the police and legal authorities and as such, provides an environment where perpetrators can continue victimizing women without facing consequences. Lack of legal status, upon which depends access to social services, strongly limits undocumented migrant women's access to much needed services (including access to women's shelters) and increases their isolation. In addition, lack of information and support services in relevant languages significantly limits their ability to seek help when facing violence, which is relevant for both documented and undocumented migrant women.

The Istanbul Convention aims to address the particular vulnerability of migrant and undocumented migrant women to domestic violence. In particular, the Convention provides for the granting of autonomous residence permits to migrant women, who normally depend on the partner or husband's residency permit, in the event of the dissolution of the marriage or of the relationship. It also provides for gender based violence against women to be recognized as a form of prosecution and as a form of serious harm, justifying the granting of asylum and giving rise to complementary/subsidiary protection, and free access to support services.<sup>100</sup>

Because undocumented migrant women are most concerned about risks of detention and deportation, most know little about their rights as victims of violence, as well as the services where they can seek help. Increasing the exposure of undocumented migrant women to relevant information is therefore crucial, and requires effective outreach. Methods of informing undocumented migrant women about their right to a life free of violence may include a drop-in service and helpdesks, telephone helplines (because they provide greater anonymity and accessibility, helplines are convenient points of contact for undocumented women), printed material in different languages, dissemination of information in detention centers, group information sessions, and different media available (internet, including online platforms where music and videos are disseminated, radio and television channels), among others.<sup>101</sup> Additionally, as isolation is an important feature of gender-based violence, using spaces commonly visited by undocumented women (e.g. internet cafes, public telephone booths) to disseminate information on rights and support can make a difference. Based on the 2012 PICUM publication 'Strategies to End Double Violence against Undocumented

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<sup>98</sup> Women against Violence Europe (WAVE). (2006). Bridging Gaps – From good intentions to good cooperation. Pg. 14.

<sup>99</sup> Platform for International Cooperation on Undocumented Migrant (PICUM). (2012). Strategies to End Double Violence against Undocumented Women – Protecting Rights and Ensuring Justice. Pg. 16.

<sup>100</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence – Explanatory Report. (2011). Article 60.

<sup>101</sup> Platform for International Cooperation on Undocumented Migrant (PICUM). (2012). Strategies to End Double Violence against Undocumented Women – Protecting Rights and Ensuring Justice. Pg. 18-24.

Women’, outreach methods that have proven successful in this regard have included mobile units (e.g. mobile clinics) and religious centers, including churches.<sup>102</sup>

### **1.5. Rights of Women Survivors of Gender Based Violence to Adequate Service Provision**

It was during the World Conference on Human Rights in Vienna in June 1993 that the Vienna Declaration and Program of Action established a chapter on ‘The Equal Rights and Human Rights of Women’ urging governments to take on as priority equal enjoyment by women of human rights. By calling on states to work towards eliminating violence against women in public and private life, the Declaration and Program of Action in effect established violence against women to be a human rights violation.<sup>103</sup>

#### *Universal Declaration of Human Rights (1948)*

Generally agreed to be the foundation of international human rights law, the Universal Declaration of Human Rights,<sup>104</sup> adopted in 1948, imparts the human right to life, liberty and security of person.<sup>105</sup> Over the years, the Declaration has been translated into law in the form of treaties, customary international law, general principles, regional agreements and national laws. Overall, the Declaration has inspired over 80 international human rights treaties and declarations, regional conventions, national human rights bills, and constitutional provision serving as legally binding instruments to promote and protect human rights.<sup>106</sup>

Furthermore, while non-binding, the Universal Declaration of Human Rights is considered the standard in international human rights law, and as it “represents an authoritative interpretation of the term ‘human rights’ in the UN Charter”, it can be indirectly considered to constitute international treaty law.<sup>107</sup> The subsequent international covenants on civil and political rights and economic, social and cultural rights further codify the first and second generation rights already referred to in the Universal Declaration.<sup>108</sup>

The core principles of the Universal Declaration of Human Rights are universality, interdependence and indivisibility, equality and non-discrimination. Human Rights are both rights and obligations of duty bearers and rights owners. By becoming parties to international human rights treaties, states are bound to respect, protect and fulfill human rights, more specifically through refraining from human rights violations and taking positive action to ensure steps to fulfill human rights. It is generally understood that by joining international human rights treaties, the States become obligated to ensure national law to be in line with the provisions of the international human rights treaties.<sup>109</sup>

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<sup>102</sup> Ibid. Pg. 19-21.

<sup>103</sup> United Nations Human Rights Office of the High Commissioner for Human Rights. Vienna Declaration and Program of Action. [[www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx)].

<sup>104</sup> United Nations. Universal Declaration of Human Rights. [[www.un.org/en/documents/udhr/hr\\_law.shtml](http://www.un.org/en/documents/udhr/hr_law.shtml)].

<sup>105</sup> United Nations. Universal Declaration of Human Rights. [[www.un.org/en/documents/udhr](http://www.un.org/en/documents/udhr)]

<sup>106</sup> United Nations. Universal Declaration of Human Rights. [[www.un.org/en/documents/udhr/hr\\_law.shtml](http://www.un.org/en/documents/udhr/hr_law.shtml)].

<sup>107</sup> Nowak, Manfred. (2003). Introduction to the International Human Rights Regime. [Martinus Nijhoff Publishers]. Pg. 76.

<sup>108</sup> See Nowak, Manfred. (2003). Introduction to the International Human Rights Regime. [Martinus Nijhoff Publishers]. Pg. 76: The rights still not codified by the two Covenants, but included in the Universal Declaration are Article 14 (Right to Asylum) and Article 17 (Right to Property). However, the Universal Declaration does not include certain rights codified by the two Covenants, more specifically right to self-determination and protection of minorities.

<sup>109</sup> United Nations. Universal Declaration of Human Rights. [[www.un.org/en/documents/udhr/hr\\_law.shtml](http://www.un.org/en/documents/udhr/hr_law.shtml)].

Although violence against women is a violation of human rights in itself, the act constitutes further violation of the right to life, liberty and security of person, pointing also to the interdependence of human rights and implying the potential for the violation to obstruct the realization of other human rights. In order to promote, protect and fulfill all human rights of women, including the right to live free from violence, states must exercise due diligence and address violence against women from the perspective of prevention, protection, prosecution, punishment and provision of redress and reparation for survivors. The act of protection of women from violence includes the provision of services for women survivors of violence.

### *Due Diligence Principle*

The principle of due diligence emerged in public international law and changed state accountability, where traditionally states were solely responsible for their own actions and those of their agents, whereas today's understanding of due diligence extends state accountability to actions by non-state actors. The extension of accountability towards non-state actors is especially important in terms of violence against women, as these acts are most often committed by non-state actors such as a close male relative or an intimate partner. The understanding of due diligence developed into states' obligation to promote, protect and fulfill human rights mandates that states are accountable for taking "reasonable measures to prevent human rights abuses before they occur, such as adopting relevant laws and policies, and effectively prosecute and punish perpetrators if abuses occur."<sup>110</sup>

The Due Diligence principle is found in various human rights instruments related to women's rights and violence against women such as the General Recommendation 19 (1992) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee and the United Nations General Assembly (1993) Declaration on the Elimination of Violence against Women.<sup>111</sup>

In practice, the Due Diligence principle implies state action in the area of prevention, protection, prosecution, punishment, and provision of redress and reparation for survivors. A recent project on the Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women, resulting in a main and regional reports (Africa; Asia Pacific; Australia, Canada, New Zealand, United States of America CANZUS; Europe; and Latin America and the Caribbean, Middle East and North Africa),<sup>112</sup> outlines specific actions for states to act in due diligence to eliminate all forms of violence against women. The following actions under each area are described below:<sup>113</sup>

*Prevention:* includes government measures to thwart the occurrence of violence against women. Good prevention programs provide awareness of violence against women and information services and legal protection available after the incident. They also target the underlying risk and causes of violence against women, and often include training and

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<sup>110</sup> Abdul Aziz, Zarizana and Janine Moussa. (2014). Due Diligence Project's Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women. Pg. 1.

<sup>111</sup> Ibid.

<sup>112</sup> [www.duediligenceproject.org/Resources.html](http://www.duediligenceproject.org/Resources.html)

<sup>113</sup> Abdul Aziz, Zarizana and Janine Moussa. (2014). Due Diligence Project's Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women.

[[www.duediligenceproject.org/Resources\\_files/Due%20Diligence%20Framework%20Report%20Ooi.pdf](http://www.duediligenceproject.org/Resources_files/Due%20Diligence%20Framework%20Report%20Ooi.pdf)]

education campaigns. Prevention entails states' collaboration with women's and feminist organizations, especially within the scope of awareness raising activities.

*Protection*: focuses on avoiding the recurrence of further violence and ensuring that survivors receive adequate services. It includes availability and accessibility of services such as hotlines, shelters, medico-psycho social services and protection orders.

Protection includes:

- Ensuring availability of and accessibility to coordinated support services
- Ensuring availability and accessibility to protection orders
- Upholding the duties of first responders
- Fostering positive attitudes and sensitization through sustained training
- Implementing a multi-sectoral approach, and coordinated services responses, and delivery of services

*Prosecution*: refers to the duty of exercising criminal jurisdiction over those responsible for human rights abuses. Steps must be taken to ensure that the prosecutorial process is as non-traumatic for survivors as possible. Investigation refers to the duty of undertaking effective action to establish the facts related to the incidents of violence against women. This duty must be exercised in an effective, prompt, impartial and thorough manner.

*Punishment*: refers to the obligation of imposing a sanction on perpetrators as a consequence of their having committed violence against women. Sanctions can be civil, criminal, administrative or 'other' (e.g. community or social sanctions) and at minimum, must ensure negative consequences for perpetrators of violence against women.

*Provision of redress and reparation for survivors*: implies any form of remedy or compensation made available to survivors of violence against women to address the harm or loss suffered by them. Reparation measures aim to eliminate or mitigate the effects of the violence committed. This could take different forms, from monetary compensation and apology to symbolic reparations.

The above listed measures provide a comprehensive framework for governments to act in a fashion of accountability towards women survivors and women in general, while recognizing the severity of violence against women and taking serious steps to eliminate this persistent form of violence. In a similar way that violence against women is structural, omnipresent and engraved in society, eliminating violence against women requires governments to act in due diligence to change society and raise awareness, stand on the side of survivors, hold perpetrators accountable, penetrate all levels at which violence against women is present, and do so with a strong commitment, including financial and political.

Other research has suggested that responding to violence against women 'requires action on the many dimensions and types of abuse that occur in contemporary societies.'<sup>114</sup> This requires the following: specific legal reforms that address violence against women (not general laws against assault or murder); appropriate service provision that includes shelters as

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<sup>114</sup> Htun, Mala and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. [American Political Science Review]. Vol. 106, No. 3.

well as legal aid, and counselling options; training of all relevant professionals and dedicated police units; measures addressing especially marginalized groups such as undocumented migrant women; prevention methods such as public education and awareness raising; and in the end, a body coordinating the response and action of all relevant actors<sup>115</sup> to ensure efforts are efficient and not redundant.

As this report focuses mainly on the aspect of protection, or more specifically independent and autonomous women's services, the due diligence framework in the area of protection is further elaborated. Women's services are sometimes called secondary prevention as women most often reach out to services following the experience of violence. The services are meant to protect survivors from further harm, provide means of psychological and physical healing, provide information (e.g. regarding access to rights), support children (often impacted by the violence as well), and provide referrals, among others. International standards call for national women's helplines, women's shelters, women's advocacy and counseling centers, and rape crisis centers.<sup>116</sup> While the issue of availability and accessibility of women's services has been vocalized in the last decade through various service mapping studies, reports on minimum standards, as well as calls by women's NGOs and governmental institutions to continue the establishment and improvement of women's services throughout Europe, the general consensus remains that governments have yet to resolutely face the existing shortages and inaccessibility of services for women survivors of violence. On the positive side, the momentum has been forming and the issue continues to gain higher visibility.

Women's right to access services entails governmental provision of a national helpline that "provides important access to information and support systems for survivors of violence against women." The minimum standard is a helpline operating free of charge and open 24/7. Counseling and advocacy centers provide a range of options for survivors' empowerment and support.<sup>117</sup> Rape crisis centers are often included under the category of counseling and advocacy centers as they provide a range of support for women survivors of rape.<sup>118</sup> Women's shelters<sup>119</sup> provide "immediate safe housing [and] play a key role in protecting [survivors of violence against women]."<sup>120</sup>

The Due Diligence framework report also points to why governmental preference should be to support shelters run by NGOs, as "[s]ome government-run shelters allow access to female [survivors] of domestic violence only after they have undertaken to reconcile with perpetrators, while others do not accept women who have had death threats made against them or have no protection orders." The report also points to governments utilizing detention facilities as a substitute for missing shelters, which is unacceptable from the perspective of

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<sup>115</sup> Ibid.

<sup>116</sup> Abdul Aziz, Zarizana and Janine Moussa. (2014). Due Diligence Project's Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women. Pg. 31.

<sup>117</sup> Ibid. Pg. 32-33.

<sup>118</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 9.

<sup>119</sup> For detailed information about establishing and running a women's shelter see: Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women's Shelter. [[www.wave-network.org/content/away-violence](http://www.wave-network.org/content/away-violence)]

<sup>120</sup> Abdul Aziz, Zarizana and Janine Moussa. (2014). Due Diligence Project's Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women. Pg. 33.

survivors' rights.<sup>121</sup> The issue of access to shelters for all women is more easily ensured with NGOs, since state-run services are more likely to turn away survivors due to their immigration status, because "immigration control is often given priority to [women's] needs as victims."<sup>122</sup> The European Parliament vote on a resolution on undocumented women migrants in the European Union recognizes that "access to state-run women's shelters is subject to the requirement for a legal form of ID or residence permit [leaves victims with] no choice but to remain in an abusive situation or flee to the streets."<sup>123</sup> For this reason, the European Parliament recommends that states recall "Article 8 of the ECHR concerning respect for a person's physical integrity, and therefore encourages the Member States to waive, for undocumented migrants in the most vulnerable situations, the requirement to provide documentation in order to access state-run shelters..."<sup>124</sup>

In terms of women's right to services, the issues of availability and accessibility are of crucial importance. Not only should services (helpline, shelters, women's centers, rape crisis centers) be readily available, they should also be easily accessible in terms of cost, location,<sup>125</sup> and without regard to the woman survivor's immigration status.

*Convention on the Elimination of All Forms of Violence against Women Committee General Recommendation Number 19*<sup>126</sup>

Violence against women, as an act of gender-based violence (which is a form of discrimination) "seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men." For this purpose, in 1989, the Committee called on state reporting to the Committee to include information on measures introduced to address violence against women. The Recommendation recalls Article 1 definition of discrimination against women and states that "discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately... Gender-based violence may breach specific provision of the Convention, regardless of whether those provisions expressly mention violence."

The Recommendation comments on especially applicable articles (2, 3, 5-16) and their relevance to violence against women. For example, Article 11 refers to equality in employment, and the Committee has recognized that this right is "seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace." Article 12 on access to health relates to gender-based violence in that "violence against women puts their health and lives at risk." Violence against women is relevant to

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<sup>121</sup> Ibid. Pg. 31-34.

<sup>122</sup> Platform for International Cooperation on Undocumented Migrants (PICUM) and Women against Violence Europe (WAVE). (4 February 2014). Press Release: European Parliament Votes in Favour of Justice and Services for Undocumented Migrant Women. [[http://picum.org/picum.org/uploads/file\\_/4%20Feb.%20Statement%20FEMM%20vote%20resolutions%20undocumented%20women%202014\\_FINAL.pdf](http://picum.org/picum.org/uploads/file_/4%20Feb.%20Statement%20FEMM%20vote%20resolutions%20undocumented%20women%202014_FINAL.pdf)]

<sup>123</sup> European Parliament. (2014). Motion for a European Parliament Resolution on undocumented women migrants in the European Union.

[[www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2014-0001&language=EN#title2](http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2014-0001&language=EN#title2)]

<sup>124</sup> Ibid.

<sup>125</sup> Abdul Aziz, Zarizana and Janine Moussa. (2014). Due Diligence Project's Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women. Pg. 37.

<sup>126</sup> The subsequent text references provisions of the Convention on the Elimination of All Forms of Discrimination Committee General Recommendation Number 19.

Article 16 on marriage and family life as “family violence is one of the most insidious forms of violence against women. It is prevalent in all societies...”

In order to provide guidance for states to implement the Convention with regard to including measures to address violence against women, the Committee issues a series of recommendations (a-v). Paragraph 24 (k) declares that States, in order to fulfill their obligations under the Convention, should “establish or support services for victims of family violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counseling.” Furthermore, under paragraph 24 (o) of the Recommendation, States “should ensure that services for victims of violence are accessible to rural women, and that where necessary special services are provided to isolated communities.” Lastly, paragraph 24 (r) (iii) and (t) (iii) refers to the provision of refuges, counseling, rehabilitation and support services for women who are victims of family violence, victims of violence or who are at risk of violence, and for these services to be provided for in law or through other measures.

*Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*

The Istanbul Convention was adopted on 7 April 2011 by the Committee of Ministers of the Council of Europe. The Convention’s adoption in Istanbul has given it an alternate reference as the Istanbul Convention. With ten and more ratifications<sup>127</sup> as of 1 August 2014, this monumental international human rights treaty entered into force.

The Istanbul Convention, as a comprehensive instrument, codifies state obligations in the areas of integrated policies, data collection, prevention, protection and support, substantive law, investigation, prosecution, procedural law, protective measures, and international cooperation and provides an Explanatory Report to support states in the implementation.

Articles most directly applicable to women’s rights to service provision are Articles 4, 22-25. Article 4 on ‘fundamental rights, equality and non-discrimination’ is of paramount importance as it states that the “implementation of the provisions of this Convention by Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race [...] or other status.” Such a non-exhaustive list stipulating there to be no grounds for discrimination should ensure undocumented migrant women’s survivors of violence have access to specialized women’s services such as women’s shelters.<sup>128</sup>

While discrimination on any ground is prohibited by the provisions of the Convention, the concept of positive or affirmative discrimination is not. When applied to the relevant articles on availability and accessibility of services, the implication of Article 4 paragraph 4 as stated “Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of the Convention” is that

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<sup>127</sup> See: Council of Europe. [Access: 24. 8. 2014 [www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG](http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG)]: The Istanbul Convention was to enter into force with at least 10 ratifications. At the time of entry into force (1 August 2014) the Convention acquired 14 ratifications: Albania, Andorra, Austria, Bosnia and Herzegovina, Denmark, France, Italy, Malta, Montenegro, Portugal, Serbia, Spain, Sweden and Turkey.

<sup>128</sup> Academic Council on the United Nations System (ACUNS) Vienna Liaison Office. (2014). Femicide: A Global Issue that Demands Action. Volume II. Pg. 74-75.

women only services are not only permitted, but as further relayed in the Explanatory Report, encouraged. The Explanatory Report conveys that "...measures which would benefit women only..." are not contradictory to the non-discrimination provision of the Convention, due to the presence of "objective and reasonable justification...[pursuing] a legitimate aim..." The Explanatory Report further reminds of the disproportional nature of gender-based violence as ample reason to enable the pursuance of positive or affirmative discrimination. Relating this provision in more straightforward terms relevant to service provision: as women disproportionately bear the brunt of violence (more specifically private violence), services should prioritize women as the target group for support.

Articles 22-25 of the Istanbul Convention obligates services to be specialized and to include shelters, telephone helplines and support for victims of sexual violence. The term 'specialized' should be seen as denoting a service not available to the general public, but instead directed at women survivors of violence. The Explanatory Report to the Convention reiterates the fact that victim empowerment is a complex task that requires specialized support. It further calls on States to entrust service provision to women's organizations or local authorities, both possessing the relevant expertise and trained staff to deal with gender-based violence.<sup>129</sup>

In terms of State collaboration with women's NGOs, Article 9, while not explicitly citing service provision or women's NGOs obligates States to "recognize, encourage and support, at all levels, the work of relevant non-governmental organizations and of civil society active in combating violence against women and establish effective cooperation with these organizations." The Explanatory Report to the Convention referring to Article 9 does explicitly mention NGOs working in the field of violence against women as organizations having a long tradition of "providing shelter, legal advice, medical and psychological counseling as well as running hotlines and other essential services." The means to support and cooperate with NGOs working in the field of violence against women by "tapping into their expertise and involving them as partners in multi-agency cooperation...This means enabling them to carry out their work as best as possible." This article is therefore most applicable to feminist and women's NGOs and implies State support for these organizations in carrying out the work of supporting women survivors of violence.

Article 9 calling for support and cooperation with NGOs and civil society is also reflective of the principles of accountability, participation and transparency<sup>130</sup> described in the Commission on the Status of Women (CSW 58) Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the Millennium Development Goals (MDGs) for Women and Girls. The report describes principles derived from human rights instruments that must be applied by States in order to achieve women's rights as pronounced in the MDGs. "Under [the principles of accountability, participation and transparency], States are accountable to both the international community and their own people for their compliance with human rights obligations. This requires a concerted effort to ensure the full participation of all sectors of society. Popular participation is required at all stages, including the formulation, application and review of national policies."<sup>131</sup> The principle of participation

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<sup>129</sup> Ibid.

<sup>130</sup> Limburg Principles.

<sup>131</sup> UN Women. (2013). Commission on the Status of Women (CSW 58): Challenges and Achievements in the Implementation of the Millennium Development Goals for Women and Girls. Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls.

points not only to full cooperation among all social partners to achieve rights, but the principles of accountability and transparency also imply the need for the presence of NGOs to ensure the balance of power between people and the governments. While the MDGs omit the inclusion of eradication of violence against women in the development goals, the principles can equally serve as a valuable, appropriate, pertinent and valid blueprint for addressing violence against women.

The Explanatory Report to the Convention further refers to the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence: Final Activity Report - Proposals for Future Action of the Council of Europe and its Member States to prevent and combat violence against women, in reference to quantity of specialized service provision. The Istanbul Convention therefore calls for the “establishment of at least one free national helpline covering all forms of violence against women operating 24 hours a day, 7 days a week, and providing crisis support in all relevant languages.”<sup>132</sup> Furthermore, the “traumatic nature of sexual violence, including rape” is recognized in the Explanatory Report, with the recommendation on ensuring specialized service provision run by specialized and trained staff to safeguard a sensitive approach to dealing with women survivors, including conducting examinations, collecting evidence and providing psychological counseling or therapy. Referring to the Council of Europe Task Force Recommendations, one support centre for victims of sexual violence per 200,000 inhabitants is recommended.<sup>133</sup>

In addition to women’s national helplines and centers for victims of sexual violence, women’s shelters are especially crucial as they provide long-term accommodation and other necessary services to women survivors of violence, who can no longer remain in their homes due to the violence. The Explanatory Report to the Istanbul Convention refers to the Council of Europe Task Force Recommendations to provide one shelter place (family place) per 10,000 inhabitants.<sup>134</sup>

In order to achieve adequate service provision, States must also meet their obligations under Article 8 and “allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programs to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organizations and civil society.” The Explanatory Report to the Convention further points out that the resources “need to be suitable for the target set or measure to be implemented.” The Convention obligates States to allocate the resources to “both activities carried out by public authorities and those relevant non-governmental and civil society organizations.”

In order to allocate appropriate funding for service provision, States may consider implementing the principles arising from international documents, as described in the Commission on the Status of Women (CSW 58) Report on the Expert Group Meeting on

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[[www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/58/CSW58-2013-EGM-Report-en.pdf](http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/58/CSW58-2013-EGM-Report-en.pdf)]. Pg. 5.

<sup>132</sup> Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence. Article 24 – Telephone Helplines. Paragraph 136.

<sup>133</sup> Academic Council on the United Nations System (ACUNS) Vienna Liaison Office. (2014). Femicide: A Global Issue that Demands Action. Volume II. Pg. 74-75.

<sup>134</sup> Ibid.

Structural and Policy Constraints in Achieving the MDGs for Women and Girls<sup>135</sup> (and discussed above). The principles include progressive realization, maximum available resources, non-retrogression, and minimum essential levels/minimum core obligations. While recognizing this principle to be applicable to the realization of the human rights behind each of the MDGs, as violence against women prohibits or limits the enjoyment of other human rights, (due to the interconnectedness of human rights), the principles should also be applicable to States' promotion, protection and fulfillment of the right to live free from violence. The principles utilize both financial commitment and political will, which is needed in order for all and any human rights to be realized.

Progressive realization is a principle that recognizes that the “resources at the disposal of a government are limited, and that fulfilling economic and social rights will take time. However, governments must mobilize the maximum available resources in order to enhance the enjoyment of economic and social rights over time.”<sup>136</sup>

The principle of maximum available resources implies that “resource availability is not just ‘given’ to States but depends on how the State mobilizes resources to finance its obligations to realize human rights. These include: (1) government expenditure; (2) government revenue; (3) development assistance (both official development assistance and private resource flows); (4) debt and deficit financing; and (5) monetary policy and financial regulation. It is in this sense that the State is required to use the maximum of its available resources to meet human rights obligations.”<sup>137</sup>

The principle of non-retrogression implies that “once a particular level of enjoyment of rights has been realized, it must be maintained. This implies that retrogressive measures on the part of the State must be avoided. On this matter, rights may clash and States must consider first and foremost the rights of marginalized populations. States must demonstrate that they have considered alternative policies that might avoid the need for expenditure cuts that are retrogressive. An example of a potentially retrogressive measure that must be justified before being carried out would be cuts to expenditures on public services that are critical for realization of economic and social rights; or cuts to taxes that are critical for funding such services.”<sup>138</sup>

The principle of minimum essential levels/minimum core obligations implies that “even in times of severe resource constraints, States must ensure that rights are fulfilled for vulnerable members of society through the adoption of relatively low-cost targeted programs, and, as their economies improve, states must make progressively greater contributions to expand and universalize coverage.”<sup>139</sup>

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<sup>135</sup> UN Women. (2013). Commission on the Status of Women (CSW 58): Challenges and Achievements in the Implementation of the Millennium Development Goals for Women and Girls. Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls. [www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/58/CSW58-2013-EGM-Report-en.pdf]

<sup>136</sup> Ibid. Pg. 4.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

### *State obligation to provide for services meeting the needs of women survivors of violence and their children*

Human rights are women's rights and violence against women is not only a violation of human rights but it also violates, prohibits, obstructs, hinders, limits and/or prevents the realization of other rights such as the right to life, liberty and security of person, right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, among other rights such as right to health, the right to equality in the family, or the right to just and favorable conditions of work. Under international law, States are obligated to promote, fulfill and protect all human rights, including women's rights. In terms of violence against women, this means to exercise prevention, protection, prosecution, punishment and provision of redress and reparation for survivors. Protection entails both the provision of legal protection orders as well as services such as helplines, shelters and counselling centers. While the human rights instruments call on State to support the adequate availability and accessibility of services, other instruments imply the preference for women's NGOs and for gender-specific services to be responsible for certain service provision.

The rights of women survivors of violence to service provision has become a standard, arising out of the above-described international human rights documents. This right was confirmed in international law according the communication of the Committee on the Elimination of Discrimination against Women in a submission *A.T. v. Hungary*.<sup>140</sup> The Committee communicated that because the woman "has been battered by this same man, her former common law husband" and was unsuccessful through civil and criminal action to bar the perpetrator from the residence she shared with her children, and because she was unable to access protection orders<sup>141</sup> or no services were available in Hungary at the time that would be able to accommodate her and her children (i.e. shelter), the Committee communicated Hungary's violation of her rights under Articles 5 (a)<sup>142</sup> and 16<sup>143</sup> of the Convention on the Elimination of All Forms of Discrimination against Women.

Specialized service provision is especially important to European Union Member States and states that are in the process of acceding to the European Union, due to the currently in force EU Victim's Directive to be transposed into the national law of Member States in January 2015. *'In line with the EU Victims' Directive and the Istanbul Convention, there is a pressing need across the EU to enhance resources for specialist victim support services that are able to respond to the needs of women who are victims of violence...'*<sup>144</sup>

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<sup>140</sup> Committee on the Elimination of Discrimination against Women under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women – Communication No.: 2/2003, Ms. A.T. v. Hungary (Views adopted on 26 January 2005, thirty-second session).

<sup>141</sup> At the time in Hungary, there was no law on protection orders.

<sup>142</sup> Article 5: Sex Role Stereotyping and Prejudice: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

<sup>143</sup> Article 16: Marriage and Family Life.

<sup>144</sup> European Union Fundamental Rights Agency (FRA). (2014). Violence against Women: an EU-wide Survey. Pg. 69.

## 1.6. The Importance and Roles of Women's NGOs in Supporting Women Survivors of Violence and Their Children

Women's NGOs have been at the forefront and have been the organizations that originally raised awareness of the issue of violence against women, putting the issue on the agendas of state governments. 'The hard work and motivation of the feminist movement contributed to significant change over recent decades in changing the norms of service provision for survivors of violence and influenced governments to recognize violence against women as a human rights violation.'<sup>145</sup>

*Significant progress has been achieved, which must be recognized – the progress itself points to societies' capacity and willingness for change, creating a positive space for much needed continued and joint action in the future.*

The women's movement was the first to bring the issue of violence against women to attention and demand government action. Before the 1993 Vienna Conference on human rights, major human rights organizations did not see violence against women as part of the core issues related to human rights violations. The achievements of the women's movements therefore are great, from the establishment of women's services, to the Vienna Declaration (1993), Beijing Platform for Action (1995), to promoting and contributing to the establishment of progressive polices<sup>146</sup> on violence against women and peaking with the most recent European level milestone, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (2011). The 1993 and 1995 milestones are viewed from a historical perspective as having strengthened the momentum and engaged governments in taking legislative measures and other measures to address violence against women.<sup>147</sup>

Looking into the past, violence against women only became recognized as an issue requiring specialized attention from State governments due to the work of the feminist movement, as the human rights regime and its beginnings after World War II did not consider violence against women as a separate issue, or an issue at all. For example, lack of awareness of violence against women is clearly reflected in the Universal Declaration of Human Rights (1948) and in the Convention on the Elimination of All Forms of Discrimination against Women, which did not explicitly mention violence against women, except for articles dealing

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<sup>145</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 4.

<sup>146</sup> See: Htun, Mala and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. [American Political Science Review]. Vol. 106, No. 3.: '...a progressive social policy [...] aims to improve the status and opportunities of historically disadvantaged group (in this case, women).' 'Policies on violence against women are progressive social policies because, despite the successes [...], they challenge social norms establishing male dominance in sexuality, the family, and the broader society.'

<sup>147</sup> Htun, Mala and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. [American Political Science Review]. Vol. 106, No. 3.

with trafficking in human beings, prostitution and ‘honour crimes’.<sup>148</sup> It was only in 1992, with the CEDAW General Recommendation 19, that parties to CEDAW received guidance on the Convention’s application and expectations in the area of implementation of the Convention into national law, in the area of violence against women. The 1993 Declaration on the Elimination of Violence against Women followed, and so did other international human rights documents in the area of violence against women.

As the principle of Due Diligence obligates States to promote, protect and fulfil women’s human rights and in terms of violence against women, it means for states to implement measures of prevention, protection, prosecution, punishment and provision of redress and reparation<sup>149</sup>; in effect, women’s NGOs and the work they carry out, enable states to fulfil their international human rights obligations. State agencies are not capable of combating violence against women alone. In Austria, for example, where this has been recognized, the public-private partnership between women’s NGOs and the state has been the key to success in establishing an autonomous and sustainable NGO sector.<sup>150</sup>

Women’s NGOs have taken on various roles and have carried out numerous activities in the following areas, among others:

- *All levels of prevention (primary, secondary, tertiary)*
- *Multi-agency cooperation*
- *Service provision (national women’s helplines, women’s shelters, women’s centres, centres for survivors of sexual violence)*
- *Cooperation with relevant stakeholders*
- *Working with organizations working with perpetrators*
- *Networking*
- *Trainings/education of relevant professionals*
- *Promote and support policy and legislative changes*
- *Monitoring of implementation of international human rights*
- *Monitoring of implementation of national legislation and policy*
- *Access to justice*
- *Data collection*

In Austria, a country that often serves as a good practice example,<sup>151</sup> women’s NGOs are not only service providers, but also carry out activities of raising awareness, conducting campaigns, and providing trainings in schools as well as for the police.<sup>152</sup>

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<sup>148</sup> Ibid.

<sup>149</sup> Abdul Aziz, Zarizana and Janine Moussa. (2014). Due Diligence Project’s Due Diligence Framework: State Accountability Framework for Eliminating Violence against Women.

<sup>150</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar ‘Peace at Home – from Europe to Finland’ Parliament of Finland in Helsinki].

<sup>151</sup> Numerous study visits are carried out in Austria to inform policy makers, ministry officials and other relevant stakeholders about the legal and support system for women survivors of violence and their children.

<sup>152</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar ‘Peace at Home – from Europe to Finland’ Parliament of Finland in Helsinki].

There is a significant need for an autonomous feminist women's movement, without which the issues facing half of the world's population would not be addressed or would be addressed in a way that lacks a gender perspective and dismisses the impact violence against women has on other areas of women's lives, such as employment, access to public spaces, education and participation in public life, among others. All organizations not specialized in issues facing women 'fail to address violence against women, even though women are clearly part of the group they are representing. This is because they fail to see it as important for the group more broadly.'<sup>153</sup> Research has shown that in former communist countries, in the transition period, women's issues would not have been addressed without the commitment of the women's movement.<sup>154</sup> At the same time, autonomy from the status quo, which is often represented in political institutions, is needed, because the status quo is disadvantageous to women.<sup>155</sup>

The 2013 Global Shelter Data Count has pointed to numerous achievements by the women's movements which work in the area of women's rights and combating violence against women, including legislation and policy, national and local action plans, improvement of social status of women, improvement of women's economic participation, and action and awareness raising activities. The achievements vary and include 'opening of Specialized Court on Domestic Violence Victims' and 'signing of the Interagency Collaboration for Domestic Violence Cases protocol' (Puerto Rico), establishment of police barring orders to remove perpetrators from the home (Iceland, 2011), improvement in protection from violence legislation (Luxembourg, 2013), draft of federal state action plan with collaboration and advice from women's networks (Germany), as well as more noted public awareness and awareness in the media on the topic of violence against women (Germany, Iceland, Sweden).<sup>156</sup>

Violence against women is a problem that not only deeply affects individual women, but also their children and society as a whole. The work of women's NGOs in supporting women survivors of violence in an empowering manner as well as the various other work (eg. awareness raising) conducted by women's NGOs all contribute to the betterment of society. 'We cannot afford to ignore the expertise and commitment of independent women's NGOs, which are part of civil society and thus an important part of democracy. Our countries cannot solve severe problems such as [...] violence against women without the active participation of these stakeholders. Without the awareness raising activities that women's NGOs carry out in their daily work, the police and the justice system alone would fail to prevent violence and protect victims. Without the empowering support of women's NGOs that provide services in

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<sup>153</sup> Htun, Mala and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. [American Political Science Review]. Vol. 106, No. 3.

<sup>154</sup> Spehar, Andrea. (2011). This Far, but No Further? Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans.

<sup>155</sup> Htun, Mala and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. [American Political Science Review]. Vol. 106, No. 3.

<sup>156</sup> Global Network of Women's Shelters (GNWS). (2014). Global Shelter Data Count 2013.

this field, women survivors would not dare to come forward and speak about their problems.<sup>157</sup>

### *Women's NGOs as service providers*

Historically in Europe it has been the establishment of women's shelters in Western Europe that began the women's movement and the various levels of activity in the area of combating violence against women in the NGO sector. A majority of the countries where the first shelters opened in 1970-1980s belong to today's European Union. In the Netherlands, the first shelter was opened some 150 years ago and in the 1970s, the first shelters opened in United Kingdom, Ireland, Germany, Belgium, Austria, Denmark, Norway, Sweden and Switzerland. First shelters in Luxembourg, Malta, Iceland and Italy were opened in 1980s. Macedonia, Portugal, Armenia, Estonia, Romania, Azerbaijan, Georgia and Moldova were the last countries to open their first women's shelters in 2001 up to 2004.<sup>158</sup> In Austria, for example, the initiatives began in the mid-1970s and activists collaborated with committed women from political parties, following which the first shelter was opened in 1978.<sup>159</sup> In some parts of Europe, such as the autonomous region of Transnistria (Moldova), the work of establishing the very first women's shelter to be run by an NGO was elaborated in 2014, and was a result of women's NGO raising the issue of lacking service provision to the CEDAW session for Moldova.<sup>160</sup> It was only after the collapse of the Soviet Union that the women's movement spread outside of Western Europe<sup>161</sup> and continues to strengthen today.

Due to the onset of the women's movements, violence against women became the focus with recognition of the fact that violence prohibits women's freedoms and realization of rights in other areas of life, women's shelters were among the first projects of the women's movement, where facilities of women's centres and meeting places were turned into safe accommodation for women and their children escaping violence.<sup>162</sup>

Since the opening of the first shelter, women's shelters and other crucial services (women's helplines, women's centres, centres for survivors of sexual violence) have been steadily growing, yet at the same time, they are still in short supply and subject to lack of sustainability due to limited funding. At this time, only a few countries in Europe can state that they meet the recommendations to provide the necessary service provision for women survivors of violence.<sup>163</sup> The annual 'Global Shelter Data Count' that conducts a survey of women's shelters around the world over a 24-hour period shows not only how crucial women's shelters are, but the data collected also demonstrate the dire situation women

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<sup>157</sup> Logar, Rosa. (10-11 June 2008). Closing Conference of the Council of Europe Campaign: Stop Domestic Violence. [Strasbourg].

<sup>158</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 16.

<sup>159</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar 'Peace at Home – from Europe to Finland' Parliament of Finland in Helsinki].

<sup>160</sup> Personal communication with Center for Support and Development of Civil Initiatives 'Resonance'. (February 2014).

<sup>161</sup> Logar, Rosa. (8-11 September 2008). The European Women's Shelter Movement and its Contribution to Change: New Challenges and Future Perspectives. [World Conference on Women's Shelters – Edmonton, Canada].

<sup>162</sup> Women against Violence Europe (WAVE). (2002). More than a Roof over Your Head: A Survey of Quality Standards in European Women's Refuges.

<sup>163</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support.

survivors of violence and their children continue to face due to shelter shortages around the world. For the 2013 data count, shelters<sup>164</sup> in 41 countries provided data, showing that in a 24 hour period, shelter was offered to 97,490<sup>165</sup> women and children fleeing violence. The women and children came from various backgrounds such as different minority ethnic groups, immigration status, survivors of trafficking, women with disabilities, young women, older women, women victimized in the name of ‘honour’, women at risk of forced marriage, among other groups of women. At the same time, due to lack of space and/or resources, 10,898<sup>166</sup> women and children had to be turned away and continued to be ‘at risk of continuing violence and exploitation.’<sup>167</sup>

At the same time, as quantitative lacks are clearly visible, the women’s movement has elaborated qualitative standards and principles of service provision for women survivors of violence that are survivor-centred and ensure the rights of women survivors of violence are met through service provision. One important document that has been utilised throughout Europe and by various WAVE Focal Points and other organizations running women’s services, especially women’s shelters, is the ‘Away from Violence’ Manual that elaborates on the means and methods of establishing and running women’s shelters.<sup>168</sup>

### *Women’s NGOs contributing to the process of change*

According to recently published research that took place over a 40-year period, ‘the autonomous mobilization of feminists in domestic and transnational contexts – not leftist parties, women in government, or national wealth – is the critical factor accounting for policy change. [Furthermore, the analysis] reveals that the impact of global norms on domestic policy-making is conditional on the presence of feminist movement in domestic contexts, pointing to the importance of on-going activism and a vibrant civil society.’<sup>169</sup> The result has been ‘legal reform, public education campaigns, and support for shelters and rape crisis centres.’<sup>170</sup> The reason for autonomous women’s mobilization being the primary drivers of change is their experience, expertise and position to ‘articulate social group perspectives, disseminate new ideas and frames to the broader public, and demand institutional changes that recognize these meanings.’<sup>171</sup> Autonomous movements work from the perspective of ‘oppositional consciousness,’ communicate ideas about new forms of ‘social organization’ and ‘mobilize broad societal action to generate understanding and support.’<sup>172</sup>

Since the autonomy and sustainability of the women’s movement is both strong and weak depending on the country or region, and since its autonomy and sustainability can be jeopardized as it is shaped by the current processes of global conflict, economic crisis and conservative politics, it is equally necessary to exchange examples of arguments utilised to maintain autonomy and sustainability, and to develop knowledge on promising processes and

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<sup>164</sup> Not all shelters in each country participated.

<sup>165</sup> The figure includes 57,790 women and 39,700 children.

<sup>166</sup> The figure includes 7,106 women and 3,792 children.

<sup>167</sup> Global Network of Women’s Shelters (GNWS). (2014). Global Shelter Data Count 2013.

<sup>168</sup> Women against Violence Europe (WAVE). (2004). Away from Violence: Guidelines for Setting Up and Running a Women’s Refuge.

<sup>169</sup> Htun, Mala and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. [American Political Science Review]. Vol. 106, No. 3.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

promising practices, in order to borrow from activities in other countries. ‘Movements in one country tend to emulate successful movement in neighbouring countries (with varying degrees of success), even when there are important differences in the history and character of regimes in the region...’<sup>173</sup> The international character of the women’s movement is historically clear and ‘is evidence by the spreading of the idea of women’s shelters in a short time.’<sup>174</sup> Where the first shelter in Berlin opened in 1976, the first shelter opened in Austria in 1978, followed by one in Sweden in 1979. Networking between German and Austrian women’s organizations began to take place at the end of the 1980s. The women’s movement in different parts of Europe—whether southern Europe (e.g. Italy), former Yugoslavia, or former Soviet States—differed and was largely influenced, supported, or limited by the political situation at the time the movements began.<sup>175</sup> Women’s NGOs continue to struggle throughout Europe and especially in the post-communist countries, where originally their feminist ideas were not supported and continue to not be supported, either politically or financially. As a result, many depend on foreign donors. At the same time, women’s NGOs in the 2004 and 2007 acceding EU countries experienced further hardships, when foreign donors withdrew their support due to EU membership, with the perception that the EU would take over, (even though it did not), partly because violence against women is not seen as EU-level competence, and is instead seen as a national-level responsibility.<sup>176</sup>

Looking into the future, the issue of sustainability and retention of autonomy are of great relevance for women’s NGOs and for governments in Europe, who can succeed in promoting human rights of women in close collaboration with women’s NGOs and should hence recognize the mutual benefits of cooperation and finds means to support it.

Relevant international human rights documents call for governments to recognize the role of women’s NGOs in meeting the human rights of women to live free from violence. The most recent international binding treaty, the (Istanbul Convention), is not only expected to become the future standard for state action in the area of addressing violence against women, but it also calls for state support of the activities of women’s NGOs and women’s initiatives. Article 9 of the Convention calls for states to ‘recognize, encourage and support, at all levels, the work of relevant non-governmental organizations and of civil society active in combating violence against women and establish cooperation with these organizations.’ This article recognizes the historical contribution of women’s NGOs to combating violence against women, and the significant body of knowledge and expertise present in women’s civil society organizations. To ensure effective utilization of the knowledge and expertise, governments should therefore involve women’s NGOs as partners, for example in multi-agency cooperation and also to actively encourage and support their work. ‘This means enabling them to carry out their work in the best possible way.’<sup>177</sup>

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<sup>173</sup> Ibid.

<sup>174</sup> Logar, Rosa. (8-11 September 2008). The European Women’s Shelter Movement and its Contribution to Change: New Challenges and Future Perspectives. [World Conference on Women’s Shelters – Edmonton, Canada].

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence Explanatory Report. Paragraphs 68-69.

## Summary Conclusions

Violence against women, more specifically intimate partner violence, is gender-based in that it is rooted in historical power imbalances between the genders and disproportionately affects women. It is a human rights violation and a form of discrimination and through this, promoting, protecting and fulfilling women's right to live a life free from violence is the obligation of state governments. This is further confirmed by various international human rights documents, including the most recently produced binding treaty, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Domestic violence, and more specifically intimate partner violence, is the most commonly experienced violence by women, as it occurs in the private sphere and is most often perpetrated by their male partners. While to an extent there is significant awareness of the phenomenon and recognition of such forms of violence as public and not private, for the purpose of establishing measures to combat it, this form of violence remains a taboo subject and continues to be associated with shame, while stereotypes are still present in many societies.

According to research surveys, violence against women is ever present and it continues to be a significant issue affecting women's lives. Surveys from the six countries<sup>178</sup> indicate high rates of violence against women (i.e. physical, sexual, psychological, other), especially in intimate partnership.

The impact and consequences of violence against women, resulting from the experience of coercive control and various acts meant to intimidate, isolate, abuse, cause physical, sexual, psychological and economic harm to the victim, while at the same time, making the victim feel responsible, can be severe. The consequences may include physical injuries, mental health problems, loss of work and poverty, HIV/AIDS, drug and alcohol abuse, suicidal tendencies, chronic pain, disability, post-traumatic stress, among many others. The ultimate consequence of violence against women is death – femicide. Migrant and undocumented migrant women are even at greater risk due to their residency status, language skills, level of integration and the likelihood that they may be further marginalized as migrants. In the end, violence has impacts beyond that for the women and their children, but society as a whole, because it limits women's contribution to society and destroys their ability their many roles in a healthy and positive way.

The impact of violence creates certain needs specific to women survivors of violence. They need information about access to services and available services. The women need to be able to speak to someone about their situation and to receive moral support. The women also need assistance with practical affairs, information about violence and a clear stance against abuse, material support, support with their children, ending vulnerability to poverty, empowerment, adequate legal framework as well as a trusting and supportive environment.

Specialized services can meet those needs by ensuring a gender-approach to combating violence against women, including women staff helping women beneficiaries. At the same time, the services must stand on the side of the survivor and have independence to do so, which also allows them to be agents of social change in general. Other standards and

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<sup>178</sup> Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Serbia

principles of specialized service provision include crisis support and long-term support, proactive and ongoing support, and focus on safety and security (including cooperation with law enforcement). The services should be available 24/7 and provide fair access that is free of charge, among many others. For full description of all standards and principles, see section 1.2 (*principles and standards of service provision for women survivors of violence and their children*). The most commonly needed specialized services are national women's helplines, women's shelters, women's counseling centers and centers for survivors of sexual violence. The services should not only be specialized, but also consider the individual needs of service users, including those of marginalized groups such as women with disabilities, elderly women and migrant and undocumented migrant women, among others.

Access to and availability of specialized services is a right of women survivors of violence and has been reinforced through numerous international documents and treaties. As services are life saving and support women's autonomy and realization of their human rights, the Universal Declaration of Human Rights itself, States that every human being has the 'inherent right to life.' The principle of Due Diligence calls for states to combat violence against women through prevention, protection, prosecution, punishment and provision of redress. Protection means 'ensuring availability of and accessibility to coordinated support services.' Two international and regional treaties (i.e. United Nations Convention on Elimination of All Forms of Discrimination against Women, Council of Europe Convention on preventing and combating violence against women and domestic violence) call specifically<sup>179</sup> for provision of specialized services for women survivors of violence and their children. The Council of Europe Convention is a recent treaty (2011), which has swiftly entered into force in August 2014 and is expected to become the standard for combating violence against women throughout Europe. Various other principles from international law call on states to ensure adequate funding based on maximum available resources, that is non-retrogressive in nature and that become realized in a progressive fashion over time. The obligation to ensure accessibility and availability of services has been recognized in international case law, where states have been held responsible for failing to fulfill these obligations.

Historically, the women's movement, composed of women's NGOs, women's initiatives and service providers has served to raise awareness about violence against women and involved governments in the dialogue and played a significant role in establishing international and national commitments to combating violence against women. The women's sector not only holds significant knowledge and expertise in the area of combating violence against women, but also structures that provide women's services. The significant progress over the last decades can be attributed to the passionate advocacy of women's NGOs and also to society's ability and willingness to change, as well as women's NGOs ability to influence and bring about this change. Women's NGOs, together in collaboration with State governments, assist States in fulfilling their human rights obligations to combat violence against women. They do this in numerous ways, including service provision, awareness raising, networking, trainings, data collection, access to justice for victims, monitoring of implementation of measures and multi-agency work, among many others. The result is a private-public partnership that has formed or should form, where it does not exist, between women's NGOs and the State. To support the work of women's NGOs and hence the extension of its own work, states, as

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<sup>179</sup> The UN Convention on Elimination of All Forms of Discrimination against Women calls for provision of specialized services for women survivors of violence as stated in the Committee's General Recommendation Number 19.

holders of significant financial resources must allocate sufficient and adequate financial means to enable women's NGOs to carry out their work, while at the same time, enabling them to remain independent and autonomous to continue the process of influencing positive social change.

## **(PART II) AREAS SUPPORTING SUSTAINABILITY AND AUTONOMY**

### **2.1. Framework Model Indicators**

#### *Model and indicators*

The model aims to show areas on national (and where relevant) regional levels that support the sustainability and autonomy of both the women's movement composed of women's NGOs and women's NGOs service providers for women survivors of violence and their children which belong to the movement. A large number of organizations compared to the population, or a few well-supported and/or highly visible organizations, generally indicate feminist movement strength. A wide diversity of institutional forms (for example, feminist newspapers and magazines, feminist arts festivals, and central bodies) can also indicate a strong movement.<sup>180</sup>

*Sustainability* can be thought of as a situation where women's organizations have the ability to maintain their core operations and to continuously develop and improve as is needed; where they are enabled to plan into the long-term; and where they need not divert from core operations in order to conduct fundraising. *Autonomy* of women's organizations is characterized by 'independent actions, where women organize on the basis of self-activity, set their own goals, and decide their own forms of organization and struggle.'<sup>181</sup> In terms of service provision, this may mean operating according to standards and principles set by the feminist organizations themselves.

The areas or indicators of the model include state funding of women's services; support and promotion of women's NGOs; respect for autonomous principles of women's service provision; and relevant legislation and policy related to violence against women. Each area includes further sub-areas or indicators. Various methods and sources, described below, were utilized in order to develop the model and indicators.

#### *Rationale for indicators*

The model indicators focus largely on the relationship of women's NGOs to the State since the women's movement has always presented its demands to State institutions, and while it is in the interest of women's organizations to have good cooperation with the state; hence, more balanced power-sharing with what is a holder of significant material resources. It is equally important that the State is strong in the sense of stability, as unstable states may be unable to consider the demands of women's organizations.<sup>182</sup>

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<sup>180</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 554.

<sup>181</sup> Ibid.

<sup>182</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans.

The duties and obligations to implement human rights lie with the State; the women's movement, originally located at the grassroots level, has moved away from being a protest movement and has established its influence in State and international institutions.<sup>183</sup> Furthermore, the principle of Due Diligence obligates States to assume accountability for human rights violations by State actors, its agents, and non-State actors.<sup>184</sup> Violence against women is, in itself, a gross violation of human rights.<sup>185</sup> The majority of acts of violence against women are perpetrated by non-State actors, such as intimate partners.<sup>186</sup> As a result, the State holds the mandate to promote, protect and fulfil<sup>187</sup> the human rights of women, including the right to live a life free from violence. As a result, the State has the mandate to *enter* what has been traditionally thought of as the 'private sphere', to ensure women's human rights.

The awareness raising of violence against women as an act of gender-based violence, and gender-based violence as a form of violence to which women are exposed to at higher risk and by which they are disproportionately affected,<sup>188</sup> has been historically conducted by women's NGOs. The current level of action and awareness in the area of combating violence against women is the achievement of the last decades of women's NGOs' work. The reason for this is that combating violence against women is a specialized field. Organizations not specialized in the area of violence against women are not likely to effectively address the issues facing women, including violence.<sup>189</sup> Considering States as mandate holders to address violence against women from the perspective of redressing historical inequalities and changing structural inequality, as well as from the perspective of prevention, protection, prosecution, punishment and provision,<sup>190</sup> together with the role of women's NGOs as members of civil society holding States accountable and raising awareness about violence against women, the model for sustainability and autonomy must take into consideration the relationship between the State and women's NGOs and promote equal power-sharing. For example, the sustainability aspect of women's NGOs relies heavily on available funding and because the numbers of women seeking support is significant, 'it is impossible for women's organizations to conduct fundraising for the core finances on their own. This means that the government has to be responsible for the sustainability of the services.'<sup>191</sup> Sustainability and autonomy of specialized women's services is more likely to result in the presence of human rights-based principles of service provision, which are only possible when services are provided by women's NGOs with support of sustainable funding.

Cooperation with State and State-level indicators are important due to the fact that 'new forms of feminist practice [are] oriented towards the State [and] some forms of feminism have

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<sup>183</sup> Walby, Sylvia. (2011). *The Future of Feminism*. [Polity Press: United Kingdom, United States of America]

<sup>184</sup> Due Diligence Project. (2014). [[www.duediligenceproject.org/About.html](http://www.duediligenceproject.org/About.html)]

<sup>185</sup> Vienna Declaration and Programme for Action. Adopted by the World Conference on Human Rights in Vienna on 25 June 1993. [[www.ohchr.org/en/professionalinterest/pages/vienna.aspx](http://www.ohchr.org/en/professionalinterest/pages/vienna.aspx)].

<sup>186</sup> Due Diligence Project. (2014). [[www.duediligenceproject.org/About.html](http://www.duediligenceproject.org/About.html)]

<sup>187</sup> According to the Due Diligence principle.

<sup>188</sup> Preamble. (11 May 2011). Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>189</sup> Htun, Mal and S. Laurel Weldon. (August 2012). *The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005*. [*American Political Science Review*]. Vol. 106, No. 3.

<sup>190</sup> According to the Due Diligence principle.

<sup>191</sup> Logar, Rosa. (8-11 September 2008). *The European Women's Shelter Movement and its Contribution to Change: New Challenges and Future Perspectives*. [World Conference on Women's Shelters – Edmonton, Canada].

entered the State.<sup>192</sup> At the same time, sustainability of women's shelters, for example, is to a large extent dependent on funding from the State, which also implies the existence of a stable State, something that is outside of the control of the feminist women's movement. The lack of sustainability and services being negatively impacted depends upon or is influenced by government funding, change in government policy or direction, as well as political instability.<sup>193</sup> At the same time, as the responsibility for service provision and other measures aimed at preventing and combating violence against women becomes transferred to the State and its institutions, the 'relative importance [of the women's movement] lessens as institutions addressing violence against women are strengthened.' Although, as women's policy machineries, international norms and other factors are established, the institutions also play a supportive role to the women's movement.<sup>194</sup>

As a result, the model largely addresses areas from the perspective of State responsibility, but also from the perspective of women's NGOs, promotes and influences State responsibility. The ability to influence State responsibility however also depends on the capacity of women's NGOs and may include potential challenges that potentially exist within the women's NGOs, although it is equally important to keep in mind that lacking capacity is partly a result of States' continued failure to sufficiently support the work of women's NGOs. Capacity may include a variety of abilities and aptitudes, but also situational determinants. This includes NGO's skills in the area of risk management, knowledge of fund-raising, and other leadership skills as well as availability of professionals in the field of combating violence against women, and addition/replenishment of new professionals to the field, among others. For example, the recently carried out 'Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence'<sup>195</sup> in Moldova found that many problems continue to exist within the organizations which form the movement. The resulting recommendations based on data collected from the organizations emphasized the need to establish a harmonized and joint approach to service provision and other activities (ex. lobbying, networking), organization of knowledge transfer workshops, relevant training (including on implementation of existing legislation, fundraising and management), development of costing exercises, development of operational and activity plans, establishment of sustainability funds as well as enabling improvements in the area of human resources.<sup>196</sup> In order to influence the framework which will support them, women's organizations must first have the capacity, which equally involves having an agenda and a strategy.<sup>197</sup> The issue of integrated security is also of equal importance (and in line with capacity) to the strength of the women's NGOs ability to influence the framework. Integrated security implies measures for women victims of violence, but also for the activists. Physical and psychological security, as well as the experience of post-traumatic stress and burn-out, are

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<sup>192</sup> Walby, Sylvia. (2011). *The Future of Feminism*. [UK/USA: Polity Press].

<sup>193</sup> Global Network of Women's Shelters (GNWS). (2014). *Global Shelter Data Count 2013*.

<sup>194</sup> Htun, Mala and S. Laurel Weldon. (August 2012). *The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005*. [American Political Science Review]. Vol. 106, No. 3.

<sup>195</sup> Women against Violence Europe (WAVE) and Women's Law Center. (2014). *Capacity Gap Analysis of the Service Providers Working with Women Victims of Domestic Violence*.

<sup>196</sup> *Ibid.*

<sup>197</sup> Djak, Ivana. (2011). *Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans*. Pg. 28.

all issues affecting women activists in the movement and may have an impact on the effectiveness of the movement.<sup>198</sup>

### *Considerations for the future*

The work of feminist women's organizations in Europe continues, and to some extent has been hindered and suffered a backlash, in the recent years due to conservative politics and the economic crisis. At the same time, the feminist women's movement is still strong, and despite obstacles, there is much evidence to its power and continuity.<sup>199</sup> Nevertheless, it has been noted that while women's NGOs have lobbied for State governments and State institutions to take responsibility for addressing violence against women, the transfer of mandate from women's NGOs to institutions can have the effect of weakening the importance of autonomous women's NGOs.<sup>200</sup> This is especially important to keep in mind for future strategy-making by women's NGOs, as the civil society in several of the six countries (Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Serbia) are still in the beginning phase of a movement or suffer challenges due to the national framework within which it finds itself, and are largely influenced by political, economic and conflict situations, both current and past. The question of great relevance is: whether feminism can be transferred to state institutions or whether it will be absorbed by State institutions? Can grassroots ideas of women's NGOs be accepted into the ideologies of State institutions, or will the dominant discourse (status quo) present in state institutions overpower the ideals which grassroots organizations stand for? 'The change in the form of feminism, from protest to engagement, has implications for the effectiveness of feminist projects.'<sup>201</sup> At the same time, the presence of a stable government, and the institutions representing it, equally appear to be a pre-requisite for a strong women's movement, as with unstable governments, there is no one to address the responsibility for acting in due diligence and promoting, protecting and fulfilling the human rights of women.<sup>202</sup> However, as women's NGOs have influence, albeit limited, on the strength and stability of their governments, access to recourse through international human rights law enables women's organizations to impact change in the nation state, even in the presence of weak governing structures.<sup>203</sup>

Another question is which political and economic systems are most supportive of sustainable and autonomous feminist movements. Clearly the argument would be for a democratic welfare State, as the strengthening of the neoliberal economic paradigm and the rise of conservative politics can be detrimental to the women's movement, since it is democracy that supports active dissent. The continued presence of neoliberalism and removal of support for public initiatives as well as privatization of the public spheres (ex. public housing, education, health)<sup>204</sup> have significantly more negative impacts on women, who already have limited

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<sup>198</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>199</sup> Walby, Sylvia. (2011). *The Future of Feminism*. [UK/USA: Polity Press].

<sup>200</sup> Htun, Mala and S. Laurel Weldon. (August 2012). *The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005*. [American Political Science Review]. Vol. 106, No. 3.

<sup>201</sup> Walby, Sylvia. (2011). *The Future of Feminism*. [UK/USA: Polity Press].

<sup>202</sup> Djak, Ivana. (2011). *Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans*. [Bachelor of Arts Thesis presented to the department of government in partial fulfilment of the requirements for the degree with honors of Bachelors of Arts, Harvard College, March 2011].

<sup>203</sup> This includes women's organizations submissions of Shadow Reports to the CEDAW Committee as well as submission of cases to the European Court of Human Rights and/or individual complaints to the CEDAW Committee.

<sup>204</sup> Harvey, David. (2005). *A Brief History of Neoliberalism*.

access to these areas and institutions based on their gender. ‘Neoliberalism entails increasing inequalities, especially in the economy, as well as processes of de-democratisation, as the democratic State is replaced by market principles in the organisation of major services... [t]he rise in inequalities and the shrinking of democratic spaces makes for a more difficult environment for the operation of feminism, which attempts to reduce inequalities and to deepen democratic governance.’<sup>205</sup> To a large extent, this is visible in European Union Member States such as the United Kingdom and to some extent in others, while the Western Balkan States in the process of negotiating for accession to the European Union are also undergoing changes to their political and economic systems. There is an observance of the State retreating from being a social institution, with significant impact on women in terms of social insecurity, cuts to healthcare and other social services such as child care and family care. The pension system is being reformed ‘with substantial erosion in the value of the benefit paid.’<sup>206</sup> The changes in the Western Balkans present a challenge to the feminist women’s movement as well as to the individual activist women, who not only face limited funding for women’s organizations, but also face decreasing funding as well as social insecurity on an individual level.

It should be noted that as the countries in question have been going through transitional economic, political and post-conflict processes, and the current national context along with a short history of the women’s movement entails that women’s organizations still have a long way to ensure sustainability, especially since ‘whether a country or region has social capital depends on centuries of development [... and] social movements cannot be extracted from their economic and social context, and as these circumstances change, moments of opportunity are created.’<sup>207</sup>

### *Accession to the European Union*

While there are negative aspects of accession to the European Union by the Western Balkan states, there are also positive aspects for the women’s movement due to the implementation by accession countries of European Union gender equality policies<sup>208</sup> as well as promotion in general of the concept of Europeanization. ‘The economic context of the countries in the Western Balkans is heavily influenced by the European Union’s policies, due to their aspiration to enter the EU membership.’<sup>209</sup> The issue of gender equality is central aspect of the European Union and hence of EU conditionality. It can be said that a lot of change taking place in the area of gender equality in the Western Balkans is due to the process of accession to the European Union. For example, not only did women’s organizations utilize or politicize the European Union ‘norms’ as a means of enabling change in their countries, but several institutional level accomplishments have occurred, such as ‘transposition of EU gender equality legislation and policies into national laws’ and ‘establishment of national machineries for advancement of gender equality.’ The European Union itself provides Western Balkan

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<sup>205</sup> Walby, Sylvia. (2011). *The Future of Feminism*. [UK/USA: Polity Press].

<sup>206</sup> Dokmanovic, Mirjana. (2008). *Women in the Western Balkans*. [Briefing Paper prepared for the European Parliament Directorate General Internal Policies of the Union, Policy Department C, Citizens’ Rights and Constitutional Affairs.]

<sup>207</sup> Djak, Ivana. (2011). *Women’s Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans*. Pg. 16.

<sup>208</sup> Spehar, Andrea. (2011). *This Far, but No Further?: Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans*. In: *East European Politics and Societies*, Vol. 26, No. 2.

<sup>209</sup> Dokmanovic, Mirjana. (2008). *Women in the Western Balkans*. [Briefing Paper prepared for the European Parliament Directorate General Internal Policies of the Union, Policy Department C, Citizens’ Rights and Constitutional Affairs.]

countries' women's movements with legitimacy, which translates into space for them to present demands to their national decision makers. Furthermore, the European Union has also encouraged transnational exchanges among women's associations in Europe.<sup>210</sup>

While the European Union has strong instruments and a strong focus on the area of gender equality, the area of violence against women and domestic violence remain restricted to soft law (strategies and recommendations). In its soft law, the European Commission often refers to standards set by the CEDAW, Beijing Platform for Action and the Council of Europe, and only encourages (not requires) Member States to do the same. Despite the non-binding nature, women's NGOs in acceding States have been able to strategically utilize the EU accession as a means to lobby their national governments to change domestic violence policy and law in their countries.<sup>211</sup>

Women's organizations, for example in Croatia, to some extent, felt that EU accession was positive in that even the politicians typically unenthusiastic about the implementation of gender-equality policies began paying attention to EU directives, standards, opinions and recommendations, which also resulted in them paying attention to the demands of women's organizations. Women's organizations gained leverage with their national governments by gaining access to EU bodies as well as the right to apply to EU funding.<sup>212</sup> For example, to gain momentum and action in the area of domestic violence, women's organization referred to the concept of 'Europeanness' to legitimize their demands. This partly worked in countries like Bulgaria, Hungary and Romania as the accession date neared and states were more likely to allow a certain level of 'stretching' to extend the list of issues required by the European Union to be addressed by the acceding states. For example, 'Europeanness', or Europeanization, provided an argument in Hungary during the 2003 parliamentary debates on the National Strategy for the Prevention and Efficient Handling of Domestic Violence. 'These debates took place in the context of civil society mobilization against domestic violence, which was spearheaded by feminist NGOs but also engaged the general public. In this context, Europe was invoked as a set of European cultural traditions which were construed to signify a set of rights, including the right to be free from domestic violence.'<sup>213</sup> This example shows that the feminist NGOs rightfully exploited the political desire to join politically, legally but also culturally with the European Union. It was later clear from statements of Hungarian parliamentarians that it would be shameful to not join the European Union by changing the mentality towards domestic violence present in Hungary.<sup>214</sup>

However, at the same time, the force may not be as strong as it was originally believed or hoped by the women's organizations to be. Any changes resulting from EU accession (for example in Croatia and Bulgaria) are to be felt in the future, especially in terms of effective implementation of laws. Ineffective implementation results partly from lack of awareness of how the laws are to be implemented by both duty bearers and holders. Furthermore, as with

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<sup>210</sup> Spehar, Andrea. (2011). This Far, but No Further?: Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans. In: East European Politics and Societies, Vol. 26, No. 2.

<sup>211</sup> Krizsan, Andrea and Raluca Popa. (2010). Europeanization in Making Policies against Domestic Violence in Central and Eastern Europe. In: Social Politics – International Studies in Gender, State and Society, Vol. 17, No. 3.

<sup>212</sup> Spehar, Andrea. (2011). This Far, but No Further?: Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans. In: East European Politics and Societies, Vol. 26, No. 2.

<sup>213</sup> Krizsan, Andrea and Raluca Popa. (2010). Europeanization in Making Policies against Domestic Violence in Central and Eastern Europe. In: Social Politics – International Studies in Gender, State and Society, Vol. 17, No. 3.

<sup>214</sup> Ibid.

much of other EU Member States, conservative political movements are on the rise, and patriarchy continues to be the status quo. As for the countries, currently in the process of accession (Bosnia and Herzegovina, Montenegro, Serbia), there is a real risk of gender policy fatigue for the policy makers.<sup>215</sup> In the Western Balkan countries, the political restructuring and the neoliberal system (including lack of understanding of how it affects women unfavorably), coupled with political instability and in some cases ‘non-liable’ government, corruption, and the strengthening of patriarchal structures in the post-transition period are all harmful to women. The adoption of relevant international documents is mostly in theory, while implementation is severely lacking.<sup>216</sup>

In addition to following the policies of the European Union, which are not always the strongest in terms of gender equality and violence against women, the Western Balkan States and Moldova are parties to international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and/or the Istanbul Convention. The process of implementing the two international treaties offers strong hope for the future sustainability and autonomy of the feminist women’s movement.

#### *Sources to support development of indicators*

The indicators were elaborated keeping in mind processes that enable sustainability and autonomy of women’s services. There were several sources of information which enabled the elaboration of the indicators. The indicators can equally be referred to as areas that support autonomy and sustainability of women’s NGOs and NGO service providers. The sources and methods for indicator development included the following:

- Review of international Human Rights documents and work in the area of indicators on violence against women.

The work to create a model that indicates both a strong women’s movement composed of NGOs and NGO services providers and areas that support sustainability and autonomy began with a review of international human rights documents in the field of violence against women and work in the area of indicator development to measure progress of States’ implementation of measures to address violence against women. The following documents were consulted to determine which areas of a national framework to focus on or expect to be in place, and hence focus the model on existing areas: 1. CEDAW Committee General Recommendation 19;<sup>217</sup> 2. Report of the UN Special Rapporteur on violence against women;<sup>218</sup> 3. UN Women report on challenges around indicators on VAW;<sup>219</sup> 4. UN Expert Group meeting on indicators on

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<sup>215</sup> Spehar, Andrea. (2011). This Far, but No Further?: Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans. In: East European Politics and Societies, Vol. 26, No. 2.

<sup>216</sup> Dokmanovic, Mirjana. (2008). Women in the Western Balkans. [Briefing Paper prepared for the European Parliament Directorate General Internal Policies of the Union, Policy Department C, Citizens’ Rights and Constitutional Affairs.]

<sup>217</sup> [www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm)

<sup>218</sup> United Nations. Human Rights Council Eleventh Session. (18 May 2009). Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk. [[www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.pdf)].

<sup>219</sup> UN Women. (17-20 September 2012). Prevalence surveys on violence against women. Challenges around indicators, data collection and use. [[www.unwomen.org/~media/headquarters/attachments/sections/csw/57/egm/egm-paper-henriette-jansen%20pdf.pdf](http://www.unwomen.org/~media/headquarters/attachments/sections/csw/57/egm/egm-paper-henriette-jansen%20pdf.pdf)]

VAW;<sup>220</sup> 5. Report of UN Special Rapporteur on violence against women on the topic of Due Diligence;<sup>221</sup> 6. Istanbul Convention;<sup>222</sup> 7. European Union Indicators to measure implementation of the Beijing Platform for Action in the European Union.<sup>223</sup>

- The experience of Austria, a European Union Member State serves as a good practice example of both legislation and women's service provision.

Since 1997, Austria has had an Anti-Violence legislation in place, part of which establishes a system of intervention centres<sup>224</sup> (support services for women survivors of domestic violence). The legislation has been regularly amended to address gaps in implementation. The country has a national women's helpline that operates 24/7, is free of charge and offers multilingual support, as well as an active network of 30 women's shelters. In addition, various support structures (including counselling centres) for migrant women are also in place, and in 2014, a shelter for women and girls survivors of forced marriage was opened in Vienna.<sup>225</sup> The support system for women survivors of violence and their children in Austria is largely run by women's NGOs and supported financially by the state. The first women's shelter opened in 1978,<sup>226</sup> and through close cooperation between women's NGOs, State government and agencies, the system of support was elaborated, developed and grew. Today, the NGOs providing support services for women survivors of violence and their children continue to be active in awareness raising and prevention and remain autonomous by providing critical feedback about remaining gaps in the system of combating violence against women, for example, through organization and submission of Shadow Reports to the CEDAW committee by the Austrian CEDAW network<sup>227</sup> of women's NGOs.

- Over 20 years of WAVE Network expertise documented during network meetings and discussions about country specific situations and sharing of successes and set-backs. This also includes WAVE's previous work, projects and research.<sup>228</sup>

In addition to utilizing knowledge and information gained from daily work and the expertise of the WAVE senior staff members, WAVE utilised internal documentation from the annual WAVE conferences (11<sup>th</sup> annual conference 2009 – 15<sup>th</sup> annual conference 2013) and from the WAVE coordinating Committee meetings (November 2010 – May 2014). The

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<sup>220</sup> United Nations. (8-10 October 2007). Indicators to measure violence against women: Expert Group meeting.

<sup>221</sup> United Nations. Economic and Social Council. Commission on Human Rights Sixty-Second Session. (20 January 2006). Integration of the Human Rights of Women and the Gender Perspective: Violence against Women. The Due Diligence Standard as a Tool for the Elimination of Violence against Women. Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk.

<sup>222</sup> Council of Europe. (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>223</sup> <http://eige.europa.eu/internal/bpfa/results#92/indicators>

<sup>224</sup> There is one intervention center per Austrian federal province (Bundesland). In total, there are nine intervention centers in Austria. The model of intervention centers has been transferred to other countries in the European Union as a good practice, recently in Lithuania.

<sup>225</sup> Women against Violence Europe (WAVE). (2014). Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 40-43.

<sup>226</sup> Ibid. Pg. 41.

<sup>227</sup> Frauen Rechte Jetzt NGO Forum CEDAW in Österreich.

<sup>228</sup> See [[www.wave-network.org/content/current-projects-activities](http://www.wave-network.org/content/current-projects-activities)] for a list of current projects and activities and [[www.wave-network.org/content/past-projects-activities](http://www.wave-network.org/content/past-projects-activities)] for a list of former projects and activities. WAVE Annual Reports are available online at [[www.wave-network.org/content/annual-report](http://www.wave-network.org/content/annual-report)].

documentation included information from women's NGOs and WAVE Focal Points related to the situation of women's rights and/or violence against women in their countries.

- Data collection workshop with women's organizations in Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro and Serbia taking place on 28 May 2014 in Vienna, Austria.

At the same time a preliminary draft of the model indicators was being elaborated, research on the historical and current situations in the six countries (Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro, Serbia) was conducted. This research began with a data collection workshop, which took place on 28 May 2014 and involved participation and presentation of data from the six WAVE Focal Points in the aforementioned countries. The focus of the workshop was to establish areas of successes and challenges in order to also develop a better understanding of areas that must be strengthened in order to support the work of women's NGOs. In addition to collecting information on the historical developments in the six countries, the workshop served to inform the WAVE research team about the countries' situation related to the presence of a network of women's services, role of transnational networks like WAVE, data collection by women's services, role of general (social) services and the NGOs relationship to them, professionals in service provision, funding schemes of women's NGOs, access to shelters, as well as the position and status of women's services/NGOs in society, and whether they face discrimination. One of the significant findings of the workshop, for example, was the fact that women's NGOs' cooperation with State services/agencies can be very challenging and can hinder the work of women's NGOs, thereby proving that good cooperation is very important.

- Research article from year 2012 titled 'The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005' by Mala Htun and S. Laurel Weldon.

This article provides areas/indicators by which the effectiveness of feminist movements is measured. Such areas include existence of State-sponsored service provision, legislation on violence against women, training of professionals and prevention, among others. The areas mentioned in the article are important in the sense that existence of the areas in a given country leads to effective mobilization of the feminist movement<sup>229</sup> (i.e. having successfully influenced their governments to take certain actions and adopt certain measures), which once in place, would inarguably also support the feminist movement's sustainability and autonomy in return, including women's NGO service providers, which are part of the feminist movement.

- Academic thesis from year 2011 titled 'Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans' by Ivana Djak.

The academic research addresses the issues facing women's organizations in the Balkans (Bosnia and Herzegovina, Croatia, Serbia) following the wars in the 1990s and focuses on aspects of relationship-building between women's NGOs and the State, showing that

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<sup>229</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 554.

addressing the State has been the goal of women's NGOs, partly as means of resource mobilization. The research shows that post-war cooperation between State institutions and women's NGOs was non-existent and it was the period between years 1990-2000s when a lot of work was done by women's NGOs to establish ties to institutions, including to newly formed gender equality bodies. The research focused on variables that have contributed to the strength of the women's movement in the countries. Strength of the movement was defined as 'membership, number of chapters across the country, and range of issues addressed by the organization[s].'

- Book titled 'The Future of Feminism' from year 2011 by Sylvia Walby.

In her book, Walby describes the current forms of feminist mobilization, including within women's civil society organizations and networks. Walby argues that the feminist movement in Europe continues to be strong, yet is taking on new forms (ex. moving away from a protest movement and instead penetrating State institutions), which may make it appear invisible to the outside, yet still equally powerful as it has been in the past.

- 'Europeanization in Making Policies against Domestic Violence in Central and Eastern Europe' from year 2010 by Krizsan, Andrea and Raluca Popa.

The article describes the gains which women's organizations can achieve through the EU accession process by calling upon 'European' norms as means of demanding their governments' stronger commitment towards combating violence against women, including domestic violence, despite the EU not actually having strong competencies in the area of violence against women, as most forms of violence against women, domestic violence included, are addressed through soft laws only on the EU-level. At the same time, the EU accession processes are still a great historical opportunity for women's organizations to invoke perceived cultural European norms of gender equality and utilise their governments' 'desire' to join a larger economic and political region, which enables women's organizations to 'stretch' their demands and appeal to their governments to address violence against women as part of the processes of alignment of their national frameworks to adhere to requirements set forth for accession to the European Union.

- 'This Far, but No Further? Benefits and Limitations of EU Gender Equality Policy Making in the Western Balkans' from year 2011 by Andrea Spehar.

The article outlines positive changes that took place in the area of combating violence against women in Croatia and Macedonia as a result of the EU accession processes and conditionality resulting in the requirement to align national legal frameworks with those of EU-level legislation (i.e. directives, regulations). The results included establishment of gender equality legislation or gender equality institutional bodies. At the same time, EU conditionality has helped to transfer the idea that support of women's civil society is an important democratic process. This however did not always result in sufficient funding of women's NGOs and the perception was actually harmful as many donors left the EU acceding countries, assuming that the governments would take over the role of funders, although EU accession provided access for women's NGOs to apply for EU-level funding (albeit without addressing whether the existing organizations possess the capacity to take part in the application procedures). In the end, the article points to several challenges such as remaining conservative governments,

which resist gender equality and the fact that adopted legislation will require time and effort in order to become effectively implemented and show results.

### *Model indicators (areas supporting sustainability and autonomy)*

Preliminary research and experience have shown that international human rights documents and standards<sup>230</sup> have been influential on change in various European countries and that women's NGOs contribution to the process of monitoring the implementation of international standards is important. Other areas that stand out as having impact include communication at different levels between women's NGOs, politicians, as well as officials of State institutions and agencies. Legislation in the area of domestic violence is equally important as it often provides for and enshrines the existence of support services. Since women's NGOs as service providers are part of a greater system of intervention and support, cooperation (especially with the police) and their inclusion in multi-disciplinary work is important as it cements their presence in the overall system of combating violence against women.

Based on the above mentioned sources and preliminary research and experience, the following four areas as 'enablers' of sustainability and autonomy of women's services and organizations have been chosen:

1. State funding of women's services – *sustainability*.
2. Support for and promotion of women's NGOs – *sustainability and autonomy*.
3. Respect for autonomous principles of women's service provision – *autonomy*.
4. Relevant legislation and policy related to violence against women – *sustainability*.

### *Descriptions of model areas/indicators:*

#### **2.1.1. STATE FUNDING OF WOMEN'S SERVICES**

##### **Legal basis for funding of (women's) NGOs**

An important aspect in this area is that legal basis for State funding of women's NGOs is clearly established; both women's NGOs and relevant State institutions are aware of their rights and obligations as well as responsibilities for ensuring and receiving funding flows to services and the ability to fund services provided by non-profit organizations. The legal basis is needed to establish every State's ability to procure services from non-profit organizations, instead of being sole providers of social services.

Often relevant legislation on domestic violence, includes the provision of services as part of implementation of the law or as a 'right of access' for the beneficiaries of the law. Legal basis for funding may be found in stand-alone legislation or accompanying bylaws or legislation/regulation on accreditation of institutions or organizations, which may be further supplemented by regulations on standards applicable to social service providers. In other cases, funding may be enabled through short-term or unlimited contracts between individual organizations or networks of organizations and the State.

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<sup>230</sup> This would especially include the Convention on the Elimination of All Forms of Discrimination against Women, Council of Europe Convention on preventing and combating violence against women and domestic violence, and the EU accession procedure.

### *Additional considerations*

Establishing a legal basis for funding is a first step, however, additional issues to consider include funding and transfer methods, transparency of funding allocated and granted to specialist services, as well as understanding about the level of funding needed.

There are various **funding methods** found across Europe and some involve partial State funding and partial private donations. Others involve the responsibility to be split among various levels of government such as State, regional, provincial, and municipal, among others. While sometimes the preference has been expressed for full State-level funding, the case of Austria<sup>231</sup> and the fact the cooperation between women's NGOs and State officials may be easier on local levels<sup>232</sup> demonstrate that different options are possible and may result in positive outcomes for sustainability. Although the transfer of responsibility to local level has been known to result in lack of priority to address domestic violence or violence against women, and general social services such as those dealing with homelessness, disability, alcohol misuse, and HIV/AIDS, receive priority for funding. **Transfer methods** may also vary and women's NGOs across Europe have expressed their dissatisfaction with 'daily rates' instituted by governments as opposed to 'lump sum' transfers.

**Transparency of funding allocated and granted to specialist services** is equally important as the State can be publically held accountable for the funds it makes available to support victims of violence. At the same time, throughout Europe the funding level is rarely known and the information is sometimes made available through CEDAW reporting, UNECE reporting or as an amount allocated<sup>233</sup> in National Action Plans. The discourse on transparency of funding has been raised in recent years, with recommendations from the European Institute for Gender Equality (EIGE) to ensure monitoring of State funding for specialized service provision as an indicator on monitoring the implementation of the Beijing Platform for Action in the European Union.<sup>234</sup>

**Understanding about the level of funding needed** enables an open and public discussion about how much financial support is needed (e.g. on annual basis, on three-year basis) in order to sustain a system of specialized services (e.g. the operation of national women's helpline, women's shelters). The process of negotiation should include knowledge about the actual level of funding/amount of budget to enable present sustainability and future planning by the State in order to ensure that required funding levels can be met. The service providers should understand the annual budgets that are needed in order to carry out their work effectively, efficiently and in a way that meets the rights and needs of women survivors of violence with focus on quality. The funding level needed should be communicated to relevant funding bodies. The understanding of the funding level should also be based on the understanding of which services must be provided by independent women's NGOs and which services could be outsourced and supported with training.<sup>235</sup>

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<sup>231</sup> See Autonomous Austrian Women's Shelters (AÖF). (2008). Quality Survey: In the city and province of Vienna, women's shelters receive funding based on long-term contracts with the city of Vienna. In the province of Styria, the existence of women's shelters is provided for in the Styrian Protection from Domestic Violence Act.

<sup>232</sup> See Bosnia and Herzegovina country profile.

<sup>233</sup> Allocated does not automatically mean granted, or allocated and/or granted to women's NGOs.

<sup>234</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support. Pg. 59.

<sup>235</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria]: In Bosnia and Herzegovina, the state funds women's shelters, however, does not fund legal aid

## 2.1.2. SUPPORT FOR AND PROMOTION OF WOMEN'S NGOs

This area should cover aspects such as financial support and other support to national feminist women's networks of NGOs; financial support and other support to feminist women's NGOs service providers; cooperation between women's NGOs and relevant State-run services and other agencies; feminist women's NGOs submissions to the CEDAW Committee; cooperation, good will and sustained communication between policy makers, State officials and feminist women's NGOs; and awareness about the role of women's NGOs in supporting survivors of violence against women.

### State financial support and other support to national feminist women's networks of NGOs

The existence of networks on national level as well as connection of national level networks to international or regional networks is of great importance for strengthening the work of women's organizations. According to Walby, '[a] stronger coordination of feminist activities – in organizations, and at national, European and international rather than local levels – increases rather than reduces their influence.'<sup>236</sup> In Montenegro, networking is said to equal with survival of women's organizations.<sup>237</sup> In Bulgaria, the work of lobbying for State funding has improved since development of a coalition.<sup>238</sup> In Austria, the Autonomous Women's Shelter Network (AÖF), funding of shelters is requested jointly by all organizations in the network, instead of individually by each organization, adding strength to the argument for funding or increased funding. In the UK, Women's Aid (a large feminist umbrella organization of women's service providers) developed specialized standards<sup>239</sup> of service provision, recognition of which (by the funding authorities) was strengthened partly due to adoption of the standards by a large consortium of organizations.<sup>240</sup> Generally speaking, the presence of membership organizations indicates a strong women's movement,<sup>241</sup> and the same would be true for a network of women's services organizations.

The establishment and existence of networks in countries where the networks are strong eventually will receive State recognition of their importance, because of the role such administrative and centralized organizations play in supporting the improvement of State institutions.<sup>242</sup>

### State financial support and other support to feminist women's NGOs service providers

State funding of services for survivors of different forms of violence against women is an important indicator of progress in the area. Additionally, the State assuming responsibility for

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provided by women's organizations, instead by general centres, which are not specialized to support women survivors of violence. The centres lack sensitization to the issue of domestic violence and are not effective in supporting women survivors of violence.

<sup>236</sup> Walby, Sylvia. (2011). *The Future of Feminism*. [UK/USA: Polity Press].

<sup>237</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>238</sup> Ibid.

<sup>239</sup> Women's Aid. Women's Aid Federation of England National Quality Standards.

[[www.womensaid.org.uk/page.asp?section=0001000100350002%C2%A7ionTitle=National+Service+Standards&](http://www.womensaid.org.uk/page.asp?section=0001000100350002%C2%A7ionTitle=National+Service+Standards&)]

<sup>240</sup> Presentation by Women's Aid England during Workshop titled 'European Standards for Women's Support Services including Standards for Funding.' (18 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>241</sup> Djak, Ivana. (2011). *Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans*. Pg. 11.

<sup>242</sup> Ibid. Pg. 18.

provision of services is an indicator of both a strong feminist movement and its success at enabling the taking of responsibility by the State for protection of survivors.<sup>243</sup> At the same time, the funding of services provided by feminist women's NGOs contributes greatly to sustainability of the services and the feminist movement, presumably found within the NGOs.

### *Additional considerations*

Important to also consider is where the financial support is coming from. For example, if funding comes from the State, the preference would be an institution or body that accepts feminist principles or that is in itself a body or institution representing feminist principles, such a Ministry for Gender Equality. If budgets are taken from the area of government responsible for child protection, it may result in women's service providers having the 'family approach' forced upon them.<sup>244</sup> At the same time, for funding to enable sustainability, the preferred method of financial support would involve dedicated funding streams to support the core operation of specialist services as opposed to ad-hoc or project-based tenders, short-term contracts or open competition tenders issued by the State.

Ensuring the taking over of responsibility for funding for sustainability, while maintaining autonomy is of great concern, but is not impossible. Austria has been fairly successful in setting up a network of services for survivors of violence due to the close and good cooperation between women's NGOs who run the services, as well as the federal and regional governments who finance them.<sup>245</sup>

### **Cooperation between women's NGOs and relevant State-run services and other agencies**

Women's NGOs are intertwined in a system of support services that include State institutions such as child and youth welfare/protection agencies, law enforcement (police), courts as well as various other educational or (un)employment institutions. Since escaping domestic violence and rebuilding one's life is a complex task, various services are called upon to support women. One of the areas especially of great importance for women's NGOs that provide services is cooperation with law enforcement. In Austria, the legal framework, more specifically, the Anti-Violence Act, have made cooperation 'possible and mandatory, not relying on the willingness of individuals to work together.'<sup>246</sup> The law requires police interventions to report to women's NGO run intervention centres, which automatically implies the need to work together. In Austria, 'women's NGOs have successfully built a network of support services for survivors and developed multi-agency intervention chains to address and prevent violence against women and their children'.<sup>247</sup> Despite the law enabling cooperation, another form of cooperation such as the training of police in cases of domestic violence began in the 1980, prior to the law on protection from violence. Following a pilot project in Vienna, between the Women's Shelter Network and the Federal Ministry of the Interior, a training concept was organised. Today, police training is mandatory for all police

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<sup>243</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 550.

<sup>244</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>245</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar 'Peace at Home – from Europe to Finland' Parliament of Finland in Helsinki].

<sup>246</sup> Ibid.

<sup>247</sup> Logar, Rosa. (10-11 June 2008). Closing Conference Council of Europe Campaign: Stop Domestic Violence against Women. [Strasbourg].

units in Austria and is carried out by two persons, one trainer from the police and one from a women's NGO. This model has proven to be successful.<sup>248</sup> More often than not, cooperation occurs within the framework of multi-agency cooperation (ex. in form of multi-disciplinary teams from different agencies and organizations that work on a case basis to find best solutions for women survivors of violence and their children) and referral systems (when victims are sent from one service to the next), and is likely to be more effective and efficient, when the cooperation is legally provided, for or protocols for cooperation exist.

### *Additional considerations*

A common way to establish good cooperation between women's NGOs and State agencies is to institutionalize mandatory and on-going trainings of professionals. Established training of professionals<sup>249</sup> in itself shows State commitment to combating violence against women.<sup>250</sup> As mentioned above, trainings carried out by women's NGOs are ideal as they enable the transfer of a feminist perspective and in themselves foster cooperation. Such institutionalization of women's NGO trainings and transfer of feminist principles enables both sustainability and autonomy of women's services.

In recent years, in recognition of women's needs, many countries established and continue to improve multi-agency cooperation to ensure survivors have access to all services that enable them to leave violent situations. For this reason, inclusion of women's NGOs in multi-agency cooperation is important. If possible, the inclusion of women's NGOs in multi-agency cooperation should be enshrined in specialized standards of service provision.<sup>251</sup> This should be further extended to include women's NGOs in other cooperative work such as relevant committees, including in the process of drafting a National Action Plan. The existence of coordinating bodies is also an indicator of a strong feminist movement and a strong State commitment towards combating violence against women.<sup>252</sup>

State coordinating bodies vary depending on the country. They may be on a national or regional or local level, and may compose of ministries, committees, multi-agency bodies, or bodies set up for the purpose of elaborating and drafting policy, such as the National Action Plan. The inclusion of women's NGOs, including of women's NGO service providers is important as it ensures the feminist perspective is being transferred to institutions. At the same time inclusion of women's NGOs in State apparatus provides women's NGOs with a platform for cooperation and advocacy. This may also lead to sustainability as State institutions learn to rely on the expertise of women's NGOs.

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<sup>248</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar 'Peace at Home – from Europe to Finland' Parliament of Finland in Helsinki].

<sup>249</sup> See Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 550: There are diverse perspective present related to the 'professionalization' of the feminist movement more specifically, whether feminist activism is still possible within the scope of professionalization, or whether professionalization contributes to the weakening of feminist activism.

<sup>250</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 550.

<sup>251</sup> See section 'Standards of Specialized Service Provision for Survivors of Violence'

<sup>252</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 551.

## Cooperation, good will and sustained communication between policy makers, state officials and feminist women's NGOs

Effective cooperation between the State and women's organizations is important and has been historically, despite changing processes and contexts- a factor indicating strength of the women's movement.<sup>253</sup> Good will and sustained communication between State level officials and women's NGOs is of great importance to sustainability as it enables the sharing and distribution of power between state and civil society as well as the building of cooperation and exchange of knowledge. Women's organizations demands for protection from violence, access to public funds, access to policy decision-making require 'substantial financial support', and hence can only be met by the State.<sup>254</sup> The sharing and distribution of power contributes to the sustainability and autonomy of women's organizations. In Austria, for example, many original initiatives arose this way. The initiatives began in the mid-1970s and activists collaborated with committed women from political parties, which was followed by opening the first shelter in 1978.<sup>255</sup> This has been recognized as a public-private partnership between women's NGOs and the State, and has been the key to success in establishing an autonomous and sustainable NGO sector.<sup>256</sup> In Austria, 'women's NGOs have successfully built a network of support services for survivors and developed multi-agency intervention chains to address and prevent violence against women and their children. This was and is possible due to close cooperation between government and women's NGOs: the NGOs run the service and guarantee good quality standards, and the government provides the necessary financial resources.'<sup>257</sup> Effective cooperation is also likely to result in women's movements gaining new allies or access to policy making institutions.<sup>258</sup>

Cooperation and communication between women's NGOs and the State may have a positive impact on the balance of power, which is important, as the research of Djak indicates that a relationship between civil society and the State is crucial and hypothesizes that 'women's organizations are stronger when they have an equal power-sharing relationship with the State and when their relationship to the State is positive.' At the same time, the presence of conservative politics may weaken the potential for cooperation, as Djak hypothesizes that 'women's organizations are [weaker] when nationalism is [more] ethnically politicized' and hence cooperation would have a smaller impact.<sup>259</sup> Cooperation should be understood as an essential platform enabling and fostering sharing of power which 'creates a greater sense of security among former rivals.'<sup>260</sup>

The presence of women's machineries or gender equality machineries can be supportive of cooperation and communication, since historically those machineries have promoted the demands of women's NGOs. 'This institutional momentum furthers feminist policy

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<sup>253</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans. Pg. 23.

<sup>254</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans. Pg. 26.

<sup>255</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar 'Peace at Home – from Europe to Finland' Parliament of Finland in Helsinki].

<sup>256</sup> Ibid.

<sup>257</sup> Logar, Rosa. (10-11 June 2008). Closing Conference Council of Europe Campaign: Stop Domestic Violence against Women. [Strasbourg].

<sup>258</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans. Pg. 22.

<sup>259</sup> Ibid. Pg. 8.

<sup>260</sup> Ibid. Pg. 17.

making.<sup>261</sup> Women's organizations throughout Europe have often addressed women politicians in leftist parties with their demands – an action that has supported the processes of change.

Cooperation is important, as can be seen in the case of Croatia and Bosnia and Herzegovina, where in the period of 1995-2000, women's organizations 'faced hostility from the State' and also received no 'material support from the State'.<sup>262</sup> This situation has improved over the last decade (see individual country profiles), where State financial support is currently present, and to some extent cooperation has also improved.

Good will and sustained communication encompasses non-exhaustive areas and activities, such as official conferences and invitations to conferences and meetings, provision of feedback on drafted legislation or policy, lobbying letters, communication, informing about research results, among others. It may also include non-formal events, such as evening social events after conferences that may include dinners or other networking activities.

### *Additional considerations*

Worth to note is that in many countries with high involvement of development agencies such as the United Nations agencies or other international agencies, the cooperation between State and women's NGOs, or the effective work of women's NGOs, may be compromised, when international donors fund solely the work of the State and do not conduct this in cooperation with women's NGOs.<sup>263</sup> Not only may this result in projects implemented by the State that do not reflect a feminist perspective and which may lack transparency, but also results in further transfer of power to the State.

### **Feminist women's NGOs submissions to the CEDAW Committee and other international processes**

Women's organizations' access to international platforms to voice their concerns and express their demands is important, particularly when their national governments are unstable or weak, or when the governments fail to comply with international treaties and norms. The ability to do so through Shadow Reports to the CEDAW Committee allows women's organizations to '[hold states] to account for their behaviour in a public international forum'.<sup>264</sup> Following WAVE's review of numerous CEDAW session documents (i.e. State reports, Shadow Reports, committee communications), it becomes clear, especially from the Committee's 'List of Issues and Questions with Regard to Consideration of Periodic Reports,' that the Shadow Reports submitted by women's organizations are given significant value in the CEDAW Committees formulation of its questions and resulting recommendations. The issue of funding of women's organizations and services is often a topic addressed in the Shadow Reports, and hence by the CEDAW Committee.

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<sup>261</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 555.

<sup>262</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans. Pg. 11.

<sup>263</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>264</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 558.

Women's NGOs access to the CEDAW review process through Shadow Reports or through submission of cases to the CEDAW Committee is very important. In Austria, two cases brought under the Optional CEDAW Protocol and the resulting decision by the CEDAW Committee have resulted in Austrian governmental changes<sup>265</sup> demonstrating that women's NGOs ability to utilise international human rights law is important in strengthening the movement.<sup>266</sup> There have been numerous cases related to violence against women brought forth to the CEDAW Committee and the European Court of Human Rights, including judgments related to State failure to protect women through inadequate or unavailable service provision.<sup>267</sup> It has often been observed that cases brought in front of CEDAW or the European Court of Human Rights result in improvements and change. Many women's organizations join together to plan and prepare Shadow Reports to the CEDAW Committee; however, funding for this is not often directly provided by the State, and is instead by private donors, or alternatively is an activity done within the frame of women's organizations regular operation or in free time.

For the countries that have recently ratified the Istanbul Convention (as of 1.12.2014):<sup>268</sup> Bosnia and Herzegovina, Montenegro, Serbia), the process of monitoring the implementation of the Convention will be important in the future.

Currently, for the EU potential and candidate countries (Bosnia and Herzegovina, Montenegro and Serbia), the ability to utilize and take part in the process of State progress reporting to the EU, which provides a perspective of the civil society in the area of violence against women, is also important and will continue to be in the future.<sup>269</sup>

Access to international platforms also includes the possibility and capacity for women's organizations to bring forth cases to international bodies, such as submissions of individual complaints under the Optional Protocol to CEDAW or bringing cases in front of the European Court of Human Rights (ECHR), as these have been known to result in policy/legislative and other changes following the rendering of decisions.<sup>270</sup> Both CEDAW and ECHR cases have

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<sup>265</sup> In cases of violence in the family, the need for the consent of the victim to allow for prosecution was abolished.

<sup>266</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar 'Peace at Home – from Europe to Finland' Parliament of Finland in Helsinki].

<sup>267</sup> Committee on the Elimination of Discrimination against Women under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women – Communication No.: 2/2003, Ms. A.T. v. Hungary (Views adopted on 26 January 2005, thirty-second session).

<sup>268</sup> See: [www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG](http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG): Additionally to the ratifications mentioned in text, Croatia has signed the Convention. Bulgaria and Moldova have not yet signed the Convention.

<sup>269</sup> Personal communication with WAVE Focal Points.

<sup>270</sup> For example, see Draft Report of Beijing +20: The 4<sup>th</sup> Review of the Implementation of the Beijing Platform for Action in the EU Member States – Report from the Europe Institute for Gender Equality., distributed by General Secretariat of the Council to the Working Party on Social Questions. [[www.parlament.gv.at/PAKT/EU/XXV/EU/04/41/EU\\_44171/imfname\\_10506192.pdf](http://www.parlament.gv.at/PAKT/EU/XXV/EU/04/41/EU_44171/imfname_10506192.pdf)]. Pg. 48: The draft refers to new legislative measures related to at home birth being recently adopted in the Czech Republic and Hungary. The legislative changes were a result of the decision rendered by the European Court of Human Rights, where in the case of *Ternovszky v. Hungary*, 2010, the claim put forth by the plaintiff that the current ambiguous legal situation resulted in health professionals being dissuaded from assisting in home births, hence limiting women's options for choosing a place for delivery.

addressed domestic violence and have resulted in judgments finding countries to be failing their due diligence obligations in supporting women's rights to service provision.<sup>271</sup>

### **Awareness about the role of women's NGOs in supporting survivors of violence against women**

This includes the knowledge by policy makers and State officials (especially those charged with combating violence against women or gender equality) about the role women's NGOs play in society, including how their work is part of the greater system of addressing violence against women, and creating a healthier, more peaceful society, while at the same time strengthening State institutions. It would be important for policy makers and State officials to recognize the role of women's NGOs as enabling the State to meet its international human rights obligations. Awareness may also imply that the government is aware of the needs and rights of the survivors, and recognizes that women's NGOs are most suitable to enable the fulfilment of those rights in terms of appropriate and effective service provision.

### **2.1.3. RESPECT FOR AUTONOMOUS PRINCIPLES OF WOMEN'S SERVICE PROVISION**

This area covers aspects such as existing standards of specialized service provision for survivors of violence in order to ensure a level of respect for and 'non-interference' in the work of women's NGO service providers.

#### **Standards of specialized service provision for survivors of violence**

Women survivors of violence should have access to specialized services as opposed to general services. Specialized services inherently mean that the services are not open to the general public, but are specialized to assist women survivors of violence and their children. Specialized services are created specifically to meet the needs of the target group (in this case, women survivors of intimate partner violence or domestic violence). Standards of service provision may include standards such protocol for utilising risk-assessment; institutions to contact, when referral is needed; minimum length of stay in a shelter; and minimum facility conditions to be provided (ex. one private space per family). Such standards support the sustainability of women's NGO service providers if they specify the specialized nature of services, as autonomous women's organizations may be the only ones able to fulfil the standards. The standards could further specify and cement the gender-specific<sup>272</sup> nature of the services (e.g. provision of services for male victims to be provided separately), as well as properly trained staff and/or adherence to the principle of non-discrimination (e.g. no denial of access based on no recourse to public funds). At the same time, it is equally supportive of the sustainability of women's NGOs that the standards specify inclusion of the NGOs in multi-agency cooperation.

It is especially important that the standards are favourable towards women's NGOs in that the method of carrying out their work is not burdensome or restrictive, and enables for retention of autonomy. In this sense, specialized standards can ensure the autonomy of women's services and organizations. At the same time, development of specialized standards promotes a certain level of bureaucracy, as it requires the establishment of an accreditation mechanism,

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<sup>271</sup> For example, *A.T. v. Hungary* (CEDAW Committee Communication).

<sup>272</sup> Services for women only provided by women only.

which are bodies and processes to ensure women's service providers fulfil the standards.<sup>273</sup> Standards of service provision also likely require an agreement among a large consortium of service providers in the country for them to be also agreed upon and/or ratified by the government/funding authorities.<sup>274</sup> At the same time, as in many countries, there is competition for funding among various service providers and the existing funding is scarce; there exists a threat that women's organizations accept State's criteria (ex. non-feminist standards) in order to ensure sustainability through State funding.<sup>275</sup> Therefore, the goal of establishing recognized specialized standards is a pre-emptive method to work towards both sustainability and autonomy of women's service providers.

As there have been historically and currently the tendency of the State to fund women's organizations and services, only to eventually absorb them into the State apparatus,<sup>276</sup> development of specialized standards with recognition of them (i.e. ratification) by the government is important as it acknowledges women's service provision autonomy.

#### **2.1.4. RELEVANT LEGISLATION AND POLICY RELATED TO COMBATING VIOLENCE AGAINST WOMEN**

This area covers aspects such as legislation on domestic violence, including civil laws on restraining orders/protection orders; effective implementation of existing legislation; accession to international treaties (i.e. Convention on the Elimination of All Forms of Discrimination against Women, Istanbul Convention); and National Action Plans on gender equality (including violence against women) and/or other National Action Plans addressing violence against women. Other aspects covered under this area may include ex-officio criminalization of domestic violence or intimate partner violence, and legal provision for autonomous residency permit.

##### **Legislation on domestic violence, including civil protection orders**

The existence of legislation covering different forms of violence against women, including on domestic violence, indicates both a strong feminist movement and State commitment to combating domestic violence.<sup>277</sup>

According to the Advocates for Human Rights,<sup>278</sup> there are core elements that a good legislation on domestic violence should include.<sup>279</sup> The core elements include 'criminalization

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<sup>273</sup> Presentation by A.L.E.G from Romania during Workshop titled 'European Standards for Women's Support Services including Standards for Funding.' (18 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>274</sup> Presentation by Women's Aid England during Workshop titled 'European Standards for Women's Support Services including Standards for Funding.' (18 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>275</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>276</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans. Pg. 37.

<sup>277</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 550.

<sup>278</sup> Advocates for Human Rights. [www.theadvocatesforhumanrights.org]

<sup>279</sup> Information on drafting law on domestic violence also available online at UN Women (United Nations Entity for Gender Equality and the Empowerment of Women). [www.endvawnow.org/en/modules/view/8-legislation.html].

of domestic violence, provide an order for protection – civil remedy<sup>280</sup>, criminalization of a violation of an order of protection, and provide a statement of victims’ rights and services. The services should be made available without conditions, such as cooperation with authorities. The rights and services should include ‘support services, shelters, hotlines, legal aid, economic assistance, confidentiality, court administration staff to assist victims, agency responsible for victim services, and specific police obligation to support these rights.’<sup>281</sup> The core elements are important and they in themselves support sustainability of service provision, as different services must be made available to support the implementation of the law, and hence their existence is both enshrined into the law and necessary for its implementation.

In Austria, for example, the anti-violence legislation provides for emergency (police barring orders) and long-term protection orders, which the issuance depends upon existence of service provision (i.e. intervention centres against domestic violence). Police barring orders, as part of overall legislative measures in the area of combating domestic violence, are important to survivors in order to receive immediate protection, while the existence of police barring orders promotes sustainability of services, as the legislative measure opens up space for service provision needed for successful implementation of the measure. Police barring orders are often helpful in the sense that women can stay at home and the perpetrators must leave, which also supports the work of women’s organizations running shelters that may not have enough capacity to support all women seeking accommodation. At the same time, police barring orders typically imply the need for cooperation between women’s services and the police. As in many countries, a law on protection orders from violence in Austria resulted in many positive changes. In 1997, the Domestic Violence Act in Austria ‘came into force and completely changed the work of the police in the area of violence against women and domestic violence.’ The law enables the ‘eviction and barring orders by the police...longer-term protection by means of a protective temporary injunction under civil law...and immediate support for all victims after police intervention by the Intervention Centres.’<sup>282</sup> The work and funding of the intervention centres is enshrined into law.

### *Additional considerations*

Other areas that may be important in terms of legislation and which support the work of women’s NGO service providers are ex-officio **criminalization of domestic violence** as well as provision of **independent residency permits**. The existence of provisions that ‘[recognize] violence against women as a basis for refugee status [or the] government protect[ing] immigrant women in abusive relations from deportation’<sup>283</sup> are also signs of a strong feminist movement, and existence of which may, at the same time, support the autonomy of services, enabling them to work from the perspective of non-discrimination by removing the burdens

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<sup>280</sup> Provision for protection orders include 1. Emergency ‘ex-parte’ protection order (issued immediately and without a hearing), 2. Long-term protection order (based on hearing and duration of at least 1 year). The remedies should include the following: ‘eviction of the perpetrator, stay a certain distance away from victim, prohibit perpetrator from contacting victim, prohibit perpetrator from further acts of violence, child custody/support to non-violent parent, prohibit perpetrator from possessing or using a firearm.’

<sup>281</sup> Presentation by The Advocates for Human Rights during Workshop titled ‘National and International Law to Prevent Violence against Women and Protect Victims II.’ (18 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>282</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar ‘Peace at Home – from Europe to Finland’ Parliament of Finland in Helsinki].

<sup>283</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 550.

which services face (i.e. lack of funding for work with women without recourse to public funds) when supporting women survivors of violence with irregular residency status. This is most often a struggle for women's shelters and continues to be a problem throughout Europe.

### Effective implementation of existing legislation

Following the adoption of legislation on domestic violence, changes through amendments are common, as gaps in implementation are noted and short-comings of the legislation are recognized. At the same time, development and adoption of relevant bylaws<sup>284</sup> are important aspects of successful implementation, especially when it comes to funding procedures, amounts allocated, time periods and the responsibility for funding of specialized women's services, among others. In order to ensure the legislation is effectively implemented, structured monitoring<sup>285</sup> through focused and systematic research is often a recommended practice to guide future action. Monitoring is the first step, as it enables documentation and leads to advocacy and change.<sup>286</sup>

According to the 2013 Global Data Count Report providing insight into the work of women's shelters, '[at] the operational level, shelters [work] in difficult policy, institutional, and social environments [... due to] lack of effective legislation, the absence of policy against violence against women or national shelter policies...[presents] ongoing challenges.' Legislation is only as effective as its enactment: discouragingly, a significant number noted they had good legislation, but it was poorly implemented (36%). Others observed that the justice system was slow to respond (47%), and there was a lack of necessary inter-institutional agreements and collaboration (17%).<sup>287</sup> Effective implementation is often something that is monitored by women's NGOs. In Austria for example, the 1997 Domestic Violence Act has been amended a few times (as recently as 2013), and in cases where amendments were prepared and could not be passed, (for example, due to changes in parliament), the planned reforms could be implemented through lobbying by women's NGOs.<sup>288</sup>

Effective implementation of legislation is important as it supports both the efforts of the feminist movement and service providers (especially if legislation provides for their funding). Effective implementation of legislation is also a time where a switch in state mentality towards violence against women can be seen – it is a time at which governments 'stop discriminating against women and [actually] start combating violence.'<sup>289</sup>

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<sup>284</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>285</sup> For example of monitoring reports, see The Advocates for Human Rights for 'Documenting the Implementation of Domestic Violence Laws: A Human Rights Monitoring Methodology.'

<sup>286</sup> Presentation by Advocates for Human Rights during Workshop titled 'National and International Law to Prevent Violence against Women and Protect Victims II.' (18 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>287</sup> Global Network of Women's Shelters (GNWS). (2014). Global Shelter Data Count 2013.

<sup>288</sup> Logar, Rosa. (4 November 2008). Benchmarking Services in Europe. [Prepared for Seminar 'Peace at Home – from Europe to Finland' Parliament of Finland in Helsinki].

<sup>289</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 551.

## Accession to relevant international treaties<sup>290</sup>

Accession to international and regional treaties creates pathways towards accepted standards and expectations.<sup>291</sup> The international instruments are of great importance to civil society, as their provisions reflect support for the role of women's organizations (CEDAW Committee General Recommendation 19 and the Istanbul Convention). At the same time, the international instruments create legitimized arguments, which can be utilised by women's organizations to focus on funding of women's services. The instruments in themselves have been shown to influence policy making (especially after regional ratification tipping points<sup>292</sup>) and through intrinsically creating pressure for conformity among the governments they are directed at. 'Treaties [...] offer normative leverage to national civil society organizations. At the same time, local activist organizations bring home the value of international and regional treaties.'<sup>293</sup> For example, the Finnish government, despite not yet ratifying the Istanbul Convention,<sup>294</sup> reported taking steps to consider its obligations in terms of women's shelter provision, which resulted in the government's '[...] decision [...] that the State will be responsible for the costs of shelter homes from 1 January 2015. At the moment, the Shelter Home Act is under preparation.'<sup>295</sup>

Access to an international platforms is especially important for countries with unstable or weak governments, whose priority often will not be combating violence against women, and hence external (i.e. international) pressure supports the goals of women's organizations. For the demands of women's organizations to be met, the demands must first and foremost be presented to a government capable of meeting the demands.<sup>296</sup>

## National Action Plans on gender equality (including violence against women) and/or other National Action Plans addressing violence against women

National Action Plans and/or Strategies are policies developed on a regular basis and often include actions in the area of prevention, protection, and provision of services, prosecution, and address different or some forms of violence against women. Since the participation of women's organizations in the drafting process ensures that a gender-perspective is present in

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<sup>290</sup> i.e. Convention on the Elimination of All Forms of Discrimination against Women, Council of Europe Convention on preventing and combating violence against women and domestic violence.

<sup>291</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 556.

<sup>292</sup> According to human rights scholars, there is a tipping point after which international norms began to cascade, referring to a moment, where a certain behaviour or commitment becomes a norm.

<sup>293</sup> Htun, Mal and S. Laurel Weldon. (August 2012). The Civil Origins of Progressive Policy Change: Combating Violence against Women in Global Perspectives, 1975-2005. [American Political Science Review]. Vol. 106, No. 3. Pg. 556-558.

<sup>294</sup> As of 1.12.2011.

[<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=1&DF=&CL=ENG>]

<sup>295</sup> UNECE. (May 2014). Country Report by Finland: Implementation of the Beijing Platform for Action 1995 and the Outcome of the Twenty-Third Special Session of the General Assembly.

[[www.unece.org/fileadmin/DAM/Gender/publication/Finland\\_2014\\_05\\_02\\_Beijing\\_20\\_\\_National\\_Report\\_FINLAND.pdf](http://www.unece.org/fileadmin/DAM/Gender/publication/Finland_2014_05_02_Beijing_20__National_Report_FINLAND.pdf)]. Pg. 27.

<sup>296</sup> Djak, Ivana. (2011). Women's Organizations in Post-Conflict Periods: The State and Nationalism in the Balkans.

the National Action Plan, it is important that they are involved in the framing and implementation of the National Action Plans.<sup>297</sup>

According to a study titled ‘Realizing Rights: Case Studies on state responses to violence against women and children in Europe’ the lack of presence of women’s NGOs in elaboration of National Action Plans is the likely cause for a lack of gender-perspective in national policy on violence against women.<sup>298</sup> It would not be wrong to say that the inclusion of gender-perspective in national policy on violence against women would in turn support the sustainability of women’s NGOs. Lastly, for National Action Plans to be effective and the activities implemented, it is desirable that the Plan itself provides for a monitoring mechanism such as an end evaluation. One of the most frequent concerns by women’s organizations is that actions developed under the plans are rarely implemented and at the same time, evaluations of existing plans are scarce throughout Europe.<sup>299</sup>

## 2.2. Country Profiles

### 2.2.1. BOSNIA AND HERZEGOVINA <sup>300</sup>

#### Short historical background

Bosnia and Herzegovina (BiH) was one of the six republics of Yugoslavia before the war, which started in 1992 and ended in 1995, resulting in the breakup of Yugoslavia. Over 100,000 people were killed during the four years. The war had tragic results for Bosnian women. Women and girls were sent to rape camps and it is estimated that 20,000-50,000 Bosnian women were raped.<sup>301</sup> This historic tragedy gave momentum to the Bosnian women’s movement against gender-based violence.

Much earlier, women of the former Yugoslavia took part in the anti-fascist movement. From the 1930s to 1980s, the Yugoslav women’s rights movement<sup>302</sup> composed mainly of small circles of students and intellectual women in the larger cities.<sup>303</sup> Many of the women’s organizations have emerged in the 1990s as a result of the war and ethnic conflicts, and the early activities were mainly humanitarian.<sup>304</sup> The activities involved individual women helping women, which slowly formed into a collective support movement that included supporting women survivors of rape to deal with trauma.<sup>305</sup> The first shelter was opened by Medica Zenica in 1993. Bosnian women’s own experiences shaped the women’s movement in

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<sup>297</sup> Kelly, Liz et al. (2011). Realizing Rights: Cases Studies on State Responses to Violence against Women and Children in Europe. Pg. 34. [[www.tilburguniversity.edu/upload/0669e981-140a-4b05-acc2-5a2428743222\\_apRRS.pdf](http://www.tilburguniversity.edu/upload/0669e981-140a-4b05-acc2-5a2428743222_apRRS.pdf)].

<sup>298</sup> Ibid.

<sup>299</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support. Pg. 22.

<sup>300</sup> The country profile was drafted based on data collected during a workshop organized by WAVE with project partners on the 28 May 2014 in Vienna, Austria.

<sup>301</sup> Saric, S. (2009). Building a Grassroots Women’s Movement with Help from Abroad: Women for Women International in Bosnia and Herzegovina. Critical Half: Bi-Annual Journal of women for Women International. 7(1). Pg. 55.

<sup>302</sup> Cockburn, C., Domuz, R. and Hubic, M. (2001). Women Organizing for Change: A Study of Women’s Local Integrative Organizations and the Pursuit of Democracy in Bosnia and Herzegovina. Pg.106.

<sup>303</sup> Ibid. Pg. 107.

<sup>304</sup> Ibid. Pg. 32.

<sup>305</sup> Ibid. Pg. 87.

BiH, having its roots in the former Yugoslavia and also the ethnic and class structure of the new country.<sup>306</sup>

Intergovernmental agencies, notably UNHCR and the European Union, largely funded the post-war resettlement and the establishment of women's organizations. Funds were also made available from foreign governments, large international NGOs such as the International Rescue Committee, CARE, Caritas, IOCC, Oxfam, and the Red Cross.<sup>307</sup>

## Situation of service provision for women survivors of violence

### *Fair access and free of charge*

There are 10 women's shelters and two apartments with approximately 185 places in BiH. Based on international recommendations, 52% of shelter places are still missing.<sup>308</sup> A majority of the services are located in larger cities.<sup>309</sup> An international based NGO 'Women for Women International' has gained local NGO status in 1998, and increased its projects to rural areas.<sup>310</sup>

Shelters in BiH offer access 24/7 and are free of charge.<sup>311</sup> Yet as State agencies are in charge of admission, women survivors of violence do not always receive immediate access. There is currently a women's helpline in each of the entities. The Telephone Helpline (1264) was created in 2005 and is run by several NGOs in the Republika Srpska (RS). The Telephone Helpline (1265) for the Federation of Bosnia and Herzegovina (FBiH) was created in 2008. Both are free of charge and operate 24/7.<sup>312</sup>

Access to the shelters and the service provision is determined by authorities such as police and Centre for Social Work. Without a referral, women's organizations may accept survivors, but will not receive funding for survivors who were accepted without a written decision of the Centre for Social Work, since funding in BiH is on a 'per head' basis. 'The rules on sheltering victims of domestic violence in safe houses' are published by the State.<sup>313</sup> The maximum shelter stay is up to six months as legally regulated in each entity. The period can be prolonged on request of the safe house, but requires written approval of the Centre for Social Work. Without approval, women are at risk of becoming homeless or returning to the perpetrator.

In terms of accessing information about services, women are not always aware of their rights and the opportunities of receiving help from the relevant institutions and shelters. At least

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<sup>306</sup> Ibid. Pg. 117.

<sup>307</sup> Ibid. Pg. 32.

<sup>308</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 56.

<sup>309</sup> Dokmanovic, M., Ristanovic, V. (2006). International Standards on Domestic Violence and their Implementation in the Western Balkans. Pg. 201.

<sup>310</sup> Saric, S. (2009). Building a Grassroots Women's Movement with Help from Abroad: Women for Women International in Bosnia and Herzegovina. Critical Half: Bi-Annual Journal of women for Women International. 7(1). Pg. 55.

<sup>311</sup> Women against Violence Europe (WAVE). (2011). Country Report 2011: Reality Check on European Services for Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 57.

<sup>312</sup> United Nations Economic Commission for Europe (UNECE). (2014). Bosnia and Herzegovina National Report Beijing +20. Pg. 21.

<sup>313</sup> Book of Rules on Sheltering of the Victims of Domestic Violence 2006. Article 3. [www.legislationline.org/topics/topic/7/country/40]

thirteen percent of women were not aware of institutions or organizations where support could be sought.<sup>314</sup>

### *Specialist support*

In addition to the helplines and women's shelters, there are thirteen women's centres in BiH. Two of these are crisis centres, five are psychological counselling centres, and six are medical, legal aid and advice centres. There are also two women's centres for survivors of sexual violence. Most centers are run by independent women's NGOs.<sup>315</sup> Some of the NGOs (e.g. Medica Zenica) provide specialist educational programs (e.g. workshops on technology, foreign languages, and photography)<sup>316</sup> to assist women in finding employment following urgent support and/or a shelter stay, as a means of supporting women in rebuilding their lives.

While service provision by women's NGOs is gender-specific and focuses on empowerment of women, it is noted that family reunification is given priority by the State institutions, despite research and experience proving the approach to be damaging and ineffective. Furthermore, free legal aid/advice from the State-run centres and other support is not often provided by qualified staff for legal and psychological support.<sup>317</sup> It has also been noted that professionals in institutions may have deeply-rooted stereotypical attitudes regarding domestic violence.<sup>318</sup>

### *Diversity and non-discrimination*

Women's NGOs in BiH do not have any criteria for acceptance of women survivors of violence. In the past, women's NGOs tended to have an all-inclusive approach to accepting women from all of BiH's ethno-national groups.<sup>319</sup> Currently, NGOs are not autonomous when it comes to accepting a victim into a shelter. As aforementioned, authorities such as police or social workers of the Social Work Centers in the entities must provide approval,<sup>320</sup> despite still lacking sensitization towards domestic violence among all professionals, which may result in cases of violence not becoming recognized, or undocumented migrant women fearing to reach out to State institutions. There are also bylaws regarding access to shelters based on residency, stipulating that victims shall access shelters in their regions, where their residence is registered. However, if there is no safe house in the region where victims live, the court is to decide about access.<sup>321</sup>

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<sup>314</sup> Gender Equality Agency of BiH. (2013). Prevalence and Characteristics of Violence against Women in BiH. Pg. 95.

<sup>315</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 57.

<sup>316</sup> Zagreb Centre for Women's Studies. (1997). Women and the Politics of Peace: Contributions to a Culture of Women's Resistance. Pg. 26.

<sup>317</sup> NGO Shadow Report to the CEDAW Committee. (2010). The 3<sup>rd</sup> Alternative Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina with Annex on Changes in Law and Practice 2013. Pg.46

<sup>318</sup> Ibid. Pg. 44.

<sup>319</sup> Cockburn, C., Domuz, R. and Hubic, M. (2001). Women Organizing for Change: A Study of Women's Local Integrative Organizations and the Pursuit of Democracy in Bosnia and Herzegovina. Pg. 7.

<sup>320</sup> [www.stopvaw.org/Bosnia\\_and\\_Herzegovina.html](http://www.stopvaw.org/Bosnia_and_Herzegovina.html)

<sup>321</sup> Book of Rules on Sheltering of the Victims of Domestic Violence 2006. Article 4. [[www.legislationline.org/topics/topic/7/country/40](http://www.legislationline.org/topics/topic/7/country/40)]

## Areas supporting sustainability and autonomy of women's NGOs

### *Legal basis for funding of (women's) NGOs*

In BiH, there is no national level mechanism to implement policies on violence against women. Addressing violence against women takes place on entity levels.

The process of sustainable State funding took nine years of lobbying by women's NGOs in BiH. In RS and FBiH, Laws on Protection against Domestic Violence were adopted in 2005. Provisions regarding services for victims and funding thereof were not clear in the original laws; and amendments were developed up until 2014 to address this gap.

Before lobbying for passage of laws on violence against women, a research project was conducted by women's organizations in order to map the budgetary capacity of ministries to support women's NGOs work and service provision in the area of violence against women. The research project was sponsored by UNIFEM and the findings of the report suggested that there was no stable source in the budget from where funding could be provided and/or no room in the budget to support women's NGOs. The NGOs utilized the findings of the report and lobbied for the passage of the bylaws. Even after the law passed, due to absence of bylaws, women's organizations still had to monitor the budgets to make sure that funding was actually allocated to the women's NGOs.

RS has developed a funding system which aims to provide sustainable funding for women's organizations. According to the regulation, the entity budget of RS allocates 70% of the funding for the expenditures of the women's shelters and women's organizations that provide services for victims. The remaining 30% are provided from the municipal budgets. The funding system was developed as amendments under the Law on Protection against Domestic Violence (2005) which was adopted in 2008 in the RS.

The most recent amendments on the Law on Protection against Domestic Violence (2005) passed in December 2013 in FBiH, and they provide a legal basis for similar funding criteria and portions for the shelters.<sup>322</sup> However, contrary to the situation in RS, accompanying bylaws are not adopted which means the provision has not been implemented yet in the practice.<sup>323</sup> Adoption of the principles of partial budgeting might be seen as a positive step that enables sustainability due to smaller portions per funding agency and shared financial load. On the other hand, women's organizations note that it is very difficult to receive sufficient funding at local level, and extra funding is always needed from international organizations or States to supplement government funding.

To improve government accountability, women's NGO Medica Zenica has focused on developing protocols of cooperation with governmental agencies, such as protocols on prevention and protection of victims of domestic violence with the Cantonal Ministry of

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<sup>322</sup> Official Gazette of FBiH no. 20/13

<sup>323</sup> Interview conducted with United Women of Banja Luka on 17<sup>th</sup> October 2014.

Labor, Social Policy and Refugees of Zenica Dobož Canton, and with eight municipalities in July 2010.<sup>324</sup>

Currently, there is lack of information regarding the level of funding allocated to women's services, as estimates are difficult to gather from Ministry budgets, and National Action Plans are not funded separately, and are instead funded with existing Ministry funds. There is hope that perhaps in the future, if the situation is not yet resolved, 'freedom of information laws' could be utilized in order to receive information about funding allocated to gender equality actions and combating violence against women.<sup>325</sup> Often some information is available in UNECE or CEDAW reports, however, these are not provided by the government on a regular basis.

In the reports prepared by the women organizations in BiH, such as the Shadow Report 2010 and a project report supported by the Netherlands Humanist Committee on Human Rights (HOM), women's organizations shared their need for more funding.<sup>326</sup> There are no direct statements provided regarding the level of funding needed. Historically, proper budgeting was not always conducted as most of the women's organizations did not have capacity to run a detailed administrative system of annual budgets,<sup>327</sup> which may lead to the inability to estimate additional resources needed.

Although much needs to be improved in the BiH in terms of services funding, it should be mentioned that progress in the funding system can be observed in both entities. In addition to the laws in the RS, for instance, an increase in funding has been noted in a one year period (2010 – EUR 200,000), compared to a six year period (2003-2008 - EUR 350,000 in total).<sup>328</sup>

*State financial support and other support to national feminist women's networks of NGOs*  
There are two informal networks in the BiH called the 'Women's Network of BiH' and 'Safe Network of BiH.' Advantageous point of the networks is exchanging knowledge and liaising and lobbying in order to gain rights and necessary changes in the legal framework. It has also been of importance to women's organizations to be a part of international networks of women's NGOs in order to support local women's organizations in the field of service provision, capacity building, and fundraising.

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<sup>324</sup> Women against Violence Europe (WAVE). (2014). Coordination Committee (CoCo) Meetings Report- November 2010 to May 2014. Pg. 27-28.

<sup>325</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

<sup>326</sup> NGO Shadow Report to the CEDAW Committee. (2010). The 3<sup>rd</sup> Alternative Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina with Annex on Changes in Law and Practice 2013. Pg. 46; Dokmanovic, M., Ristanovic, V. (2006). International Standards on Domestic Violence and Their Implementation in the Western Balkans. Pg.135, 199; Cockburn, C., Domuz, R. and Hubic, M. (2001). Women Organizing for Change: A Study of Women's Local Integrative Organizations and the Pursuit of Democracy in Bosnia and Herzegovina. Pg. 96.

<sup>327</sup> Cockburn, C., Domuz, R. and Hubic, M. 2001. Women Organizing for Change: A Study of Women's Local Integrative Organizations and the Pursuit of Democracy in Bosnia and Herzegovina. Pg. 93.

<sup>328</sup> United Nations Economic Commission for Europe (UNECE). (2009). Bosnia and Herzegovina National Report Beijing +15. Pg. 19.

### *State financial support and other support to feminist women's NGOs service providers*

While the State provides support to women's NGOs, who run services to women survivors of violence, the funding is still not sufficient, and historically, improvements in cooperation between State and women's NGOs have been sought.<sup>329</sup> Recent flooding (2014) in BiH has provided the State with the opportunity to support women's services by providing funding to damaged structures, including women's shelters. Several shelters had to be evacuated,<sup>330</sup> and while EUR 2,500 was promised for each safe house by the government of RS to support renovations, the funds were still not released months after the flooding.<sup>331</sup>

While BiH is considered to be one of the highest spending countries in terms of social protection issues, the benefits are not directed at groups, who need it the most. The resources are not allocated proportionally towards the needs of women victims of violence, including domestic violence. A solution such as redistribution of available funds, rather than increase in budgetary allocation, may need to be considered. This suggestion is stated in the OSCE Report (2012) as a criticism of the State's categorization of social benefit seekers in war and non-war related categories.<sup>332</sup>

### *Cooperation between women's NGOs and relevant State-run services and other agencies*

Trainings of social workers and police used to be practiced with the cooperation of NGOs over the last 20 years. Currently, the trainings are conducted by the Gender Equality Agency of both entities. Guidelines for the education are defined in the governmental policies, which is said to follow CEDAW. However, the trainings are not mandatory.<sup>333</sup> The education on gender equality, prohibition of discrimination and combating violence against women has been systematized for judges and prosecutors in the Centres for Education of Judges and Prosecutors of the FBiH and the RS. Furthermore, education of police has focused on prevention and combating of gender-based violence. Additionally, programmes for professionals such as healthcare and social workers, as well as teaching staff, have been developed.<sup>334</sup>

In the light of CEDAW Committee recommendations, one of the main focuses of BiH has become the development of a multi-agency approach. The State has noted that coordination between formal and informal mechanisms and establishment of cooperation between the institutions is essential for successful protection and support of survivors and their children.<sup>335</sup> Therefore, the State has created a multi-sectoral model of cooperation between institutions

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<sup>329</sup> CEDAW. (2005). Combined Initial, Second and Third Periodic Reports of State Parties- Bosnia and Herzegovina. 35<sup>th</sup> Session. Pg. 18.

<sup>330</sup> [www.wave-network.org/content/call-solidarity-our-colleagues-bosnia-and-herzegovina-serbia-and-croatia](http://www.wave-network.org/content/call-solidarity-our-colleagues-bosnia-and-herzegovina-serbia-and-croatia)

<sup>331</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

<sup>332</sup> Organization for Security and Co-operation in Europe (OSCE). (2012). The Right to Social Protection in Bosnia and Herzegovina: Concerns on Adequacy and Equality. Pg. 23.

<sup>333</sup> NGO Shadow Report to the CEDAW Committee. (2010). The 3<sup>rd</sup> Alternative Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina with Annex on Changes in Law and Practice 2013. Pg. 49-50.

<sup>334</sup> United Nations Economic Commission for Europe (UNECE). (2014). Bosnia and Herzegovina National Report Beijing +20. Pg. 20.

<sup>335</sup> Ibid. Pg. 21.

and NGOs for protection and care for survivors of domestic violence and their children.<sup>336</sup> However, it has been known that women's NGOs were not always invited to take part in multi-agency cooperation. Another project for creation of multi- sectoral mobile intervention teams which would be on duty for 24/7 was developed recently by cooperation of police, social welfare centers and NGOs. It was sponsored by the public budget of City Administration of Banja Luka. The project still continues, however, without women's organizations.<sup>337</sup>

United Women of Banja Luka, a women's NGO, is a member of the Committee in charge of coordinating efforts against domestic violence. The Committee has premises under the Ministry of Family, Youth and Sports. The Minister and officials are supportive of the work of women's NGOs in general, however, they are still part of the greater political system which resists the influence of women's NGOs. Hence, their influence is also limited.<sup>338</sup>

The RS adopted the Law on Protection against Domestic Violence in 2009, which ensures internal guidelines for a coordinated response between the police, social work centers, courts and other institutions.<sup>339</sup> According to the interviews that were conducted in RS, police still often do not contact social work centers in the cases of violence. All of the institutions such as social work centers, courts, and prosecutors find the weak communication/cooperation challenging.<sup>340</sup> As a result, despite the legal requirements, a coordinated response is still problematic among the agencies. With recent amendments to the Law on Protection against Domestic Violence in FBiH (2013), development and implementation of multi-agency work is anticipated in the future,<sup>341</sup> as currently, better cooperation among all relevant stakeholders would be welcome.

#### *Cooperation, good will and sustained communication between policy makers, State officials and feminist women's NGOs*

There appears to be a development of good cooperation between the States as well as women's NGOs in FBiH and RS,<sup>342</sup> however, it appears that cooperation among women's NGOs with local level governments such as municipalities in RS and cantons in FBiH is much more successful than with entity governments. This is likely to be due to the more equal power women's NGOs might have with local level governments, and the power imbalance NGOs face with national-level governments. At the same time, the work done by the entity

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<sup>336</sup> United Nations Economic Commission for Europe (UNECE). (2009). Bosnia and Herzegovina National Report Beijing +15. Pg. 20.

<sup>337</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

<sup>338</sup> Ibid.

<sup>339</sup> Organization for Security and Co-operation in Europe (OSCE). (2009). Bringing Security Home: Combating Violence against Women in the OSCE Region- A Compilation of Good Practices. Pg. 19.

<sup>340</sup> Ibid. Pg. 20.

<sup>341</sup> CEDAW. (2013). Responses to the List of Issues and Questions with Regard to the Consideration of the Fourth and Fifth Periodic Reports- Bosnia and Herzegovina. 55<sup>th</sup> Session. Pg. 13.

<sup>342</sup> United Nations Economic Commission for Europe (UNECE). (2014). Bosnia and Herzegovina National Report Beijing +20. Pg. 12.

level governmental bodies is counterproductive to the empowerment of women's NGOs, as it is top-down process.<sup>343</sup>

An important example of cooperation was initiated under the guidance of the United Women of Banja Luka between women's NGOs and women parliamentarians. The initiative was called the Platform for Action, which was started in December 2010 for the period 2010-2014. Signatories agreed about priorities of joint work in relation to adoption and/or changes and amendments of laws on violence against women. The program provided concrete/ key issues for each level of government and what actions should be taken in the authority of Parliamentary Assembly of BiH, Parliament of FBiH, People's Assembly of RS, and Assembly of Brčko District BiH. This has proven to be a very important step as many of the women politicians are now also in CoE bodies and have higher level decision making power, hence cooperating with women's NGOs is very important.<sup>344</sup>

#### *Feminist women's NGOs submissions to the CEDAW Committee and other international processes*

Participating in the monitoring of the European Union accession and the CEDAW processes are beneficial to the women's movement in BiH, as it allows for assessment of the governments' actions, as well as identifications of gaps and recommendations for solutions in the area of combating violence against women. Women's NGOs are often invited by the representatives of the European Union to partake in the annual progress reports; however, despite providing written submissions, the comments of women's NGOs are not always taken into account. Nevertheless, the presence of women's NGOs in the international processes is important to monitor BiH's compliance with international human rights and raise any issues of non-compliance to a higher level intergovernmental institution.<sup>345</sup>

So far, women's NGOs work in the area of CEDAW and European Union monitoring (i.e. Shadow Reports, progress reports, progress meetings) has been financially supported by a Swedish foundation 'Kvinna till Kvinna' (Women to Women) as well as CARE International in BiH and UN Women.<sup>346</sup>

#### *Awareness about the role of women's NGOs in supporting survivors of violence against women*

In BiH, women's NGOs organize public awareness campaigns through trainings, education and media presentations. The campaigns consist of rather general activities to increase awareness about violence against women in the society and they include public panels,

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<sup>343</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

<sup>346</sup> NGO Shadow Report to the CEDAW Committee. (2010). The 3<sup>rd</sup> Alternative Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina with Annex on Changes in Law and Practice 2013; NGO Shadow Report to the CEDAW Committee. (2004). Shadow Report on the Implementation of CEDAW and Women's Human Rights in BiH.

workshops, educational programs for professionals, and TV programs.<sup>347</sup> Despite the increase of the number of media reports and features about domestic violence, such publicity is still limited to special occasions such as the ‘16 Days of Activism’, the 8<sup>th</sup> of March, and International Mother’s Day. Otherwise, the topic of violence against women is not part of major media reporting.<sup>348</sup>

### *Standards of specialized service provision for survivors of violence*

The Law on Protection against Domestic Violence 2008 of RS (first published in 2005) states that the Ministry of Health Care and Social Protection is in charge of regulations on conditions for the work of safe houses.<sup>349</sup> In 2012, the new Law on Protection from Domestic Violence of RS transferred the authority from the Ministry of Health Care and Social Protection to the Ministry of Family, Youth and Sport. The state of BiH also publishes standards on general conditions of safe houses. The standards of service provision were not created together with women’s NGOs, and women’s NGOs did not have the possibility to elaborate on the standards, despite the majority of services being run by women’s NGOs. Unfortunately, the regulations do not specify that it is women’s NGOs that should provide services, but rather generally other NGOs, for-profit organizations or State-owned companies and legal entities.<sup>350</sup>

Women’s NGOs often have their own specialized standards, and operate on a dual system, ensuring the meeting of standards set by the government and operating according to their own specialist approach to meet the needs of the victims. As a result, for-profit organizations can apply for funding and be financed by the government if they prove that they provide services for survivors of violence.

Access to service provision is determined by authorities such as police or Centres for Social Work of both the entities. For women to access a shelter, a referral is needed and women’s NGOs cannot accept survivors independently. This regulation creates a barrier for survivors in urgent need of protection,<sup>351</sup> and places great importance on establishing referral mechanisms; unfortunately, the current system constrains the autonomy of women’s organizations. The government has argued this current system to be necessary in order to comply with international human rights standards and to improve communication between institutions.<sup>352</sup>

### *Legislation on domestic violence, including civil protection orders*

BiH does not have a national-level legislation referring to domestic violence, and instead has entity level legislations. The Law on Gender Equality, among its provisions, includes

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<sup>347</sup> Dokmanovic, M., Ristanovic, V. (2006). International Standards on Domestic Violence and Their Implementation in the Western Balkans. Pg. 128, 201.

<sup>348</sup> Ibid. Pg. 180.

<sup>349</sup> Law on Domestic Violence 2008. Article 22a. Accessed through [www.legislationline.org/topics/topic/7/country/40]

<sup>350</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

<sup>351</sup> www.stopvaw.org/Bosnia\_and\_Herzegovina.html

<sup>352</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

prohibition of gender-based violence in private and public life.<sup>353</sup> The law also stipulates the obligation of the State to achieve gender equality and prevent gender-based discrimination.<sup>354</sup> In 2010, some major amendments were made in the Law on Gender Equality in order to harmonize the national provisions and definitions with international human rights documents.<sup>355</sup>

There are several legislative pieces in FBiH and RS that refer to domestic violence. Domestic violence in Bosnia and Herzegovina is addressed in the following laws: 2005 Law on Protection against Domestic Violence of the FBiH and RS, Family Law of the FBiH, Protection against Domestic Violence Act (Official Gazette of Republika Srpska No. 118/05, 17/08 and 102/12), and the Families Act (Official Gazette of Republika Srpska No. 54/02). Additional laws, among others, that may be applicable are laws on social protection, protection of civil victims of war, and protection of families with children, in Sarajevo, Tuzla and Zenica Dobož Cantons respectively. These laws are cantonal, not national.<sup>356</sup>

In 2012, major changes have been made in RS' Law on Protection against Domestic Violence (2005) in order to meet the international standards on the prevention of domestic violence, such as urgent protection measures.<sup>357</sup> Accompanying bylaws were adopted by the Ministry regulating the strict procedures of allocating financial support to safe houses. These bylaws are: the Bylaw on Data Bases and Reporting on Domestic Violence, Official Gazette of RS, no. 71/13, Decision on Price of Sheltering a Victim of Domestic Violence in the Safe House, Official Gazette of RS, no. 61/13, and the Bylaw on the Procedure of Awarding Financial Support to the Safe Houses, Official Gazette of RS, no. 62/13. The right of victims of domestic violence to access all providers of protection free of any costs has been approved, and fines for perpetrators of domestic violence have been increased.<sup>358</sup> It should be noted however that fines as a form of punishment are not always preferable as they often come from the family budget. However, further amendments are expected in the future in order to improve the level of harmonization with international standards.

In the FBiH; Criminal Code of the FBiH, Family Law of the FBiH and finally Law on Protection Domestic Violence are the most important laws on the issue. The first Law on Protection against Domestic Violence was adopted by the FBiH in 2005. **New amendments were adopted in 2012 by the Parliament of the FBiH on Law on Protection against Domestic Violence, and this new law was published in 2013.**<sup>359</sup> The new provisions provide a more

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<sup>353</sup> [www.stopvaw.org/Bosnia\\_and\\_Herzegovina.html](http://www.stopvaw.org/Bosnia_and_Herzegovina.html)

<sup>354</sup> Gender Equality Agency of BiH. (2013). Prevalence and Characteristics of Violence against Women in BiH. Pg. 27.

<sup>355</sup> Ibid. Pg. 24.

<sup>356</sup> Women against Violence Europe (WAVE). (2013). Country Report 2012: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 67.

<sup>357</sup> [www.stopvaw.org/Bosnia\\_and\\_Herzegovina.html](http://www.stopvaw.org/Bosnia_and_Herzegovina.html)

<sup>358</sup> Gender Equality Agency of BiH. (2013). Prevalence and Characteristics of Violence against Women in BiH. Pg. 28-29.

<sup>359</sup> [www.stopvaw.org/Bosnia\\_and\\_Herzegovina.html](http://www.stopvaw.org/Bosnia_and_Herzegovina.html)

precise definition of domestic violence, prescribe emergency procedures, identify sources of financing for the safe houses, adopt programs and measures, obligate the establishment of a referral mechanism in local communities, and adopt a multidisciplinary approach.<sup>360</sup>

Another recent amendment to the Law on Protection against Domestic Violence enables women to initiate a request for protection orders. Before, it was only the police or Centers for Social Work that had to initiate the request for the victims.

The last amendments to the Laws on Protection from Domestic Violence of the both entities, (FBiH and RS) demonstrate a significant reliance upon the international human rights standards as a source for development of new measures and amendment of existing measures. At the same time, the previous gaps in legislation, (e.g. women unable to initiate requests for protection orders) demonstrate the continued existence of a patriarchal society, where women's decision-making is limited by the State.

In both entities, the Laws on Protection against Domestic Violence provide protective measures such as removal from the residential premises, restraining order, prohibition of harassment or stalking, the treatment of addiction, and ensuring access to services.<sup>361</sup> Unfortunately, the laws still do not provide for barring orders, with the argument on the governments' side, related to the supposed inability of evicting a perpetrator from his home,<sup>362</sup> despite international human rights law to the contrary. Police can only implement a 24-hour custody hold of the perpetrator. There have been cases where victims were forced to find accommodation for the abuser or be herself responsible to find a place in a shelter.<sup>363</sup>

#### *Effective implementation of existing legislation*

Previously in 2006, it was noted that even though the State of BiH (through its entities) has adopted laws on domestic violence, effective implementation was lacking. The main reason for that was the absence of necessary bylaws and structures that should follow the law for a better implementation.<sup>364</sup> Secondly, disharmony between the definitions of domestic violence in the laws of the two entities (FBiH, RS) caused different judicial interpretations and applications.<sup>365</sup>

In terms of criminal law, unsatisfying and insufficient punishment of the perpetrators was said to enable them to commit the same crime repeatedly with impunity. As a result, an effective

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<sup>360</sup> Gender Equality Agency of BiH. (2013). Prevalence and Characteristics of Violence against Women in BiH. Pg. 27-28.

<sup>361</sup> NGO Shadow Report to the CEDAW Committee. (2010). The 3<sup>rd</sup> Alternative Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina with Annex on Changes in Law and Practice 2013. Pg. 45-48.

<sup>362</sup> Interview conducted with the United Women Banja Luka on 17<sup>th</sup> October 2014.

<sup>363</sup> [www.stopvaw.org/Bosnia\\_and\\_Herzegovina.html](http://www.stopvaw.org/Bosnia_and_Herzegovina.html)

<sup>364</sup> CEDAW. (2006). Concluding Comments of the Committee on the Elimination of Discrimination against Women- Bosnia and Herzegovina. 35<sup>th</sup> Session. Pg. 4-5.

<sup>365</sup> Pg. 4.

mechanism for both to increase social and institutional sensitivity on adequate punishment and the rights of the victims of violence would be necessary.<sup>366</sup>

Based on recent amendments to the relevant legislation in both entities, it can be seen that the above recommendations (from the CEDAW Committee) have been given weight and relevance by the entity governments.

#### *Accession to relevant international treaties*

As a member of the United Nations and the Council of Europe, BiH is a signatory to international documents (i.e. Convention on Elimination of All Forms of Discrimination against Women – ratified in 1993) and follows the recommendations of the Council and the agencies of the United Nations.<sup>367</sup> Additionally, BiH is obliged to follow the recommendations and implement the necessary revisions to its legislation, as a potential candidate country to the European Union. As gender equality is a priority of the European Union, which includes combating gender-based violence, both Member States and the candidate countries are expected to adopt laws and implement policies in line with EU legislation and recommendations.<sup>368</sup>

BiH has also signed and ratified (November 2013) the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).<sup>369</sup> The ISIGN campaign conducted through the Coordinated Efforts project was very successful in bringing public awareness to women's rights and to the Convention. The various events that took place as a result of the campaign brought women's NGOs in closer cooperation with government officials. The next two years of the Coordinated Efforts project will focus on providing government with identifying gaps in the national frameworks in comparison to provisions of the Convention and provide recommendations on how to implement the Convention, including the articles on services.<sup>370</sup>

#### *National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women*

BiH has developed a Gender Action Plan with aim to achieve gender equality in all areas of social life. The Action Plan was valid until 2013 and a new Gender Action Plan for the period of 2013-2017 is currently in force.<sup>371</sup> BiH has also adopted the 'Framework Strategy for Prevention and Combating of Domestic Violence' for the period of 2009-2011. The Framework Strategy was approved by the Parliamentary Assembly of BiH and has now been extended to cover the period of 2013-2017.<sup>372</sup>

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<sup>366</sup>United Nations Economic Commission for Europe (UNECE). (2014). Bosnia and Herzegovina National Report Beijing +20. Pg. 8.

<sup>367</sup> Ibid. Pg. 22.

<sup>368</sup> Ibid. Pg. 24.

<sup>369</sup> Ibid. Pg. 23.

<sup>370</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

<sup>371</sup> Ibid. Pg. 25.

<sup>372</sup> Ibid.

The Gender Equality Agency of BiH has developed another Strategy named 'Framework Strategy for Implementation of the Convention on preventing and combating violence against women and domestic violence in BiH' for the period of 2014–2018. Distinctively, this Strategy is meant to provide a strategic and political framework for better implementation of the Istanbul Convention, provide key objectives and principles, as well as improve the process of investigation and prosecution of perpetrators of violence against women.<sup>373</sup>

A National Action Plan for the implementation of UNSCR 1325 of BiH was developed by the Gender Equality Agency, Ministry of Human Rights and Refugees, and several other ministries and NGOs<sup>374</sup> in 2010.<sup>375</sup>

Women's NGOs are often invited to comment on drafts of policy such as National Action Plans and Strategies on violence against women; however there is very little feedback as to what extent their contributions are taken into consideration.<sup>376</sup>

### Summary conclusions

The portrait of Bosnia and Herzegovina is to an extent positive, due to a strong presence of women's NGOs as service providers for victims of domestic violence. One of the main challenges appears to be that the State is still not aware of the importance of women's NGOs, and appears to place some constraints on the work of women's NGOs and on survivors of violence. This is partly due to lack of sensitization in general as well as continued focus on family unification in some State agencies. The existing referral mechanism appears to create a level of bureaucracy as well as create restrictions which hinder effective protection of victims.

The presence of women's NGOs and funding of women's NGOs service providers, including affirmation of funding in existing bylaws and protocols, provides a level of sustainability for the work of women's NGOs; however, the funding is insufficient and the methods of funding are still in need of further elaboration and improvement.

While women's NGOs are relied upon to provide expertise and their work and contribution are appreciated by some government officials, this is not the case in the whole country, and instances where women's NGOs have been excluded from decision-making are still present.

The EU accession processes and BiH now being a party to the relevant international treaties are significant mechanisms that appear to be also stimulating momentum in the country to address violence against women. As a candidate country to the European Union, Bosnia and Herzegovina is also taking important steps to fulfill obligations as a candidate.

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<sup>373</sup> Ibid.

<sup>374</sup> Women to Women (Sarajevo), Women United (Banja Luka Center for Women – Flame (Sarajevo), Woman of BiH (Mostar), Helsinki Citizens Parliament (Banja Luka), Viktorija 99 (Jajce), Forum of Women (Bratunac), Horizons (Tuzla), Bridge (Višegrad), Future (Modriča), Lara Bijeljina (Duvanjske), Orchid (Stolac), Local Democracy Foundation (Sarajevo), Legal Aid Center (Zenica), Anima N (Goražde), New Future (Sarajevo), „Aurora" Sokolac, Dawn and Milidanin Milidi (Maja Kravica).

<sup>375</sup> [www.peacewomen.org/naps/country/europe/bosnia-herzegovina](http://www.peacewomen.org/naps/country/europe/bosnia-herzegovina)

<sup>376</sup> Interview conducted with the United Women of Banja Luka on 17<sup>th</sup> October 2014.

## 2.2.2. BULGARIA<sup>377</sup>

### Short historical background

From 1947 to 1990, the country was a Soviet-style State known as the ‘People’s Republic of Bulgaria’ (PRB) and was ruled by the Bulgarian Communist Party (BCP). In June 1990, the first free elections since 1931 were held and won by the Communist Party (renamed the Bulgarian Socialist Party). In July 1991, a new Constitution was adopted, in which the system of government was fixed as parliamentary republic.<sup>378</sup>

At the onset of 1990, with the transformation to a democratic political system, the lives of women were affected due to the ‘unprecedented social, political, and economic changes.’ While women welcomed liberal democracy and individuality, they were uneasy with the loss of social benefits that communism traditionally provided. The changes have been a reconstructive force on the country’s social system, thinking, and behaviour.<sup>379</sup>

In one year’s time (1991-1992), the economic situation changed drastically as revenue generated by goods and services dropped by 22%. As unemployment rose, women and young persons were most affected by the shrinking job market. Women’s unemployment was considered one of the most ‘difficult social problems’ at that time in Bulgaria, as well as was the loss of social benefits, such as those associated with maternity leave and childcare.<sup>380</sup>

Like the other post-Communist regimes in Eastern Europe, Bulgaria found the transition to capitalism to be marked by instability and an increase in poverty, partly due to the privatization of land and industry, with interchanging periods of stability and crisis. In 2004 and in 2007, Bulgaria joined NATO and the European Union.<sup>381</sup>

The current political situation is difficult with four changes in government over a period of two years. At the time, there is no political majority in the parliament and eight party coalitions, making negotiations by the women’s movement difficult.

### Situation of service provision for women survivors of violence

#### *Fair access and free of charge*

Women’s NGOs in Bulgaria are a ‘crucial component in the prevention and protection against domestic violence. NGOs offer victim services, conduct outreach and trainings, monitor and collect information, and facilitate coordination among sectors and institutions.’<sup>382</sup>

There is one national women’s helpline funded by the State. It is free of charge but does not operate 24/7. Several NGOs also provide helplines for survivors of domestic violence or

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<sup>377</sup> The country profile was drafted based on data collected during a workshop organized by WAVE with project partners on the 28 May 2014 in Vienna, Austria.

<sup>378</sup> BBC News. (23 January 2012). Timeline: Bulgaria.

[[http://news.bbc.co.uk/2/hi/europe/country\\_profiles/1061402.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/1061402.stm)]

<sup>379</sup> European Network of Women’s Studies. (1994). Gains and Losses: Women and Transition in Eastern and Central Europe. [Women in a Changing Society: the Case of Bulgaria]. Pg. 15-16.

<sup>380</sup> Ibid. Pg. 16-17.

<sup>381</sup> BBC News. (23 January 2012). Timeline: Bulgaria.

[[http://news.bbc.co.uk/2/hi/europe/country\\_profiles/1061402.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/1061402.stm)]

<sup>382</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

trafficking. These helplines operate in the frame of different projects for a fixed period, depending on the availability of funding.<sup>383</sup>

There are 6 women's shelters with 55 shelter places available. The shelters are run by NGOs, the majority of them being members of the Alliance for Protection against Domestic Violence, and are specialized in accommodating survivors of domestic violence. The shelters offer a stay period of three to six months, and all of them accept children of survivors, with an age limit for boys of 10-12 years in some of the shelters. All shelters have security precautions and are free of charge. While the shelters opened without State support, currently the shelters are funded partly by the State, as well as local municipality, foreign and private donations on a project-basis.

Access to women's services in Bulgaria is not ensured for all survivors of violence. The main reason for this is the insufficient number of places available in the shelters, as well as scarcity of funding<sup>384</sup>. Another obstacle is restrictive policy, where women cannot access shelters at night.<sup>385</sup> Moreover, a child over the age of 18 years cannot be accommodated in the shelter with the mother, even if s/he is mentally disabled.<sup>386</sup> This is also a result of funding shortages.

There are 12 women's centers in Bulgaria. All centers provide counseling, information and advice, advocacy, independent domestic violence advice and legal advice. Most of the centers offer intervention safety support, with few providing assistance with resettlement. The centers receive some State funding.<sup>387</sup>

#### *Specialist support*

The current service provision in Bulgaria includes social and psychological assistance, legal aid – initial and ongoing – medical assistance and, in cases where needed, confidential sheltering (where shelters are available). Specialized women's support services for victims of domestic violence in Bulgaria have always been provided by the specialized NGOs working in this field. The provision of these services started as NGOs projects and programs and is still often considered as their private initiative, and only their responsibility. The process of implementing the State policies strongly relies on the established structures, expertise and experience of the NGOs, despite women's NGOs not receiving equal support from the State. The government regulation covering provision of services are not of specialized nature and refer to 'crisis centers' or 'protected homes'. The shelters comply with the legal framework, but also provide specialist services independently.

#### *Diversity and non-discrimination*

The principle of diversity and non-discrimination is not met in practice, as undocumented migrant women cannot access services, including shelters, due to the requirement to provide documentation. At the same time, Bulgaria has recently become a receiving country for persons escaping the war in Syria.

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<sup>383</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 62.

<sup>384</sup> CEDAW Committee. (2012). Concluding Observations of the Committee on the Elimination of Discrimination against Women – Bulgaria. Pg. 6.

<sup>385</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 61.

<sup>386</sup> Ibid.

<sup>387</sup> Ibid.

### *Safety, security and human dignity*

According to data from 1996, police at the time received no training for dealing with domestic violence. Equally, the police would very rarely respond to domestic violence, in the least they would provide warning to an aggressor. Furthermore, most women victims of violence did not have the trust to contact the police.<sup>388</sup>

While much positive change has taken place in the area of police response to victims, including police cooperation with women's NGOs, in some towns, police are known to still lack understanding of the seriousness of the problem, especially in parts where NGOs are scarce or not active. The response of police still varies, however reports of police inaction are rare.<sup>389</sup>

Generally, the cooperation between women's NGOs and police is very positive, especially where police are aware of the work of the NGOs and refer victims to NGOs, and the NGOs in return refer victims to the police.<sup>390</sup> This began when police started to receive trainings from women's NGOs and recognized their ability to fulfil their responsibility more effectively and positively, when working together with women's NGOs. Now, the police stations contain monthly up-to-date lists of social services providers for information of the victims.<sup>391</sup> The trainings of police, however, are not enshrined in any law and are not institutionalized. There is no special financing for the trainings, and they are often initiated by women's NGOs.

As of 2008, and as a result of the implementation of the Law on Protection against Domestic Violence, a plan and guidelines for police response have been elaborated. The guidelines have been developed by the Ministry of Interior that help to standardize the response to domestic violence.<sup>392</sup> The people working on the guidelines have cooperated with women's NGOs in the past and hence included an NGO perspective in the guidelines, despite women's NGOs not being directly involved in the drafting. The guidelines have been revised<sup>393</sup> as of 2013, due to legal amendments of 2009.

### **Areas supporting sustainability and autonomy of women's NGOs**

#### *Legal basis for funding of (women's) NGOs*

Prior to adoption of the Law on Protection from Domestic Violence (2005), no State funding was provided for domestic violence-related services, but lobbying continued, and gradually some amendments to the Law (2005) were added to grant this funding. Lobbying efforts included the following: meetings, letters, campaigns, invitations to government officials to speak at events, reporting and sharing information with relevant authorities, data collection and sharing of results, press conferences, and communicating with members of the parliament. This was a slow and difficult process due to changes in government and changing contact persons.

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<sup>388</sup> Minnesota Advocates for Human Rights. (1996). Domestic Violence in Bulgaria.

<sup>389</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

<sup>393</sup> Police are no longer responsible to assist victims in obtaining protection orders.

Since 2010, funding has been secured through the Ministry of Justice. Nowadays, the Law on Protection against Domestic Violence contains a provision affirming that the State is required to finance the implementation of this law. The obligation to finance shelters and to implement specialized programs for victims and perpetrators is located under Section 5(1)(5-6) of the Bulgarian Law on Protection against Domestic Violence.<sup>394</sup> The provision has yet to be implemented in a systematic manner with clear rules, as funding for services is currently still based on annual prioritization of issues. Following prioritization, NGOs that qualify may submit requests for funding.

Funding of NGOs working with women survivors of violence is done on an annual basis. Each year, by 31 March, the Council of Ministers adopts a National Programme for Prevention and Protection against Domestic Violence and provides funds for financing the activities that are determined annually. The annual budget of the Ministry of Justice includes funds for NGOs that provide assistance to victims of domestic violence, for trainings of persons delivering protection against domestic violence, among others.<sup>395</sup> Establishing the funding through the Ministry of Justice was a difficult process, as no other ministry wanted to hold the responsibility, and hence it remained with the ministry responsible for drafting the Law on Protection from Domestic Violence (2005).

Supplementary funding of services sits at the municipal level.<sup>396</sup> This presents a challenge as local governments may lack the budgets, political will and knowledge about domestic violence. Bylaws and protocols to guide the funding are also missing at the local-level.

#### *State financial support and other support to national feminist women's networks of NGOs*

As of 2009, a legal entity in form of a network has been established with the support of the Oak Foundation. The name of the networks is now the Alliance for Protection against Gender-Based Violence<sup>397</sup>. The network comprises nine Bulgarian organizations. The network has already been involved in projects on monitoring and collecting data from NGO services providers, information, and statistics with the aim of having an overall picture of the situation in the country and of **helping share resources**. Its main objectives are: **ensuring the implementation of the legislation; shaping standards for the victims' support services; cooperating with institutions; monitoring, analysis and research; promotion of educational activities; international cooperation; and exchange of good practices**. The network does not receive State funding.

Taking part in the European WAVE network has enabled recognition of Bulgarian women's NGOs by the State and allows the opportunity to share a common message on standards of services. **In 2012, the annual WAVE Conference took place in Sofia, bringing together relevant stakeholders and enabling Bulgarian women's NGOs to consolidate their commitment to work in the area of combating gender-based violence and widening the dialogue with the State.**

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<sup>394</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>395</sup> Bulgaria Report to UNECE. (2014). On Appraisal and Review of the Implementation of the Beijing Declaration, the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the UN General Assembly (2000) in the Context of the Upcoming Global Review of the Beijing +20 Process in 2015.

<sup>396</sup> Ibid.

<sup>397</sup> Formerly called the Alliance for Protection from Domestic Violence.

The history of networking and the women's movement in Bulgaria begins at the onset of the 20<sup>th</sup> century, when it was considered one of the strongest in Europe. Like many women's rights movements throughout Europe at the time, the movement in Bulgaria largely composed of upper-class activists. There was however, little space for grassroots activism.<sup>398</sup>

During socialism (1944-1989), the women's movement can be considered to have been centralized. After 1968, the centre of activities related to issues affecting women was the Committee of Democratic Bulgarian Women (CDBW), later renamed as the Committee of the Bulgarian Women's Movement (CBWM). While the movement was internationally strong, in the decade preceding the start of the transition period (1990s), it began to lose its momentum nationally.<sup>399</sup> Feminism in Bulgaria during the period of transition (1990s) focused on rebuilding, since the former women's organizations were dissolved. The main change can be categorized as the women's issues moving from the level of government to women's NGOs.<sup>400</sup> The new organizations are considered to have stemmed from academic roots.<sup>401</sup> The Bulgarian Association of University Women (BAUW) was formed in Sofia by women academics and stood against the government-owned Democratic Union of Women (DUW), as it was more a propaganda for appearance of civil society, rather than being concerned with women's rights.<sup>402</sup> The early post-communist women's movement was considered to be formed of various 'small and disparate' groups, and did not appear to have potential for a strong impact in the near future.<sup>403</sup>

At the same time, women's groups faced attacks from the opposition, with their agenda being dismissed. The agenda was painted as pro-socialist and anti-democratic. A majority of the parties in the Parliament at the time did not care to prioritize women's issues, with naturally some exception of the social party. During the time of transitions, women's groups were small, not aligned, and typically focused on a narrowly targeted social issue of relevance to women, and hence were not strong in the area of influencing top-level policy makers. At the same time, women's groups themselves, influenced by the suspicion of collectivism as a conduit to compromise yet recognizing their universal belonging to a marginalized group, could not formulate a universal momentum. Lastly, as the women's groups struggled with defining their Bulgarian feminist identity yet participated, where possible, in conferences organized by 'Western' feminists, they were often seen on an individual-level as too enveloped in the international work to influence policy at home, more so 'too busy to be asked to do anything [or representing] without presence...'<sup>404</sup> **Yet, international networking proved fruitful, as during the 1995 4<sup>th</sup> World Conference on Women in Beijing, Bulgarian feminists met with the Minnesota Advocates for Human Rights and organized the development of a report on the situation of domestic violence in Bulgaria.** The research was carried out by the Bulgarian Gender Research Foundation (BGRF), an organization founded

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<sup>398</sup> Ivancheva, Mariya. 2014. Continuity in Rupture: The Paradoxical History of the Women's Movement in Bulgaria. In: *What Do Ideas Do?*, ed. A. Lisiak, N. Smolenski, Vienna: IWM Junior Visiting Fellows' Conferences, Vol. 33.

<sup>399</sup> Ibid.

<sup>400</sup> Ibid.

<sup>401</sup> European Network of Women's Studies. (1994). *Gains and Losses: Women and Transition in Eastern and Central Europe*. [What Kind of Feminism for Bulgaria?]. Pg. 78.

<sup>402</sup> Ibid. Pg. 74-76.

<sup>403</sup> Ibid.

<sup>404</sup> European Network of Women's Studies. (1994). *Gains and Losses: Women and Transition in Eastern and Central Europe*. [What Kind of Feminism for Bulgaria?]. Pg. 76-81.

by Genoveva Tisheva, for the purpose of drafting the report. To this day, BGRF has remained central in lobbying efforts to improve state policy in the area of violence against women.<sup>405</sup>

The research report was published in 1996 and covered topics such as evidence of domestic violence from the medical community (i.e. descriptions of cases attended to by doctors). Other topics included the response to domestic violence within the legal system as well as from the police, and highlighted Bulgaria's lack of meeting its obligations under international law. The report provided recommendations aimed at the government of Bulgaria, which included training of professionals, implementation of criminal laws without discrimination to victims of domestic violence, institute public awareness, support of women's NGOs and provision of support services for victims, among others.<sup>406</sup> For that moment, the report proved of great importance, and findings opened the space for a nation-wide dialogue on domestic violence.

#### *State financial support and other support for feminist women's NGOs service providers*

Funding from the government is sporadic, insufficient and unreliable, and is based on annual prioritization of social issues. Following prioritization, NGOs that qualify may submit requests for funding. At one point, for example, the Bulgarian Gender Research Foundation has requested USD 75,000 from the Ministry of Labour and Social Policy to run its legal service, but was awarded only USD 15,000.<sup>407</sup> While funding is split on a State-municipal level, without support from foreign and/or private donations, NGOs do not have sufficient funds to provide services to victims. To add to the challenge, following EU accession in 2007, many international donors have left the country, assuming the State and EU to take over the responsibility for funding. There appears to be some effort and willingness at both the central government-level and municipality-level to provide some minimum amount of funding for the work of women's NGOs, in the form of small grants or building donations to house the services. At the same time, the government has not seriously organized itself, and considered a commitment to allocate specific amounts of funding, as verbal commitments have been noted, but never carried through.<sup>408</sup> In 2007, the Ministry of Interior in 2007 had aimed to establish 22 shelters that were to be opened for women survivors of violence and their children; however, the idea was never realized due to lacking support from authorities responsible for implementation. Since that time, only three new shelters have been opened.<sup>409</sup>

#### *Cooperation between women's NGOs and relevant State-run services and other agencies*

In 2012/13, a multi-agency working group was established to develop a Coordinating Mechanism for defining the tasks and responsibilities of the various public agencies and the NGOs in the field of domestic violence, including services provision, and implementing the existing legislation. Multi-agency cooperation started as an informal process at the local level in some cities. Later, there were attempts to establish the practice of bi-lateral protocols for cooperation. There have been permanent attempts to establish a constructive dialogue with the State authorities responsible for the policies for combating violence against women, but the dialogue is still more formal than effective. This is largely due to lacking awareness, training

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<sup>405</sup> Ivancheva, Mariya. 2014. Continuity in Rupture: The Paradoxical History of the Women's Movement in Bulgaria. In: What Do Ideas Do?, ed. A. Lisiak, N. Smolenski, Vienna: IWM Junior Visiting Fellows' Conferences, Vol. 33.

<sup>406</sup> Minnesota Advocates for Human Rights. (1996). Domestic Violence in Bulgaria.

<sup>407</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>408</sup> Ibid.

<sup>409</sup> Ibid: There were three shelters in Bulgaria in 2008. Currently, there are six.

and education in the area of gender-based violence of relevant professionals. A good example of a coordinated response is the establishment of a consultation centre in Sofia, where a police officer, lawyer, and social worker are present together on a daily basis in order to provide a one-stop response centre for victims.<sup>410</sup>

In terms of women's NGOs presence in coordinating bodies, NGO representatives are also in the Council on the Gender Equality and in many working groups for the drafting of a new law or of provisions amending the existing legislation. This takes place in structure of a 'forum' and a consultative body, where State authorities and NGOs meet to discuss issues related to gender equality. The forum was established on the initiative of and urging of NGOs, yet still depends on the political and economic situation, therefore, its effectiveness varies.

Cooperation among various agencies and women's NGOs continues to be difficult, but in some cases is improving. One State agency being a good example is the police, and is the result of women's NGOs trainings the police. The cooperation with the health sector is very difficult, since people working in this field still tend not to recognize their activity as part of the mechanism of specialized women's services provision. Social workers are another group, where women's NGOs find cooperation challenging. The directory for social services is appointed under the Ministry of Labor, Social Welfare and Social Policy, but the methodology is provided by the Agency for Child Protection (a special structure responsible for the protection of the interests of children). The directory is present at all levels of the public administration (ministerial, national and local level) and has a special focus only on children. Due to lack of awareness and trainings of social workers in the area of domestic violence and the focus on child welfare, social services often force women to reconcile, thinking it represents the best interest of the child, or do so from pressure or fear of the perpetrator. For example, as of 2008 (two years after the Law on Protection from Domestic Violence came into force), no protection orders were ever initiated by the Directorates for Social Assistance.<sup>411</sup> Social workers are also tasked with providing evidence in court (criminal and civil), yet do so without training or protocols in place, leading to a lack of accountability and the danger of women victims losing custody of their children.

Additionally, coordination between Child Protection Agencies and women's NGOs in dealing with same cases of domestic violence, where women and children are involved, has proven difficult. It has been overwhelmingly noted that NGOs have a great challenge in working with the Directorate for Social Assistance and the Child Protection department.<sup>412</sup>

One of the important aspects of work of women's NGOs is training. In Bulgaria, the women's NGOs are very active in conducting trainings for a variety of groups, such as police, judges, district inspectors, NGO activists, journalists, lawyers, among many others. The trainings have been especially important and have shown to have significant impact in that they not only increase awareness of domestic violence, but also improve relationships among various stakeholders.<sup>413</sup> According to UNECE Reporting for Bulgaria, there has been some focus on training of social workers to work with victims of violence. In the period of 2011-2013, 243 social workers from the Social Assistance directorates were trained. Several women's NGOs,

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<sup>410</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>411</sup> Ibid.

<sup>412</sup> Ibid.

<sup>413</sup> Ibid.

including ‘Animus’, Nadja Centre Foundation, SAPI, Bulgarian Gender Research Foundation, among others, organize trainings together with the representatives of Social Assistance directorates.<sup>414</sup> An example is the training provided in 2013 by the Alliance for Protection against Domestic Violence for representatives of police and social services, implemented under a project funded by the Ministry of Justice.

Since 2005, women’s NGOs have been conducting the monitoring of court proceedings. While at first judges were reluctant to grant permission to NGO court monitors, in the end, the monitoring process has actually improved the relationship of cooperation between NGOs and judges. ‘...the judges have realized the monitors are not assessing their professional qualities and that working together with an NGO is not a threat to their professional capacities.’<sup>415</sup>

Trainings to a large extent are still conducted on a project basis. The trainings in Bulgaria are known to result in better further communication and cooperation between participants, who have commitment to work better in their respective agency.

*Cooperation, good will and sustained communication between policy makers, State officials and feminist women’s NGOs*

According to a 2008 report on the implementation of the Law on Protection against Domestic Violence, the cooperation between relevant State officials and women’s NGOs has improved,<sup>416</sup> although the State itself lacks the capacity to meet the demands of women’s NGOs. The implementation of State policies in the area of combating violence against women has been transferred to women’s NGOs, without the matching commitment and resources. Women’s NGOs have been charged with the implementation of the Law on Protection from Domestic Violence, more specifically, their work has involved coordinating community response, carrying out public education, and conducting trainings, as well as service provision, including legal aid.

The Ministry of Labour and Social Policy views the involvement of women’s NGOs in management of social services for domestic violence victims as a positive and good trend, and has welcomed NGO involvement in other initiatives as well as in proposing legislative amendments.<sup>417</sup> For example, the cooperation between the Ministry and the Bulgarian Gender Research Foundation has been positive and the Ministry has recognized the NGO’s expertise, opening the door to positive cooperation. Despite this and the establishment of a department for equal opportunities, anti-discrimination and social assistance within the Ministry of Labor and Social Policy, it has been noted that the machinery is relatively weak and lacks ‘sufficient authority, visibility and adequate human and financial resource...’ This limited capacity results in ineffective [coordination] and [cooperation] with women’s non-governmental organizations.<sup>418</sup>

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<sup>414</sup> Bulgaria Report to UNECE. (2014). On Appraisal and Review of the Implementation of the Beijing Declaration, the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the UN General Assembly (2000) in the Context of the Upcoming Global Review of the Beijing +20 Process in 2015.

<sup>415</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>416</sup> Ibid.

<sup>417</sup> Ibid.

<sup>418</sup> CEDAW Committee. (2012). Concluding Observations of the Committee on the Elimination of Discrimination against Women – Bulgaria. Pg. 5.

### *Feminist women's NGOs submissions to the CEDAW Committee and other international processes*

Women's NGOs in Bulgaria have been submitting reports to the CEDAW Committee since 1998.<sup>419</sup> The 2012 CEDAW session for Bulgaria represented a time, where four overdue CEDAW State reports were submitted (4-7<sup>th</sup> reports). Two NGOs: Bulgarian Gender Research Foundation and Gender Alternatives submitted Shadow Reports for the session. The production of the reports was carried out completely with volunteer work, despite women's NGOs seeking sponsorship for the work.

### *Awareness about the role of women's NGOs in supporting survivors of violence against women*

One of the challenges in establishing of sustainable State support for women's services is the lack of understanding about the type of comprehensive and specialist services needed by victims of domestic violence, and the need for the services to be provided with sufficient geographical distribution. Unfortunately, if one service provider receives State support for some of the services, other service providers might be refused based on *coverage* already existing. Equally, establishing sustainable service provision is negatively impacted by lack of understanding from relevant State officials of the rights and needs of women survivors of violence and their children.

Women's NGOs in Bulgaria are often discriminated and marginalized both by public and private citizens. In the past, perpetrators have been using their rights to bring complaints in order to personally defame lawyers and activists protecting the interests of women survivors.

Media is also not sensitive to the issue, and often tends to ignore the presence of women's NGOs or women's support services, while giving relevance to what perpetrators do and say, when covering court proceedings.

### *Standards of specialized service provision for survivors of violence*

The current legal framework applicable to standards for service providers for survivors of violence includes the Social Assistance Act,<sup>420</sup> the Regulation on the Application of the Social Assistance Act, and Non-Profit Legal Entities Act.<sup>421</sup> To comply with the legal framework, the six shelters in Bulgaria operate as 'crisis centers' or 'protected homes' and operate in form of conducting 'State functions'. The legal framework is general and not specialized in women's service provision. State requirements often result in low quality services or discriminatory practices such as lack of access at night or women unable to remain in shelters with children over the age of 18, who are mentally disabled. The NGOs must comply with the State legal framework, and also try to provide their own specialized services at the same time in order to meet the needs of victims. Moreover, even though they are dependent on the contracts signed with the municipal authorities and obligated to fulfil standards, the financial support is either insufficient or not even provided at all (i.e. the authorities provide only the building or equipment).

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<sup>419</sup> Kadieva, Milena. Bulgarian Gender Research Foundation (BGRF). Bulgaria: Women's Efforts are Big, Government Efforts are Scarce.

<sup>420</sup> Bulgaria Report to UNECE. (2014). On Appraisal and Review of the Implementation of the Beijing Declaration, the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the UN General Assembly (2000) in the Context of the Upcoming Global Review of the Beijing +20 Process in 2015.

<sup>421</sup> Ibid.

The existing network of women's NGOs collaborate in the area of developing standards for specialized service provision for women victims of violence. Currently, there is a formal agreement among the network only on implementation of specialized standards.

### *Legislation on domestic violence, including civil protection orders*

The impetus for passing of the 2005 Law on the Protection against Domestic Violence began almost ten years prior (1997-1999), when the Bulgarian Gender Research Foundation joined in a project with the Advocates for Human Rights. In 1996, the two institutes published a report on domestic violence in Bulgaria.<sup>422</sup> The report was followed by further legal research that addressed gaps in Bulgarian legislation. During the 16 Days against Gender-Based Violence in 2001, women's NGOs began to lobby for a legislative framework on violence against women and for support services for women survivors. From 2000 to 2002, the Bulgarian Gender Research Foundation and other lawyers began to work on a draft law, which was later introduced by Parliamentary Member Marina Dikova and passed on second reading on 16 March to enter into force on 1 April 2005.<sup>423</sup> A method of lobbying which proved successful was to utilize the network of women lawyers in the Ministry of Justice by forming a working group for the elaboration of a draft law on measures to protect victims of domestic violence. The group included representatives of the Ministries of the Interior, Labour and Social Policy, Health, and Justice, as well as the Sofia City Bar, the Chief Prosecutor's Office and members of NGOs. The lobbying process took about four years, and in 2005, the Law on Protection against Domestic Violence was passed. The lobbying process also opened the institutions within the Parliament and the Ministries of Justice and Interior to become cooperative with women's NGOs and women's rights experts/lawyers. The time of adoption of the law marked a time of opportunity for women's NGOs, where there was much political will in the parliament at the time, including professional understanding and support in relevant executive bodies. This cooperation resulted in the passing of several significant pieces of legislation in the early 2000s.<sup>424</sup> Despite the positive steps and milestone accomplishment, the early focus on legislation, although crucial (as it provided a binding document), also diverted efforts from grassroots initiatives<sup>425</sup> and awareness raising. The movement at the time was composed of women lawyers and highly educated professionals.

The Law on Protection against Domestic Violence provides for seven protective measures, two of them are supportive programs for the victims (optional for victims to utilize), and the mandatory programs for the perpetrators. The law also provides for administrative measures and policing measures. Only a court, however, may issue an injunction to remove the perpetrator from the common home, institute a ban from approaching the victim's home, workplace or other social contacts, as well as temporarily remove the child from the custody of the perpetrator and impose attendance in a perpetrator course. The issuance of the protection order through the court is supposed to be done in an urgent fashion.<sup>426</sup>

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<sup>422</sup> Minnesota Advocates for Human Rights. (1996). Domestic Violence in Bulgaria.

<sup>423</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>424</sup> Law on Combating Trafficking in Human Beings, Law on Social Assistance (amended), Law on Protection of the Child.

<sup>425</sup> Ivancheva, Mariya. 2014. Continuity in Rupture: The Paradoxical History of the Women's Movement in Bulgaria. In: What Do Ideas Do?, ed. A. Lisiak, N. Smolenski, Vienna: IWM Junior Visiting Fellows' Conferences, Vol. 33.

<sup>426</sup> Kadieva, Milena. Bulgarian Gender Research Foundation. Bulgaria: Women's Efforts Are Big, Government Efforts Are Scarce.

### *Effective implementation of existing legislation*

As of 2008, two years after the Law on Protection from Domestic Violence has come into force, there have been positive signs of its effects and implementation. These include: Appointment of a National Coordinator on Domestic Violence by the Ministry of the Interior, development of a website on domestic violence, development of national plan and guidelines for the police, good collaboration with women's NGOs, development of a plan against domestic violence by the Ministry of Labour and Social Policy, and some funding has been provided by this Ministry for the purpose of provision of specialized services.<sup>427</sup>

In January 2008, a working group within the Ministry of Justice, as a result of pressure from the women's NGOs (more specifically the network: Alliance against Domestic Violence), formed to consider amendments to the legislation. In November 2008, a draft was presented to the Prime Minister that included 'greater protection for victims of domestic violence during court proceedings, extension of the circle of persons eligible for protection under the act, greater protection of children and people with disabilities, as well as assignment to the Ministry of Labor and Social Policy of coordination functions and a special budget for implementation of the act.' At the same time, the Alliance network advocated to criminalization of non-compliance with protection orders and instituting the financing of the delivery of services to victims of domestic violence. The joint report of the Bulgarian Gender Research Foundation and the Advocates for Human Rights provided legitimate basis to demand amendments.<sup>428</sup> Despite the accepted legislative amendments coming into law, due to later changes in government, the full effective implementation of the amendments has yet to be seen.

Some additional problems with the law include lack of provision for police barring orders. Women are not likely to seek protection with the court due to both lack of knowledge on how to access justice, and shame associated with bringing domestic violence into the public sphere.<sup>429</sup> Judges often do not consider history of violence, and instead consider only single incidents when deciding on the issuance of protection orders.<sup>430</sup> Despite criminalization of non-compliance with protection orders, the number of perpetrators being sentenced is relatively small.<sup>431</sup> Despite positive responses from police (in responding to victims), and the existence of protocols from the Ministry of Interior regulating police response to domestic violence, the police still face challenges in implementing granted protection orders such as 'locating, serving or removing the offender from the home...[police] still face difficulties in responding to violations of orders, and questions remain as to the authority upon which to base an arrest of an offender for such violations, and how to consistently address violations.'<sup>432</sup>

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<sup>427</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

<sup>428</sup> Kadieva, Milena. Bulgarian Gender Research Foundation. Bulgaria: Women's Efforts Are Big, Government Efforts Are Scarce.

<sup>429</sup> Ibid.

<sup>430</sup> Bulgarian Gender Research Foundation. (2012). Gender Stereotyping – A Pervasive and Overlooked Source of Discrimination against Women in Bulgaria. Special Alternative Report to the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Governmental Report. Pg. 12-14.

<sup>431</sup> Bulgaria Report to UNECE. (2014). On Appraisal and Review of the Implementation of the Beijing Declaration, the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the UN General Assembly (2000) in the Context of the Upcoming Global Review of the Beijing +20 Process in 2015.

<sup>432</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

### *Accession to relevant international treaties*

A 1996 report on domestic violence stated that the State of Bulgaria has failed to implement its obligations under CEDAW and other relevant international treaties to which it is a party. After a lengthy period of lacking State report submissions to CEDAW, the 2012 CEDAW session included a total of four periodic reviews (4<sup>th</sup>-7<sup>th</sup>). In its 2012 Concluding Observations, the CEDAW Committee noted that ‘in practice the Convention has not been given sufficient visibility as the legal basis for measures, including legislative and policy measures, to eliminate all forms of discrimination against women and to promote gender equality [as well as there being] insufficient knowledge and awareness among the branches of the Government, the National Assembly and the judiciary about the rights of women under the Convention...’<sup>433</sup> Although many changes have been observed as a result of the CEDAW Convention, especially in legal reform in Bulgaria (i.e. Protection against Discrimination Act 2004, Law on Combating Trafficking in Human Beings 2004, and criminalization of non-compliance with protection orders), the legislation (especially criminal) on domestic violence remains in non-compliance with CEDAW, despite efforts and lobbying by women’s NGOs.<sup>434</sup> There is a certain reluctance to implement CEDAW resulting from continued resistance to break stereotypes, as well as a fear of the economic impact that may result from its implementation and changes in government due to elections.

Likely as a result of the CEDAW Concluding Observations in 2012, Bulgaria has, at least publically, affirmed its stance to dutifully implement the CEDAW Convention. In its 2014 UNECE report on the implementation of the Beijing Platform for Action (Beijing +20), Bulgaria has vowed to renew efforts ‘for improving the protection of the rights of women in different areas [through] an Action Plan adopted by Decision 438 of 25 July 2013 for implementation of the concluding recommendations to Bulgaria made by the UN [CEDAW Committee].’<sup>435</sup>

Bulgaria is one of the few European Union countries that has not yet signed the Istanbul Convention.

### *National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women*

As a result of the Law on the Protection against Domestic Violence, the Ministry of Labour and Social Policy developed a Program on Prevention and Protection from Domestic Violence (2007-2008). The program includes six sections: awareness raising campaign, creation of a 24-hour hotline, development of rehabilitation programs for victims of domestic violence, recommendations for amendments to the Law, among others. At the same time, however, the Ministry of Labour and Social Policy has to a large extent continued to focus on child protection in terms of domestic violence, rather than on women survivors, because of the connection with the Child Protection Act.<sup>436</sup>

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<sup>433</sup> CEDAW Committee. (2012). Concluding Observations of the Committee on the Elimination of Discrimination against Women – Bulgaria. Pg. 3.

<sup>434</sup> Kadieva, Milena. Bulgarian Gender Research Foundation. Bulgaria: Women’s Efforts Are Big, Government Efforts Are Scarce.

<sup>435</sup> Bulgaria Report to UNECE. (2014). On Appraisal and Review of the Implementation of the Beijing Declaration, the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the UN General Assembly (2000) in the Context of the Upcoming Global Review of the Beijing +20 Process in 2015.

<sup>436</sup> Advocates for Human Rights and BGRF. (2008). Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report.

In 2009, the government of Bulgaria addressed all forms of violence against women in its National Strategy for Promotion of Gender Equality 2009-2015. The measures included in the plan relevant to violence against women include: raising awareness and affecting social behaviors, providing assistance and support to victims of domestic violence, work with perpetrators, support of non-governmental organizations, among others.<sup>437</sup>

While some women's NGOs are involved in drafting, the plans are drafted in a way that it is impossible to not implement them, because they repeat the provisions of specialized programs, such as mention the existing funding from Ministry of Justice, and hence do not lead to improvements.

### Summary conclusions

One of the most significant recent achievements of the women's movement in Bulgaria is the drafting, adoption and subsequent amendments to the Law on Protection of Domestic Violence. The achievement was a result of cooperation between women lawyers and relevant government officials. Among positive aspects of the law is the establishment of victims' rights to access services, many of which are currently provided for by women's NGOs. Other achievements include establishment of a network of women's NGOs called the Alliance for Protection against Gender Based Violence, and the improving cooperation with law enforcement and successful, albeit not yet institutionalized, delivery of training of professionals working with victims of domestic violence. Trainings in the past have resulted in improved cooperation and understanding among women's NGOs and relevant State agencies, such as police or judges.

In terms of sustainable and autonomous service provision, some challenges remain and must be addressed in the future, such as establishment of continuous and reliable funding streams to fully support the work of women's NGOs; strengthening of multi-agency cooperation; awareness raising, and training and sensitization of State agencies working with victims of domestic violence. Equally, the existing governmental standards for 'crisis centers' or 'protected homes' that are applied to women's NGOs service providers are not specialized for victims of domestic violence; hence the services must provide specialized services independently. While women's NGOs must adhere to governmental standards, some of which are restrictive or discriminatory, the NGOs do not always receive sufficient funding from the State to be able to implement service provision effectively.

The shortcomings of funding for women's NGOs include: unreliable funding on the State-level, funding on an annual basis and dependent upon prioritization, as well as municipal-level funding, implementation of which is not further supported by protocols or bylaws.

One significant problem facing the women's movement in Bulgaria is the current political and economic situation that is exacerbated by continuous changes and hence instability in the

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<sup>437</sup> Bulgaria Report to UNECE. (2014). On Appraisal and Review of the Implementation of the Beijing Declaration, the Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the UN General Assembly (2000) in the Context of the Upcoming Global Review of the Beijing +20 Process in 2015.

government. While cooperation with State officials, including ministry officials, is generally positive and women's NGOs have received some recognition for their expertise, the Bulgarian State is generally weak and also faces difficulty in addressing women's movement's demands, fulfilling its international obligations, or effectively implementing the existing legislation and new amendment.

### 2.2.3. CROATIA<sup>438</sup>

#### Short historical background

Croatia was one of the republics of former Yugoslavia. In 1991 the country announced its independency, which was followed by four years of war.<sup>439</sup> After 1991, the country's goals included transition to a market economy and European integration.<sup>440</sup>

During the transition period, women's NGOs were proliferated and they were vigorous advocates of gender equality and built very strong organizational capacities. The networking and coalition among women's organizations also started in this time.<sup>441</sup> Croatia had a strong feminist movement that unveiled the problem of violence against women relatively early. It was in the 1980s that women's organizations started to deal with the issue.<sup>442</sup> In 1988, the first SOS hotline was launched, and in 1992 the first women's shelter, Autonomous Women's House, was set up in Zagreb. By the end of the 1980s, Croatian feminists have started networking with other feminists in Europe to exchange ideas and experiences.<sup>443</sup> In the second half of the 1990s, women's organizations, under the guidance of the Autonomous Women's House, Center for War Victims ROSA and Be Active Be Emancipated (B.a.B.e), started lobbying for legislation aimed at combating violence against women.<sup>444</sup>

The Croatian women's movement is a strong example of lobbying and networking, and since 1997, annual awareness raising campaigns and lobbying for policy change have continued with the mobilization among Croatian women's organizations. The Women's Network Croatia, which is an umbrella formation of around 40 women's organizations, has been focusing on development and amendments of a specific law on domestic violence since 2000.<sup>445</sup>

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<sup>438</sup> The country profile was drafted based on data collected during a workshop organized by WAVE with project partners on the 28 May 2014 in Vienna, Austria.

<sup>439</sup> [www.bbc.com/news/world-europe-17212572](http://www.bbc.com/news/world-europe-17212572)

<sup>440</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post- Communist Croatia and Slovenia. Pg. 36-37.

<sup>441</sup> Ibid. Pg. 38-39.

<sup>442</sup> Ibid. Pg. 91-92.

<sup>443</sup> Krizsan, A. and Popa, R.M. (2014). Frames in Contestation: Gendering Domestic Violence Policies in five Central and Eastern European Countries. *Violence against Women*, 20(7). Pg. 769.

<sup>444</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post- Communist Croatia and Slovenia. Pg. 91-92.

<sup>445</sup> Krizsan, A. and Popa, R.M. (2014). Frames in Contestation: Gendering Domestic Violence Policies in five Central and Eastern European Countries. *Violence against Women*, 20(7). Pg. 769.

## Situation of service provision for women survivors of violence

### *Fair access and free of charge*

There are 16 women's shelters with at least 267 shelter places available in Croatia. Approximately 428 shelter places are needed in Croatia based on international recommendations. Eleven of the shelters are run by independent women's NGOs or other NGOs, and five are run by public institutions. All of the shelters accept children of survivors and provide the possibility of staying more than six months.<sup>446</sup> There is a distinction between independent women's shelters and State-run shelters. Autonomous women's shelters are self-regulating and run by grassroots women's NGOs. State-run shelters must comply with governmental regulations, although women's NGO shelters have had to sign the regulations of the Ministry of Social Policy and Youth as well.<sup>447</sup>

There is no national women's helpline in Croatia. There are about 35 different counseling and SOS helplines. Some of the women's counseling centers that work on a 24/7 basis also run helplines.<sup>448</sup> Based on the information in 2011, all of the shelters are free of charge in Croatia and about half of the shelters offer access 24/7.<sup>449</sup>

There is no State-subsidized transitional housing available in Croatia, which means survivors face difficulties finding accommodation following their stay in the shelter.<sup>450</sup>

Regional distribution of available services is still lacking, as many of the Croatian counties do not have a shelter for women survivors of violence.<sup>451</sup>

### *Specialist support*

Specialized support is provided by the women's NGOs that run shelters and women's centers (i.e. women's counseling centers).<sup>452</sup> There is only one women's center for survivors of sexual violence in Croatia, run by the NGO Women's Room.<sup>453</sup> The NGOs also provide legal aid to women survivors. This is usually the easier method for women to access free legal aid, despite some waiting time due to staff limits and demand for the service.<sup>454</sup> The Free Legal Aid Act 2008 stipulates conditions for provision of free legal aid, but provision of free legal aid requires a complicated approval procedure.<sup>455</sup> Seven county courts in Croatia have

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<sup>446</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services For Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 65.

<sup>447</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 93-94.

<sup>448</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services For Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 66.

<sup>449</sup> Women against Violence Europe (WAVE). (2011). Country Report 2011: Reality Check on European Services For Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 65.

<sup>450</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 100.

<sup>451</sup> Zrinščak, S. (2010). Violence against Women and the Role of Gender Equality, Social Inclusion and Health Strategies- National Report Croatia for the European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities. Pg. 25.

<sup>452</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services For women and Children Survivors of Violence - A Right for Protection and Support? Pg. 65.

<sup>453</sup> Ibid. Pg. 66.

<sup>454</sup> Ibid. Pg. 76.

<sup>455</sup> Ibid.

established Victims and Witnesses Protection Units in order to provide practical information as well as general and emotional support throughout the court proceedings.<sup>456</sup>

There are six shelters to accommodate not only women survivors of violence but also women, men and children. One of the six shelters, the Organization for Integrity and Prosperity (OIP), provide services for survivors of trafficking.<sup>457</sup> State homes offer services not only for victims of domestic violence but also general accommodation for homeless women and men, persons with addictions, victims of trafficking, asylum seekers, and migrants.<sup>458</sup> As a result, the specialist service provision for women survivors of domestic violence is mainly located within the women's NGOs.

### *Diversity and non-discrimination*

NGO-run women's shelters are able to remain open to accepting women from various backgrounds, such as undocumented migrant women, and assist women in findings ways to establish a residency status in the country, if possible. Approximately half of the present shelters offer access to women with disabilities, as well as asylum seekers,<sup>459</sup> although there is no detail provided on whether the service provision is adequate. Shelters that are operated by public entities tend to have strict and bureaucratic rules on admission procedures.<sup>460</sup>

## **Areas supporting sustainability and autonomy of women's NGOs**

### *Legal basis for funding of (women's) NGOs*

The 2003 adopted Law on Protection from Domestic Violence and amended in 2009 does not provide for funding of services for victims of domestic violence. The government of Croatia has a preference for signing funding agreements, such as the 2009 agreement on tripartite funding (see explanation below).<sup>461</sup> As a result, shelters, for instance, do not have a sustainable legal basis for funding, and the entities are therefore enabled to implement funding cuts, as has been reported by NGO service providers.<sup>462</sup>

The funding is allocated for a fixed period of time. For instance, the State indicates that women's organizations which provide counseling services and shelters have been granted funding for the period 2002-2004.<sup>463</sup> Another example would be the recent three-year financing programs for the period 2010-2013.<sup>464</sup> Many NGOs receive funding on an annual

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<sup>456</sup> United Nations (UN). (2013). Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 12.

<sup>457</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services For women and Children Survivors of Violence - A Right for Protection and Support? Pg. 66.

<sup>458</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 93-94.

<sup>459</sup> Women against Violence Europe (WAVE). (2011). Country Report 2011: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence - A Right for Protection and Support? Pg. 65.

<sup>460</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 11.

<sup>461</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 95.

<sup>462</sup> Ibid. Pg. 98.

<sup>463</sup> CEDAW. (2005). Responses to the List of Issues and Questions for Consideration of the Combined Second and Third Periodic Reports- Croatia. 32<sup>nd</sup> Session. Pg. 12.

<sup>464</sup> United Nations Economic Commission for Europe (UNECE). (2014). Croatia National Report Beijing +20. Pg. 21.

basis, and are required to reapply for funding each calendar year and execute new contracts with the relevant agency. “The application and execution of annual contracts is an inefficient process that takes considerable time, leading to serious delays in funding pending approval of the State budget.”<sup>465</sup>

The funding system for the shelters for victims of domestic violence is complicated in Croatia, as different ministries have developed different funding systems for the shelters and established different regulations. Currently there are two different funding schemes which involve different agencies of the government and therefore create complications and pose challenges for service providers.<sup>466</sup> This also has a negative impact on transparency.

It was originally the Ministry of Family, Veteran’s Affairs and Intergenerational Solidarity (hereinafter MoF) and the Ministry of Health and Social Care (hereinafter MoHSC) who developed the different funding systems for the shelters since 2008. As of 2012, both the MoF and the MoHSC have been reformed under three different ministries; the Ministry of Social Policy and Youth (hereinafter the MSPY), the Ministry for Veterans, and the Ministry for Health.<sup>467</sup> This transition created a difficulty in understanding the tasks and responsibilities distributed regarding the funding for the shelters. In other words, in documentation and regulations regarding addressing domestic violence in Croatia, there are still references to the old ministries which cause complications in terms of establishing the main responsible body for implementing the funding system.

As aforementioned, the funding system in Croatia is dual. One of the funding systems is called a tripartite funding plan, which is also called ‘30-30-30 plan’ that refers to each of three entities of the State, namely the MSPY (before the MoF), the city and the county, being tasked with paying 30% of funding. The remaining 10% is to be fundraised by the service providers. In the second scheme, the State and the city institutions which shelter adult and child victims of domestic violence, as well as the autonomous NGOs service providers or State houses, receive funding from the MSPY (before the MoHSC). The amount of funding is determined by the number of filled beds.<sup>468</sup> Both NGO-based and State-run shelters can apply and receive funding under both systems.<sup>469</sup>

After the reformation of the ministries, the main entity responsible for the two funding schemes is the MSPY, as it is understood through documents related to funding.<sup>470</sup> Lastly, it is important to mention that, even though the responsible ministry is now united, the coordinating bodies differ in the two different funding systems.

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<sup>465</sup> The Advocates for Human Rights. (2012). Implementation of Croatia’s Domestic Violence Legislation: A Human Rights Report. Pg. 97.

<sup>466</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 12.

<sup>467</sup> The Advocates for Human Rights. (2012). Implementation of Croatia’s Domestic Violence Legislation: A Human Rights Report. Pg. 95.

<sup>468</sup> Ibid.

<sup>469</sup> Ibid.

<sup>470</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg.12.

Despite the funding regulations in place, most of the shelters receive less than the promised 30 percent amount of funding. There was a case where an NGO service provider received 30% from the city, but only 13% from the county and 26% from the Ministry.<sup>471</sup>

#### *State financial support and other support to national feminist women's networks of NGOs*

'Women's Network Croatia' is a formal broad-scope network gathering together 40 organizations, some of which are service providers while some others carry on activities related to women's human rights. There is also a coalition consisting of seven women's shelters, with the main objective of ensuring sustainability of women's shelter provision.

Being part of the European network, WAVE has been beneficial to the Croatian women's organizations in terms of practical support, such as receiving small donations to sustain the shelters and other services, and letters from the members to support the campaigns and lobbying to obtain public funding for specialized women's services, as well as having access to international standards of service provision. The setting up of common standards and exchange of experiences has been supportive in strengthening the position of the women's organizations in Croatia.

#### *State financial support and other support to feminist women's NGOs service providers*

As aforementioned, the current funding agreements for women's services have been in place since 2008 and allow for funding of autonomous feminist women's organizations. At the same time, there is still much room for improvement in the way women's NGOs are funded as the current dual funding method that includes a tripartite system, results in insufficient funding, complicated procedures, and has impact on efficiency due to funding allocated on short-term basis, which presents the need to reapply and establish contract with multiple entities.

The funding structures have not been implemented effectively and women's NGOs have faced subsequent cuts.<sup>472</sup> The main problem involves funding being dependent on various entities that also do not disburse the funds at the same time. The entities have also decreased the funding amounts originally promised.<sup>473</sup> While NGOs attempt to fill gaps in financing through additional fundraising, donors are typically not interested in activities such as accommodation or counselling. Instead, the focus is on 'new' or 'innovative' projects. The situation leaves service providers with severe challenges in providing effective support for women survivors of violence.<sup>474</sup>

#### *Cooperation between women's NGOs and relevant State-run services and other agencies*

The Rules of Procedure in Cases of Violence, prepared by the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity (currently MSPY) in 2008, is the main document that regulates the division of tasks between the institutions, more specifically "the obligations of competent bodies and other factors as well as forms, means and areas of cooperation between competent bodies and other factors. It particularly stresses the need for reporting family violence, and the need for public administration bodies to perform immediate measures to

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<sup>471</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 98.

<sup>472</sup> Ibid. Pg. 95.

<sup>473</sup> Ibid. Pg. 98.

<sup>474</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services For women and Children Survivors of Violence - A Right for Protection and Support? Pg. 65.

provide a system, resources, and sufficient number of specialized professionals dealing with the issues of family violence.”<sup>475</sup> The Manual on Implementation of Rules of Procedures in Cases of Family Violence is also available.<sup>476</sup> On cooperation between women’s NGOs and State-run women’s services, the Rule of Procedure indicates that authorities of the State and representatives of women’s NGOs are obliged to establish cooperation, share information, and hold regular meetings. Despite the directive, this does not take place in practice, although cooperation between the police, the Centres for Social Welfare and State houses is developing positively.<sup>477</sup> While there is recognition regarding the importance of multi-agency work, this mostly occurs between the State-run institutions, while women’s NGOs are generally excluded. As an example, the Ministry of Interior organized a meeting about the victim assistance process without invitation to NGO shelters.<sup>478</sup> Women’s NGOs must actively seek to be part of coordinating bodies.

The response coordinating body is led by the Ministry of Family, Veterans and Intergenerational Solidarity (currently the MSPY). There is also a Committee for the Protection from Violence in the Family which includes three members from NGOs, however it rarely meets.<sup>479</sup>

In Croatia, education of professionals is an important part of the National Strategy of Protection against Family Violence.<sup>480</sup> Training of law enforcement is provided by the Ministry of Interior in Croatia. Police officers receive education on domestic violence which focus on amendments in laws and good and bad practices in domestic violence. However, the NGOs note that trainings do not end the implementation of dual arrestment, which appears to be one of the serious problems of domestic violence issues in Croatia.<sup>481</sup> It is also worth mentioning that there are specialized police officers who undergo a few weeks of volunteer training in domestic violence, although they are not available in every police station and every hour.<sup>482</sup> Generally, police responses to domestic violence still varies greatly across the country.<sup>483</sup>

The main governmental agency in the area of service provision is the Center for Social Welfare and, under the Law on Protection against Domestic Violence, is tasked as being one of the first responders to cases of domestic violence along with the police. Victims of

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<sup>475</sup> Zrinščak, S. (2010). Violence against Women and the Role of Gender Equality, Social Inclusion and Health Strategies- National Report Croatia for the European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities. Pg. 13.

<sup>476</sup> Ibid. Pg. 15.

<sup>477</sup> The Advocates for Human Rights. (2012). Implementation of Croatia’s Domestic Violence Legislation: A Human Rights Report. Pg. 105.

<sup>478</sup> Pg. 105.

<sup>479</sup> Women against Violence Europe (WAVE). (2011). Country Report 2011: Reality Check on European Services For women and Children Survivors of Violence - A Right for Protection and Support? Pg. 67.

<sup>480</sup> Zrinščak, S. (2010). Violence against Women and the Role of Gender Equality, Social Inclusion and Health Strategies- National Report Croatia for the European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities. Pg. 19.

<sup>481</sup> The Advocates for Human Rights. (2012). Implementation of Croatia’s Domestic Violence Legislation: A Human Rights Report. Pg.15.

<sup>482</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 13.

<sup>483</sup> Zrinščak, S. (2010). Violence against Women and the Role of Gender Equality, Social Inclusion and Health Strategies- National Report Croatia for the European Commission, Directorate General for Employment, Social Affairs and Equal Opportunities. Pg. 15.

domestic violence are required to register with the center in order to be placed in a safe house.<sup>484</sup> The center also offers an in-person counselling service which is free for victims. At the same time, there is a lack of awareness and sensitization to domestic violence, as well as gaps in communication between the center and women's NGOs, which impacts service delivery. Women survivors accessing centers do not always receive the necessary information about their rights.<sup>485</sup>

*Cooperation, good will and sustained communication between policy makers, State officials and feminist women's NGOs*

Cooperating with women politicians has proven to be the most effective way for women's NGOs to bring forth their demands in a spirit of cooperation. As an example of lobbying for legislative amendments to the Law on Protection from Domestic Violence, women's NGOs presented their proposals on amendments to women parliamentarians like Jadranka Kosor (HDZ).<sup>486</sup> The main legislative act on domestic violence itself was initiated under the leadership of a group of women politicians who were in close cooperation with feminist NGOs, and the law was drafted just after the 2000 elections thanks to this initiative. After the adoption of the law in 2003, women's NGOs proposed further improvements and in 2008 it was the autonomous women's shelters' achievement to receive public funding for their work.<sup>487</sup>

At the same time, cooperation with ministry officials can be difficult. One example is that the Ministry of MSPY (before the MoF) has frequently made public statements that shelters for victims should be closed, and has shown no interest in the ratification of the Istanbul Convention. This lack of support has also caused financial problems for shelters.<sup>488</sup>

In Croatia, the autonomous women's movement is facing a backlash. There is a reported increase in traditional and religiously extreme attitudes, and women's NGOs are also discriminated against and marginalized by the mass media and public institutions that provide services. For instance, some activists have been sued in court for public statements made when advocating for women's rights, resulting in legal costs. This leads to the loss of women's voices and activism.

On the other hand, the Autonomous Women's House Zagreb has also received recognition for their work from the government, city, and police, and, two years ago, they were awarded a prize from the Esther Foundation among organizations from 12 other countries. Notwithstanding, the current sentiment is that of a significant backlash which implies more exclusion than before, as well as a renewed force of the Fathers' Rights Movement and of the groups applying the 'family approach' to domestic violence.

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<sup>484</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 73.

<sup>485</sup> Ibid. Pg. 77.

<sup>486</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post- Communist Croatia and Slovenia. Pg. 95.

<sup>487</sup> Krizsan, A. and Popa, R.M. (2014). Frames in Contestation: Gendering Domestic Violence Policies in five Central and Eastern European Countries. Violence against Women, 20(7). Pg. 770.

<sup>488</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services For women and Children Survivors of Violence - A Right for Protection and Support? Pg. 65.

### *Feminist women's NGOs submissions to the CEDAW Committee and other international processes*

The last State submission of report to the CEDAW Committee appears to have taken place in 2005. Based on data available regarding CEDAW Committee sessions, no CEDAW Shadow Reports have been submitted to date by women's NGOs.<sup>489</sup> Women's NGOs have submitted two Shadow Reports to the UN Human Rights Committee in 2001 and in 2009 and both of them were supported by the Centre for Reproductive Rights based in New York. The Shadow Reports do not address violence against women directly or specifically, and instead focus on reproductive rights.<sup>490</sup>

### *Awareness about the role of women's NGOs in supporting survivors of violence against women*

Women's organizations in Croatia became visible through participating in public debates and being present in the media. Since 1997, a coalition of women's NGOs has been organizing campaigns to increase public awareness of domestic violence. Through their activism, domestic violence has become seen as a social problem and these campaigns have also introduced women's NGOs as having an important role to play in combating violence against women.<sup>491</sup>

### *Standards of specialized service provision for survivors of violence*

As aforementioned, there are two types of shelters in Croatia: State- and NGO-run shelters. Even though NGO-run shelters are autonomous and self-regulating in theory, the State forces them to follow criteria that are also applicable to the State homes. This 'criteria for funding' interferes with specialized standards of service provision and affects the NGO shelters' autonomy.<sup>492</sup> If the shelters do not complete or fulfill the criteria, such as the contemplated work program, provided services, and educational-level of the professionals, they would not be eligible to receive the 30% funding provided by the ministry. Autonomous women's NGOs hence must implement the standards in order to receive partial funding according to the tripartite funding system. The choice may be between losing 30% of the funding or giving up some autonomy that women's NGOs often strive for.<sup>493</sup>

Croatia has a referral system in place, which is implemented by the Center for Social Welfare and is considered to be binding for the State-run shelters. According to the regulations, state houses may only accept victims for accommodation that are referred by the Center for Social Welfare and the police.<sup>494</sup>

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<sup>489</sup> [www2.ohchr.org/english/bodies/cedaw/cedaws32.htm](http://www2.ohchr.org/english/bodies/cedaw/cedaws32.htm)

<sup>490</sup> [<http://reproductiverights.org/en/archive/publications?issue=All&region=82&publication-type=All>]

<sup>491</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post- Communist Croatia and Slovenia. Pg.104.

<sup>492</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 12.

<sup>493</sup> State Administration System Act December 15<sup>th</sup> 2009. Criteria For Attributing Financial Support To Civil Society Organizations For Implementing The Work Program Of The Counselling Centre And Shelter for Women And Children, Victims Of Domestic Violence. Article 70 Paragraph 1. Official Gazette of the Republic of Croatia No. 75/93, 92/96, 48/99, 15/00, 59/01, 199/03 and 79/07

<sup>494</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 12.

### *Legislation on domestic violence, including civil protection orders*

Women's organizations such as B.a.B.e were very active in the process of drafting the Family Law and work on lobbying for other laws and amendments. Major changes in the laws were adopted in line with their suggestions.<sup>495</sup> The process was collaborative in that "[t]ogether with women's NGOs, women politicians were the primary advocates of changes in the new Family Law, and by lobbying inside government, different ministries and the parliament they succeeded in persuading responsible lawmakers and parliamentarians that victims of domestic violence must be properly protected by the family law."<sup>496</sup> Croatia has several laws and codes to combat domestic violence such as the Family Law, the Criminal Code, Law on Misdemeanours and Law on Protection against Domestic Violence. Major changes in legislation took place in the period between 1999 and 2003.<sup>497</sup>

The main legislative act on violence against women is the Law on Protection from Domestic Violence (2003) with the relevant Protocol for Handling Cases of Family Violence, and Rules of Procedure in Cases of Family Violence, both developed to guide the implementations of the legislation on protection against domestic violence.<sup>498 499</sup> The law was amended in 2009.

The process of adoption of the law on protection against domestic violence was led by the women's NGOs, including B.a.B.e, the Center for Women War Victims (CWWW) and Autonomous Women's House (AWH). A Coalition of women's NGOs including the aforementioned NGOs, influenced the process of adoption of the law when they published a public letter in 1998 expressing the importance of a separate law on domestic violence and instituting court measures such as removal of perpetrators from the house and punishment for the exercise of violence.<sup>500</sup>

The LPDV includes a definition of the term 'domestic violence', provides protection orders, and sets out precautionary measures for protection.<sup>501</sup> According to the law, the police may propose and seek any of the six protective measures or three urgent protective measures which are restraining orders, eviction, and anti-stalking and anti-harassment order. The police may also apply for precautionary measures for eight days under the Misdemeanour Law.<sup>502</sup> These protective measures are ordered less often than perpetrator treatment programmes, such as psychosocial or addiction treatment,<sup>503</sup> likely due to no specialized unit or service being responsible for successful application and/or implementation of the protective measures.

### *Effective implementation of existing legislation*

The gap between legislative (law on protection from domestic violence) and institutional framework and implementation is noted in the UN Report on Violence against Women in

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<sup>495</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post- Communist Croatia and Slovenia. Pg. 105.

<sup>496</sup> Ibid.

<sup>497</sup> Ibid. Pg. 90.

<sup>498</sup> Krizsan, A. and Popa, R.M. (2014). Frames in Contestation: Gendering Domestic Violence Policies in five Central and Eastern European Countries. Violence against Women, 20(7). Pg. 770.

<sup>499</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 10.

<sup>500</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post- Communist Croatia and Slovenia. Pg. 97.

<sup>501</sup> Ibid. Pg. 91.

<sup>502</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 14.

<sup>503</sup> Ibid. Pg. 17.

2013 and also in the Implementation of Croatia's Domestic Violence Legislation Report 2012.<sup>504</sup>

The Report on the Implementation of Croatia's Domestic Violence Legislation was written by the Advocates for Human Rights, Autonomous Women's House Zagreb, and the Bulgarian Gender Research Foundation. The report contains the results and analysis of interviews that were conducted with relevant stakeholders throughout Croatia. In their words, "[the] report presents findings made on the implementation of the LPDV and relevant legislation. The report also makes recommendations, based on international legal human rights standards, with a view to increasing victim safety and promoting offender accountability."<sup>505</sup>

Some main problems with implementation of legislation have been noted. The vague language of the law results in dual arrests, particularly when perpetrators claim psychological and/or economic violence, or when victims act in self-defence, which is more likely to result in dual arrest. This implementation of law is very harmful for the victims. As a result of dual arrests, victims may be penalized with misdemeanour charges and/or lose custody of their children.<sup>506</sup> Secondly, domestic violence cases are handled by law enforcement that are also responsible for juvenile delinquency and crimes against children, and are not specialized units.. This means police units and workers of Centre for Social Welfare are the primarily experts on child protection and not on domestic violence specifically.<sup>507</sup> Lastly, the current funding structure for women's services is in need of improvement to ensure sustainability of services and effective service provision.<sup>508</sup>

#### *Accession to relevant international treaties*

The Convention on the Elimination of All Forms of Discrimination against Women was ratified in 1992 by Croatia. Croatia has also signed the Istanbul Convention in January 2013; however it is not ratified yet, and the government appears to be resistant towards ratification. The Croatian government equally does not consider international documents or treaties as instruments of pressure for the government to effectively address women's rights.<sup>509</sup>

#### *National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women*

There are two national strategies on violence against women. The National Policy for Gender Equality for the period 2011-2015 and the National Strategy for Protection against Family Violence for the period 2011-2016.

National Strategy of Protection against Family Violence focuses on seven main areas of activity: "The prevention of family violence, the improvement of intersectoral cooperation of ministries in terms of the exchange of information and experiences regarding family violence, the provision of education to professionals working in the field of protection against family

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<sup>504</sup> Ibid. Pg. 4.

<sup>505</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 10.

<sup>506</sup> Ibid. Pg. 109.

<sup>507</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 5-6.

<sup>508</sup> The Advocates for Human Rights. (2012). Implementation of Croatia's Domestic Violence Legislation: A Human Rights Report. Pg. 98.

<sup>509</sup> Špehar, A. (2007). How Women's Movements Matter: Women's Movements Strategies and Influence on Gender Policy Formation in Post-Communist Croatia and Slovenia. Pg. 108-109.

violence, the need to provide financial resources for conducting psychological treatment of perpetrators, the harmonization of legislation regarding the protection against family violence, the provision of financial support to shelters and to civil society organizations, and the need to raise public awareness regarding the issue.”<sup>510</sup>

The implementation of the strategies/policies remains poor at the local level, and violence in the context of family is the main focus rather than violence against women. Furthermore, the National Strategy does not indicate the main beneficiaries for financial support.<sup>511</sup> The National Policy for Gender Equality, on the other hand, focuses on equal opportunities for women and men and eliminating gender-based discrimination. The Government Office for Gender Equality is in charge of implementation of the measures.<sup>512</sup> The abovementioned strategies include promises to allocate funds for implementation, yet no further detail is provided.<sup>513</sup>

### Summary conclusions

The most powerful feature of the Croatian women’s organizations is networking. The Women’s Network of Croatia is a very powerful network with around 40 women’s NGOs under its roof since 1997 and their strong lobbying process has enabled them to achieve what they have today in the country, such as adoption of specific law on protection against domestic violence, and public funding from the government.

On the other hand, there are problems when it comes to effective implementation of the legislation and the funding of women’s services. As there is no legal basis for funding, the responsible entities can implement funding cuts and transfer payments late, in addition to the existing funding system being overwhelmingly complicated in practice as well.

It is important to note that there is strong resistance to the autonomous women’s organizations and their movements by the government. Unlike in other countries, European Union accession processes and international treaties and human rights documents do not appear to be given priority by the government of Croatia.

Every shelter in the country has to comply with the regulations that are published by the government and NGO-run shelters must also sign these regulations, placing restrictions on their autonomous decision-making. At the same time, the lack of specialization and sensitization towards domestic violence by relevant State agencies, such as centers for social work or law enforcement, makes the situation also difficult for women’s NGOs in the country.

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<sup>510</sup> United Nations (UN). (2013). Croatia Country Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences. Pg. 10.

<sup>511</sup> Ibid. Pg. 10-11.

<sup>512</sup> Ibid. Pg. 11.

<sup>513</sup> Women against Violence Europe (WAVE). (2011). Country Report 2011: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence- A Right for Protection and Support? Pg. 67.

## 2.2.4. MOLDOVA<sup>514</sup>

### Short historical background

Moldova gained its independence from the Soviet Union in 1991.<sup>515</sup> During the Soviet time, there was presumed equality among women and men, however, women and men were still perceived in their traditional roles. State policy shifted women's activities from the private sphere into the public sphere, in a manner that added onto women's existing roles, as opposed to through redefinition of gender roles. The push by the State to define women's roles and activities created a general mentality in which women developed a preference for keeping the State out of the private sphere. On the other hand, the independence and switch to a market economy reversed some of the social benefits enjoyed by women, but also made women less desirable for employment due to some maternity benefits left over from the time of communism. The high unemployment rates contributed to women's disappearance from the public sphere, and left women economically dependent on families and husbands.<sup>516</sup> Following the independence in 1992, a violent conflict over the territory of Transnistria<sup>517</sup> began. The conflict resulted in a displacement of 130,000 persons and the existence of an autonomous region, politically aligned with Russia, having no international recognition. The 1990s marked a sharp economic decline in the country.<sup>518</sup> Independence and the move from an authoritarian to a democratic regime implied changes in the rights and duties of the State as well as the population. The complex transition implied the need to put forth human rights and gender equality as factor in national development, including combating domestic violence. Concrete steps taken included ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women - CEDAW (1994) and accession to the CEDAW Optional Protocol (2006); Law on Equal Opportunities for Women and Men (2006), recently drafted National Program on Gender Equality (2010-2015)<sup>519</sup> and affiliated Action Plan, Law on Preventing and Combating Domestic Violence (in force since 2008) and amendments to Criminal and Civil Codes (2010), extension of the National Referral System from trafficking only to include domestic violence, and establishment of governmental bodies dealing with domestic violence.<sup>520</sup> Despite the formal actions, women continue to be marginalized, facing discrimination and violence in a still heavily patriarchal society. Furthermore, women from the Roma minority are subject to marginalisation and discrimination.<sup>521</sup> The discrimination against women and the subjugation to violence continues to be condoned in present-day

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<sup>514</sup> The country profile was drafted based on data collected during a workshop organized by WAVE with project partners on the 28 May 2014 in Vienna, Austria.

<sup>515</sup> Social Institutions and Gender Index (SIGI). Moldova. Background. [<http://genderindex.org/country/Moldova>].

<sup>516</sup> Minnesota Advocates for Human Rights. (2000). Domestic Violence in Moldova.

<sup>517</sup> Social Institutions and Gender Index (SIGI). Moldova. Background. [<http://genderindex.org/country/Moldova>].

<sup>518</sup> World Bank. Data and Statistics. [[http://econ.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20421402~menuPK:64133156~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html#Lower\\_middle\\_income](http://econ.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20421402~menuPK:64133156~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html#Lower_middle_income)]

<sup>519</sup> Violence against women, including domestic violence is noted as an area that needs gender sensitive action and overcoming of discrimination against women.

<sup>520</sup> Division on policies to ensure gender equality and violence prevention established within the Ministry of Labour, Social Policy and Family.

<sup>521</sup> Social Institutions and Gender Index (SIGI). Moldova. Background. [<http://genderindex.org/country/Moldova>].

Moldova and is reflected by an “insufficient infrastructure for victims of violence against women.”<sup>522</sup>

## Situation of service provision for women survivors of violence

### *Fair access and free of charge*

There are eight shelters (only one specialist), with a total of 106 shelter places available, where based on Moldova’s population<sup>523</sup> approximately 356 shelter places are needed. This creates a lack of 70% of recommended shelter places. If only the specialist shelter is taken into account with 25 shelter places available, the recommended places missing are at 93%.<sup>524</sup> The existing capacity is insufficient<sup>525</sup> and services, including counselling centers, are missing in rural areas.<sup>526 527</sup> Despite this, progress can be seen, since in year 2000, only foreign-funded NGOs provided services to women survivors of domestic violence.<sup>528</sup> There is no standard for length of stay in shelters and it varies place to place. Where length of stay is especially short, shelter workers have expressed regret about not having sufficient time to work with women on their empowerment,<sup>529</sup> especially as transitional housing in Moldova is virtually non-existent,<sup>530</sup> leaving women with severely limited options. As services often rely on victims’ social aid to fund their shelter stay, lacking or inefficient access to social aid/financial support can hinder service provision. Social aid is also allocated by the mayor’s office, a level of administration at which battered women’s issues is not often a priority.<sup>531</sup> 24/7 service provision in Moldova is not always guaranteed. Even the national helpline, ‘Women’s Trust Line’, operates only 12 hours per day.<sup>532</sup> There is a National Referral System that encompasses coordinated support for victims of domestic violence<sup>533</sup> and assigns multi-disciplinary teams composed of various professionals available in 37 territorial-administrative units, whose goal is to find solutions in cases of domestic violence.<sup>534</sup> Information about available services is not consistently available to women, partly due to shortage of services, underfunding, and some services originally known to exist which become unavailable due to closing.<sup>535</sup>

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<sup>522</sup> United Nations. (8 May 2009). Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk – Addendum: Mission to the Republic of Moldova.

<sup>523</sup> 3,559,497 inhabitants

<sup>524</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 150.

<sup>525</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 40.

<sup>526</sup> Zaporozhan-Pirgari, Angelina. (2011). Report on the Response to Domestic Violence in Moldova.

<sup>527</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>528</sup> Minnesota Advocates for Human Rights. (2000). Domestic Violence in Moldova.

<sup>529</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>530</sup> Women against Violence Europe (WAVE) and Women’s Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

<sup>531</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>532</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 43.

<sup>533</sup> Ibid. Pg. 1.

<sup>534</sup> Zaporozhan-Pirgari, Angelina. (2011). Report on the Response to Domestic Violence in Moldova.

<sup>535</sup> Women against Violence Europe (WAVE) and Women’s Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

A good practice of informing women survivors about available services is the work of Casa Marioarei that has developed a network of mentors in 19 communities throughout Moldova. The mentors communicate with local public bodies and other relevant organizations, to distribute information and connect women to services available to them.<sup>536</sup>

A good example from history (year 2000 and prior), which may or may not be still used today is a women's support centre designing cards with information about available services to be given to women victims during police intervention. Another centre has conducted outreach to rural communities by travelling in a van and holding workshops with women and children about domestic violence attitudes, personal experiences, and support needed. Several other NGOs have contributed to dissemination of information by creating educational pamphlets about domestic violence and sexual violence with practical information about what to do during and after an assault, as well as advice on contacting the police, gathering evidence, seeking medical attention, and reaching support services.<sup>537</sup>

### *Specialist support*

While various non-specialized services/maternal centers exist in Moldova that may be accessible to women survivors of violence, there are only few specialized centres/shelter to provide comprehensive support.<sup>538</sup> Most victim support is provided by State run services instead of women's NGOs, although there are several NGOs providing specialist support to survivors. The maternal centres do not have common standards for providing services to survivors and in some cases, knowledge about violence against women is lacking, or victim-blaming attitudes are prevalent (also within multi-disciplinary teams<sup>539</sup>).<sup>540</sup> On the other hand, there is also evidence of staff at maternal centres demonstrating passionate advocacy for women survivors.<sup>541</sup> The lack of specialist legal services, for example, results in the law on protection orders being weakly implemented, partly due to limited specialist legal aid to support women through the complex process. The few NGOs that provide legal aid/advice are located in larger areas and receive no government funds. *There was a network of lawyers set up by the United Nations Population Fund, however, this project ended in 2011.*<sup>542</sup> *The specialist centre on domestic violence also collaborates with various legal representatives working in their region, however, this is on a volunteer basis.*<sup>543</sup>

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<sup>536</sup> Zaporozhan-Pirgari, Angelina. (2011). Report on the Response to Domestic Violence in Moldova.

<sup>537</sup> Minnesota Advocates for Human Rights. (2000). Domestic Violence in Moldova.

<sup>538</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support. Pg. 150.

<sup>539</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 42.

<sup>540</sup> Women against Violence Europe (WAVE) and Women's Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

<sup>541</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 37.

<sup>542</sup> See Ibid. Pg. 44-45: It is important for the woman victim of domestic violence to have legal counsel to apply/receive a protection order. The job of the legal counsel is also to represent the victim in court, to find out whether the protection order was issued and when, to see how it was registered with the police, how it is being implemented, in addition to instructing the victim about her rights and possible actions to take under the protection order.

<sup>543</sup> Women against Violence Europe (WAVE) and Women's Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

### *Diversity and non-discrimination*

Not all service providers could support women with undocumented status as well as women with disabilities. There are also restrictions placed in various regions on accepting women from other regions, due to funding schemes. Most of the services limit criteria for non-acceptance to contagious diseases or drug/alcohol addictions, but some cases of discrimination have been noted in the past.<sup>544</sup> As the maternal centers were originally meant to prohibit separation of biological mothers and their children, “women with no children or children past the age of early childhood may find it difficult to find a shelter [that will accept them for accommodation].” The fact is that many maternal centres only accept women with very young children.<sup>545</sup>

### *Safety, security and human dignity*

Social services in Moldova often do not respect confidentiality of victims, and report violence to the police without the victim’s permission.<sup>546</sup> Social assistants working in multidisciplinary teams are rarely aware of safety planning with victims.<sup>547</sup> Services often work with police and other authorities in order to ensure comprehensive support to survivors; however, there is a general lack of understanding among authorities about the dynamics of domestic violence, as well as a lack of understanding about gendered-power structures in society and their contributing role in men’s violence against women.<sup>548</sup> Not only have police shown insensitivity towards victims, there is a tendency to dismiss cases resulting in low-level injuries, or single unprecedented incidents, leading victims to remain further hesitant about reporting in the future<sup>549, 550</sup>. In terms of empowerment of victims, different outcomes have been noted, where in one shelter, most clients are known to return to violent partners, while in others, all the women victims end up divorcing the violent partner. Other institutions/organizations’ outcomes are somewhere in the middle.<sup>551</sup>

## **Areas supporting sustainability and autonomy of women’s NGOs**

### *Legal basis for funding of (women’s) NGOs*

The Government Minimum Quality Standards for social services rendered to victims of family violence (2010) exist,<sup>552</sup> as do other standards for services. The 2010 regulation on the establishment and functioning of rehabilitation centres for victims of domestic violence was adopted by the government. This regulation states that centres may be established by public authorities, as well as private organizations and NGOs.<sup>553</sup> However, there is no requirement to

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<sup>544</sup> Ibid.

<sup>545</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 40-42.

<sup>546</sup> Ibid. Pg. 3.

<sup>547</sup> Ibid. Pg. 42.

<sup>548</sup> Ibid. Pg. 10.

<sup>549</sup> It has been often pointed out that financial penalties in cases of domestic violence are harmful to the victims as the payment required by the perpetrator often comes from the family budget.

<sup>550</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 3.

<sup>551</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>552</sup> Ibid.

<sup>553</sup> See Zaporozhan-Pirgari, Angelina. (2011). Report on the Response to Domestic Violence in Moldova: The regulation states that the primary objective of the centres should be to “provide free of charge assistance to victims of domestic violence as well as their children, ranging from accommodation, psychological, medical,

fund shelters for victims of domestic violence within Law 45 on protection from domestic violence,<sup>554</sup> although the law provides for the creation of specialized women's support services.<sup>555</sup> Funding is also based upon granting of accreditation; however, the institution responsible for the accreditation procedure<sup>556</sup> (National Accreditation Council) is fairly new and lacks capacity. So far, only three of 43 existing service providers in Moldova have received accreditation. At the same time, the government regulation stipulates that the costs associated with the establishment and functioning of the centers for rehabilitation of victims of violence are to be borne by the founders, or may be provided for from the State budget, if provided for through legislation.

*State financial support and other support to national feminist women's networks of NGOs*  
Networking as catalyst for change is evident in Moldova. In 1998, a group of 33 Moldovan professionals<sup>557</sup> received training from an NGO 'Connect' in the United States on domestic violence intervention. Following this experience, the individuals formed an NGO to "develop public education initiatives and provide services to victims."<sup>558</sup> Following this, 'Connect' organized a high profile conference on domestic violence in Chisinau. The conference made a strong statement about the seriousness and public nature of domestic violence, and is seen as an important step in the movement in the country.<sup>559</sup>

The two most active networks in Moldova are the National Coalition 'Violence-Free Life' and the National Referral System. The main themes of focus for the National Coalition include combating violence against women, as well as provision of quality services to victims of violence, among others. The network does not have a legal entity status and its activities are still limited and not financially supported by the State. *Several organizations in Moldova are part of the WAVE network as well and have utilised the membership and expertise of WAVE in their work in order to impact social change in Moldova.*<sup>560 561 562</sup>

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legal assistance, as well as reintegration assistance." Furthermore, the standards listed in the regulation cover the following: protection and respect for human rights of beneficiaries, standards for admission procedures, types and quality of services to be offered, among other standards.

<sup>554</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). *Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report*. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 40.

<sup>555</sup> Zaporozhan-Pirgari, Angelina. (2011). *Report on the Response to Domestic Violence in Moldova*.

<sup>556</sup> Law Nr. 129 of 08.06.2012 on accreditation of social service providers and Regulation of 07.02.2014 on the accreditation procedure of social service providers.

<sup>557</sup> The group of professionals included physicians, lawyers, police, judges, psychologists, prosecutors, parliamentarians, administrators and leaders from NGOs in Chisinau and Hincesti.

<sup>558</sup> Advocates for Human Rights. (2000). *Domestic Violence in Moldova*.

<sup>559</sup> Ibid.

<sup>560</sup> WAVE has organized study visits for relevant stakeholders from Moldova to Austria, provided consulting (e.g. to Ministry of Interior) and research expertise (e.g. Capacity Assessment Study), and representatives of WAVE have attended and presented at conferences related to establishment of specialized services for victims of domestic violence. WAVE's manuals also serve to practically support women's organizations in carrying out their work.

<sup>561</sup> WAVE study visits involve delegations visits to relevant women's NGOs (national women's helpline, women's shelter, intervention centre against domestic violence, police department, program for perpetrators, among others)

<sup>562</sup> [www.wave-network.org/newsletter/wave-newsletter-september-2013-0](http://www.wave-network.org/newsletter/wave-newsletter-september-2013-0)

Another positive example of connecting a women's NGO (in Transnistria) with the WAVE network, was the attendance by a WAVE representative and presentation about international standards for running a women's shelter, at one of the first-ever international conferences organized in the autonomous region by the WAVE Focal Point 'Centre for Support and Development of Civil Initiatives Resonance'. The conference was convened with international experts to discuss the quality standards and other aspects of establishing a shelter in Transnistria.<sup>563</sup> Following the publication by the United Nations Development Program of the project proposal for establishment of the shelter,<sup>564</sup> WAVE provided a letter of support in favour of 'Centre Resonance' as an applicant. The decision by the Transnistrian government was itself a result of 'Centre Resonance' participation at the Moldova CEDAW Committee session (through financial support of the Swedish Development Agency), resulting in a CEDAW Committee recommendation to the State of Moldova to ensure the establishment of accommodation services in the Transnistrian region.<sup>565</sup>

#### *State financial support and other support to feminist women's NGOs service providers*

There are only few shelters in Moldova and the maternal centers (which are public institutions) that provide services to victims and receive some government funding (which is inadequate) and must do the majority of the fundraising to remain in operation.<sup>566</sup> Many of the public institutions which offer services that may be accessed by survivors of violence have established NGOs on their premises as a method of ensuring additional funding and continuity of services.<sup>567</sup> This is also a method that may slowly enable independence of services in the future.<sup>568</sup> On a note of caution, services that were run by NGOs in the past and have been granted State funding were compelled to become public institutions. Generally, NGOs receive no sustainable State financial support, with an exception to small and ad-hoc contracts,<sup>569</sup> although commitment to providing improved funding has been expressed by the State.<sup>570</sup> The one independent women's shelter is in the process of establishing facilities to enable profit-making activities, such as events and trainings to take place, in order to ensure the sustainability and autonomy of the women's shelter in the future,<sup>571</sup> as it receives no State funding.<sup>572</sup> While there is a significant presence of the international community<sup>573</sup> in

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<sup>563</sup> [www.resonancengo.org](http://www.resonancengo.org)

<sup>564</sup> [www.undp.org/content/dam/undp/documents/projects/MDA/Project%20Document.pdf](http://www.undp.org/content/dam/undp/documents/projects/MDA/Project%20Document.pdf)

<sup>565</sup> Personal Communication with Center for Support and Development of Civic Initiatives 'Resonance' from Bender, Transnistrian Region of Moldova.

<sup>566</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 2.

<sup>567</sup> Women against Violence Europe (WAVE) and Women's Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

<sup>568</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

<sup>569</sup> Women against Violence Europe (WAVE) and Women's Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

<sup>570</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>571</sup> Personal communication, 2014.

<sup>572</sup> Women against Violence Europe (WAVE). (2014).

<sup>573</sup> United Nations Population Fund, United Nations Children's Fund, Organization for Security and Cooperation in Europe, International Organization for Migration.

Moldova, the funding has not yet shifted to focus on supporting the functioning and capacity building of civil society;<sup>574</sup> instead the focus is on governmental institutions.

State funding cuts are common in Moldova, and evidence points to centres having to close or decrease services due to lack of funding from the government.<sup>575</sup> This has created a perpetual cycle of human resource and expertise- related retrogression.

There appears to generally be a lack of understanding about the governmental body responsible for service provision. The Ministry of Labour, Social Protection and the Family has stated that “development of social services is not the direct responsibility of the [Ministry], but rather of local public administrators.” This is despite that fact that Law 45 places the Ministry with the direct responsibility for providing social assistance.<sup>576</sup> The preference in Moldova is to fund services on a local-level, where combating domestic violence is unfortunately not a priority. The government is currently implementing a decentralization reform, which also deals with funding of services by local authorities.

#### *Cooperation between women’s NGOs and relevant State-run services and other agencies*

As a result of Law 45, a Coordinating Inter-Ministerial Council in the Field of Prevention and Combating Domestic Violence was created by the Ministry of Labour, Social Protection and Family and other ministries (Education; Healthcare; Interior; Justice). One of the tasks involves training of relevant professionals, including police officers, family doctors, social assistants, and teachers.<sup>577</sup> Trainings that are currently conducted for relevant professionals do not appear to be carried out together with (feminist) women’s NGOs, although for the police, for example, the original curriculum was developed in cooperation with Women’s Law Center.<sup>578</sup> In general, police are still seen as unequipped to deal with the implementation of Law 45 due to lack a “clearer sense of their responsibilities, more specific guidelines, and training on best practices to support victim safety and offender accountability.”<sup>579</sup> **Some positive actions have been noted, including the police having initiated a discussion of a cooperation agreement with a maternal center in cases of domestic violence, as well as hiring women police officers to meet with victims to allow for women victims to feel more comfortable.**<sup>580</sup>

The National Referral System is a framework of cooperation between public authorities and civil society aimed at preventing and combating trafficking in human beings, with a recent focus on domestic violence as well. **There is evidence of good multi-agency cooperation in**

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<sup>574</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 2.

<sup>575</sup> Women against Violence Europe (WAVE) and Women’s Law Center Moldova. (2014). Capacity Gap Analysis Study of the Service Providers Working with Women Victims of Domestic Violence in Moldova.

<sup>576</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 42.

<sup>577</sup> Zaporozhan-Pirgari, Angelina. (2011). Report on the Response to Domestic Violence in Moldova.

<sup>578</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>579</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women’s Law Center. (2012). Implementation of the Republic of Moldova’s Domestic Violence Legislation: A Human Rights Report. [Women’s Human Rights Report Series: The Republic of Moldova]. Pg. 9.

<sup>580</sup> Ibid. Pg. 12.

some towns<sup>581</sup>, where police work side-by-side with other stakeholders to find the best solutions for the victims. Cooperation has been established by reaching out and signing training agreements with relevant stakeholders on the implementation of Law 45. It has been noted that cooperation increases the chances of domestic violence being prosecuted. At the same time, the National Referral System is still underfunded, negatively impacting the system's potential for effectiveness.<sup>582</sup>

In 2014, a *Capacity gap analysis study of the service providers working with women victims of domestic violence in Moldova* was carried out jointly by Women's Law Centre and Women against Violence Europe (WAVE). The aim of the study was to develop an understanding of the current capacity of the existing services (State-run maternal homes and NGOs), but the method of the study and dissemination of results also provide(d) an opportunity to bring women's NGOs in closer cooperation with State institutions (maternal homes). The study pointed to the existing gaps, as well as when service providers must work with State agencies, such as youth protection agencies, due to lack of understanding of domestic violence and bureaucratic practices. The study results included recommendations, among which were the development of common standards for service providers, and led to the development of cooperation protocols with State agencies, in addition to carrying out joint 'information exchange' seminars.

#### *Feminist women's NGOs submissions to the CEDAW Committee and other international processes*

The most recent CEDAW session for Moldova took place between 30 September and 18 October 2013, with previous sessions in 2006 and 2000. Shadow Report submissions for the most recent session included a short document from the Women's Law Center with support from the Advocates for Human Rights.

Civil society organizations have been active recently in bringing cases of violence against women in front of the European Court of Human Rights and the CEDAW Committee. Cases with judgments from the European Court of Human Rights related to violence against women have included in 2012 I.G. v. Moldova (no. 53519/07), as well as the 2013 case of Eremia and others v. Moldova related to domestic violence.<sup>583</sup> The CEDAW Committee has also informed the government of Moldova about recent considerations regarding a case of domestic violence, where the government has allegedly failed to provide appropriate protection and support.<sup>584</sup>

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<sup>581</sup> While good cooperation has been noted in several towns of Moldova, it has been stated that this is not the case throughout the whole country, and sometimes in larger towns, where cooperation may be easier and not hindered by, for example, long travelling distance, there is still little cooperation between the police and social assistants.

<sup>582</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). *Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report*. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 34-35.

<sup>583</sup> [www.wave-network.org/content/moldova-judgment-european-court-human-rights-case-domestic-violence](http://www.wave-network.org/content/moldova-judgment-european-court-human-rights-case-domestic-violence)

<sup>584</sup> [www.wave-network.org/content/moldova-case-domestic-violence-be-considered-cedaw](http://www.wave-network.org/content/moldova-case-domestic-violence-be-considered-cedaw)

### *Awareness about the role of women's NGOs in supporting survivors of violence against women*

There is generally very little awareness about violence against women in Moldovan society,<sup>585</sup> as well as very few NGOs that also receive no financial support from the State, presumably also causing a lack of awareness about the role of women's NGOs in supporting survivors. There are still common misconceptions that regard violence against women as an isolated problem that results from poverty or 'broken' families, and is more likely to be perpetrated by alcohol or drug users, or men with mental illness.<sup>586</sup>

Currently, the NGO Forum of Women's Organizations, jointly with the international community (UN agencies) are involved in raising awareness among local authorities about combating violence against women in their communities through the organization of workshops and round tables. These activities are also tied to the '16 Days of Activism against gender-based violence' campaign that is led by the Ministry for Labour, Social Protection and Family, supported by OSCE and UN agencies. It is envisaged that these activities will have as an outcome a stronger position of the civil society to demand from the state a stronger implementation of the law on domestic violence.

### *Standards of specialized service provision for survivors of violence*

The current services (mostly maternal centres) that can be accessed by women survivors of violence must adhere to government regulations, including: Minimum Quality Standards for Social Services provided by Maternal Centres (2008), Minimum Quality Standards for Social Services provided to Victims of Domestic Violence (2010)<sup>587</sup>, and Framework Regulation for the Establishment and Operation of Centres for Rehabilitation of Victims of Domestic Violence (2010). The elaboration of the standards was spearheaded by the coming of laws on social service as well as domestic violence. Although the process of elaborating standards involved some of civil society, it was not likely women's NGOs. In December 2014, following the meeting where the study results of the aforementioned *Capacity gap analysis study of the service providers working with women victims of domestic violence in Moldova* were disseminated, government officials became more aware of standards and principles of specialized service provision and issued an invitation to women's NGOs to elaborate on specialized standards.

### *Legislation on domestic violence, including civil protection orders*

In 2007, a civil law on protective orders<sup>588</sup> was adopted by the Parliament of Moldova and came into force in 2008. The law is titled 'Law on Preventing and Combating Family Violence (Law 45)'. The implementation during the first years of the law was weak due to

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<sup>585</sup> United Nations. (8 May 2009). Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk – Addendum: Mission to the Republic of Moldova.

<sup>586</sup> Ibid.

<sup>587</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>588</sup> The protective orders include 10 possible orders to be issued: 1. Obliging the aggressor to temporarily leave the shared residence or the residence of the victim, without the right to decide ownership issues, 2. Requiring the aggressor to stay away from the victim, 3. Requiring the aggressor to not contact the victim, the victim's children, or other dependents, 4. Prohibiting the aggressor from visiting the victim's work or residence, 5. Requiring the aggressor to provide child support, 6. Requiring the aggressor to cover costs and damages, including medical expenses, resulting from the violence, 7. Restricting the unilateral disposal of common assets, 8. Requiring the aggressor to participate in treatment or counseling program, 9. Establishing a temporary visitation schedule for the aggressor's minor children, 10. Prohibiting the aggressor from keeping or handling firearms.

lack of directives on requesting, issuing, and extending protective orders. The directives were later established in 2010 with Law 167. Furthermore, the Criminal Code was amended and Article 201 made domestic violence a crime. With the upgrades in legislation, Moldova became one of the first countries in the region to address domestic violence in civil and criminal law.<sup>589</sup>

The law was developed through a highly participatory process with involvement of public authorities and civil society, including women's NGOs. Lobbying, advocacy and awareness raising campaigns have been largely utilized in order to convince the government to adopt the law, both from civil society and the donor community, and the argument of Moldova's need to meet the international human right obligations (ex. CEDAW) was utilized. The establishment of the law was included into the National Action Plan on Gender Equality (2003-2005), and the law can therefore be considered one of the main achievements of this Plan.

The Law 45 is largely influenced by the Austrian Anti-Violence legislation (in force since 1997) and entails expedient issuance of protection orders (albeit no police barring orders) as well as service provision<sup>590</sup> for victims of domestic violence (albeit not in form of intervention centers). As of end of 2013, emergency protection orders were in the process of being elaborated to enable police expulsion of perpetrators from the home. This is seen as an important step, as the current situation (police intervention) often results in the woman victim being taken away from her home to the dwelling of a relative, while the perpetrator remains home pending application and granting of a protection order.<sup>591</sup> Another improvement refers to extending protection to non-cohabitating current or former partners (currently not in place).<sup>592</sup> The government, with NGO support, developed a draft law that should address the issue of protection of victims in non-cohabitating current or former partnerships, but advocacy and lobbying are required to convince the Parliament to adopt the law.

#### *Effective implementation of existing legislation*

According to a 2012 report on the implementation of the Law 45, three years after its entry into force, the weak implementation of the law was evident, showing that many victims were unable to access the protective remedy under the law. The report provides evidenced gaps in implementation and recommendations for improvement. The shortcomings include lack of doctors' training to provide appropriate documentation for victims' to evidence injuries;<sup>593</sup> or diverse and uneven interventions by the police,<sup>594</sup> including negative police attitudes and lack of technical equipment to respond to calls. Some good practices have been noted, **where in major urban areas police are known to record all cases of domestic violence, which recognizes that victims are vulnerable to more serious crimes over time.** An unfortunate practice that appears to have become formalized by the Ministry of Internal Affairs Methodical Guidelines

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<sup>589</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 1-2.

<sup>590</sup> The law does not provide for funding of women's services.

<sup>591</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>592</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 6, 24: Additionally, the law does not cover the act of stalking.

<sup>593</sup> Ibid. Pg. 2, 4.

<sup>594</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

(August 2012) is that first-time reported cases of domestic violence typically result in police and social assistants informing the perpetrator about the law and consequences, and in effect, only issuing a warning.<sup>595</sup>

Social workers who are also enabled with submitting of documents for protection orders, for various reasons, often do not assist victims with applications.<sup>596</sup> Social work is a relatively new field in Moldova and historically, social workers assisted mainly pensioners, and had very little knowledge about the dynamics of domestic violence.<sup>597</sup>

A major barrier to effective implementation is a lack of dedicated services that can assist the victims in navigating the law and making the complex process of applying for a protection order easier. The application and notification processes related to the protection orders are complex and are best carried out and monitored by a lawyer and especially one specialised in domestic violence; however, currently in Moldova, this is not yet in place. The few NGOs which provide legal aid/advice are located in larger areas and receive no government funds.<sup>598</sup>

Recent efforts in Moldova to improve the implementation of the law involved cooperation with WAVE, where a study visit of a Moldovan delegation was organized in Austria and a WAVE representative visited Moldova to exchange information about practices of implementing the law by the Ministry of Interior.

#### *Accession to relevant international treaties*

The Convention on Elimination of All Forms of Discrimination against Women has been ratified by Moldova in 1994 with the Optional Protocol ratified in 2006. As of 2014, the government of Moldova has expressed that steps are to be elaborated towards the ratification of the Istanbul Convention in the framework of EU accession conditionality.<sup>599</sup>

Moldova's accession to CEDAW is seen by the UN Special Rapporteur on violence against women as an important driving force for the important legislative changes that have taken place in Moldova in the area of advancement of women and promotion of women's rights.<sup>600</sup>

#### *National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women*

There is a National Program on Gender Equality in the Republic of Moldova for Years 2010-2015, addressing prevention and elimination of gender-based violence; however, as of 2013-

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<sup>595</sup> Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 12-16.

<sup>596</sup> Haller, Birgitt. (2013). Needs Assessment [Special Service Agreement No. 2013-MOL68-BH].

<sup>597</sup> Minnesota Advocates for Human Rights. (2000). Domestic Violence in Moldova.

<sup>598</sup> See Advocates for Human Rights, Bulgarian Gender Research Foundation and Women's Law Center. (2012). Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report. [Women's Human Rights Report Series: The Republic of Moldova]. Pg. 44-45: It is important for the woman victim of domestic violence to have legal counsel to apply/receive a protection order. The job of the legal counsel is also to represent the victim in court, to find out whether the protection order was issued and when, to see how it was registered with the police, how it is being implemented, in addition to instructing the victim about her rights and possible actions to take under the protection order.

<sup>599</sup> Round Table Presentation of the results of the study titled 'Capacity gap analysis study of the service providers working with women victims of domestic violence in Moldova'. (17 December 2014). [Hotel Flowers, Chisinau, Moldova].

<sup>600</sup> United Nations. (8 May 2009). Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk – Addendum: Mission to the Republic of Moldova.

2014, there have not been “corresponding resources allocated to implement in a meaningful way the activities foreseen in the action plan.”<sup>601</sup> The plan includes an area of gender budgeting and financing, as well as elaboration on and enforcement of mechanisms to combat gender-based violence, strengthen capacities of institutions to prevent and combat violence, and develop a training curriculum. This plan was developed in collaboration with the United Nations Development Fund for Women (UNIFEM),<sup>602</sup> now UN Women. NGOs were also involved in the process, as were 340 representatives from the Parliament, government, NGOs, academia, mass media and donor organizations.

A previous Plan for Promoting Gender Equality was adopted for years 2006-2009, with specific section on violence against women, which included development of infrastructure and victim support services.<sup>603</sup> Despite this, the maternal centres that sprung up in the time period of the Plan were established in 2004-2005 from a UNIFEM project, and not as a result of the Plan. UNDP also contributed to the establishment of social reintegration centers,<sup>604</sup> operated by NGOs. In 2009 however, the Ministry for Labour, Social Protection and Family took over the funding of the four maternal centres as part of the development of the National Referral Mechanism, causing them to be re-established as public institutions.

Currently, the network Coalition ‘Life without Violence’, jointly with other NGOs and public institutions, is working on elaborating a National Action Plan on combating domestic violence that will include the ratification of the Istanbul Convention and well as actions based on recommendations from the aforementioned 2014 *Capacity gap analysis study of the service providers working with women victims of domestic violence in Moldova*.<sup>605</sup>

### Summary conclusions

One of the most significant recent achievements of the women’s movement in Moldova is the drafting, adoption and subsequent proposed (pending) amendments to the Law on Protection of Domestic Violence (Law 45). The achievement was a result of years of lobbying and called on the government to fulfill its international obligations under CEDAW. Other achievements include the establishment of an informal network platform of service providers called the National Coalition ‘Violence Free Life’ as well as the National Referral System, and the conducting of various research studies, including on the implementation of Law 45 (in 2012) and on the assessment of capacity of existing services for victims of domestic violence (in 2014). Both research studies raised awareness among relevant stakeholders of the need for specialized services for victims of domestic violence as well as dedicated funding streams for women’s service provision and financial support to women’s NGOs that provide services for victims and activist work on behalf of the victims of domestic violence.

In terms of sustainable and autonomous service provision, many challenges remain and must be addressed in the future, such as the establishment of continuous and reliable funding

<sup>601</sup> According to information from Women’s Law Centre.

<sup>602</sup> United Nations. (8 May 2009). Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk – Addendum: Mission to the Republic of Moldova.

<sup>603</sup> Ibid.

<sup>604</sup> The beneficiary groups are numerous: reintegration of graduates of boarding schools (orphans or children without family support), mothers with children at risk, expectant mothers at risk.

<sup>605</sup> According to information from Women’s Law Centre.

streams to fully support the work of women's NGOs; strengthening the existing network of service providers and women's NGOs; establishment and ratification by the government of standards for specialized service provision and agreement among all service providers (including those run by State institutions) to adopt the standards; strengthening existing multi-agency cooperation; awareness raising of violence against women as well as of the role of civil society in combating violence against women; and institutionalization of training and sensitization of State agencies working with victims of domestic violence. The recent research studies conducted in Moldova, as well as the recent CEDAW Committee session (in 2013) have resulted in a series of recommendations for the government to support women survivors of domestic violence, giving the government of Moldova ample material to consider its future actions in the area of combating violence against women, including for the elaboration of a National Action Plan to replace the current one expiring in 2015.

The shortcomings of funding of women's NGOs include nearly total lack of funding as well as funding based on small scale and ad-hoc public tenders. At the same time, the responsibility for establishment and funding of services for victims has been placed on the local-level, where violence against women does not receive priority.

One significant opportunity for the women's movement in Moldova is a visible momentum that has been gained over the last decade as a result of activism and public commitment by the government to take measures to combat violence against women. Part of the activism has included the utilization of international norms in combating violence against women, and the recent consideration by the government of Moldova to sign and ratify the Istanbul Convention, which presents another opportunity for cooperation with the government and the strengthening of civil society organizations.

## **2.2.5. MONTENEGRO<sup>606</sup>**

### **Short historical background**

Montenegro became a stand-alone republic in 2006, after voting for its independence from the State Union of Serbia and Montenegro through a referendum. The Republic of Serbia, European Union Member States, and permanent members of the UN Security Council have all recognized the newly independent State. Part of the former Socialist Republic of Yugoslavia, Montenegro along with neighboring countries, experienced years of conflict in the region in the 1990s, joining Serbia during the 1991-1995 Bosnian and Croatian wars, and resulting in enormous societal, political and economic impacts on the country. While equal rights for women and men are guaranteed in law, in practice, women still face significant discrimination on the legal, economic and societal level.<sup>607</sup> Traditional perceptions of gender roles, on which lies the notion of women's subservience to male members of the family, are at

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<sup>606</sup> The country profile was drafted based on data collected during a workshop organized by WAVE with project partners on the 28 May 2014 in Vienna, Austria.

<sup>607</sup> The Advocates for Human Rights. (2011). Violence against Women in Montenegro. [[http://www.stopvaw.org/montenegro\\_country\\_page](http://www.stopvaw.org/montenegro_country_page)].

the root of discrimination both at home and in the society. Women are both underrepresented and unequally remunerated in the workforce, while gender expectations often prevent them from entering the labor market.<sup>608</sup> Despite recent efforts to establish a 30% quota for women on electoral lists, women are still largely underrepresented at all levels of Montenegrin politics.<sup>609</sup> Violence against women including domestic violence is still a persistent and common problem. Lengthy trials, economic dependence, and lack of alternative accommodation often lead victims to continue living with perpetrators. Regarded as a private matter, domestic violence remains largely underreported and State efforts to combat violence against women are inadequate.<sup>610</sup> Among different forms of violence against women, sexual violence and rape remain a taboo, and very little support is provided to the survivors. In addition, multiple discrimination exists against Roma, Ashkali and Egyptian (RAE) women, most of whom are part of the population displaced as a result of the 1990s wars in the region.<sup>611</sup> First forms of spontaneous organizing and joint activities of women from academic circles appeared in the large urban centers, such as Belgrade and Zagreb, in the early 1970s, which were strongly influenced by the women's feminist movement in the West; many activists were also part of the peace movement.<sup>612</sup> Despite risks of fragmentation during the breakdown of Yugoslavia, the women's movement remained united. The women's movement against violence against women began in Montenegro in 1997, when the first women's NGO was established and started running the first SOS Helpline. As of today, the climate is difficult for women's NGOs to thrive in the country; the economic crisis and a radicalization of politics have further threatened sustainability. Notwithstanding, since mid-2000s, the women's movement has become increasingly united, and women's organizations have worked together to influence the government.

## **Situation of service provision for women survivors of violence**

### *Fair access and free of charge*

Currently, there are three women's shelters in Montenegro, with approximately 38 shelter places available. Based on recommendations, 63 shelter places are needed in the country, which indicates that 40% of places are still missing. The most recent shelter for women survivors of violence was opened in July 2012 in the city of Pljevlja, by the women's organization Bona Fide.<sup>613</sup> There is no stay limit for women and children residing at the shelters, while accommodation is also free of charge in two shelters. In addition, at least two

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<sup>608</sup> Montenegrin Women NGO Coalition. (2011). Shadow Report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW). Pg. 6-7.

<sup>609</sup> Ibid. Pg. 36.

<sup>610</sup> US Department of State. (2012). 2011 Human Rights Reports: Montenegro. Pg. 30.

<sup>611</sup> CEDAW. (2011). Concluding observations of the Committee on the Elimination of Discrimination against Women. Montenegro. Pg. 9.

<sup>612</sup> Milić. (2004). The women's movement in Serbia and Montenegro at the turn of the millennium: a sociological study of women's groups. Pg. 66.

<sup>613</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 152.

shelters, SOS Niksic Crisis Help Center and Women's Safe House, provide support 24/7.<sup>614</sup> Geographical distance to available services significantly limits access to women's shelters and other services for women living in rural areas and smaller towns.<sup>615</sup> Four regional SOS Hotlines are run in Podgorica, Niksic, Ulcinj and Bijelo Polje; first helpline opened in Montenegro in 1997, SOS Hotline for Women and Children Victims of Violence Podgorica operates Monday to Friday, 17:00-21:00, and is not free of charge; opened in 1998, SOS Hotline for Women and Children Victims of Violence Niksic operates 24/7, is not free of charge, and provides multilingual support in Albanian, Romani and English; SOS Hotline for Women and Children Victims of Violence Bijelo Polje provides support not free of charge; the fourth helpline, SOS Hotline for Women and Children Victims of Violence Ulcinj, provides support in Albanian and Montenegrin, and is not free of charge.<sup>616</sup> The different SOS Hotlines for Women and Children Victims of Violence working in Montenegro have been providing essential legal and psychological assistance to women survivors, and have also gathered user statistics to document the incidence of violence against women.<sup>617</sup>

Information targeted at women survivors of violence on available support services and the rights of victims remains largely insufficient. Women's organizations in Montenegro have, however, worked at producing several documents targeted at women survivors, which have included the 2003 book titled 'Violence in the Family', published by SOS Hotline Podgorica. The publication includes an information package on the rights of women, relevant legislation on domestic violence, and information on how to escape violent situations. With financial support from NOVIB/Oxfam, one thousand copies of the book were distributed to libraries, professionals and clients of the SOS Hotline Podgorica at the occasion of NGO meetings, court sessions, experts meetings, and regional conferences.<sup>618</sup>

### *Specialist support*

In addition to providing accommodation to women survivors of violence and their children, women's shelters in Montenegro administer important specialist support, including a range of legal, psychological and counseling services, legal representation and accompaniment to court, as well as mediation with institutions, for instance, in looking for employment.<sup>619</sup> While there is currently no national women's helpline, the two regional SOS Hotlines operated in the

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<sup>614</sup> Women against Violence Europe (WAVE). (2012). Country Report 2011: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 149.

<sup>615</sup> Montenegrin Women NGO Coalition. (2011). Shadow Report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW). Pg. 19.

<sup>616</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 153.

<sup>617</sup> CEDAW. (2010). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Initial Report of State Parties – Montenegro. Pg. 31.

<sup>618</sup> Open Society Foundation. (2007). Violence against Women – Does the government care in Montenegro? Pg. 54.

<sup>619</sup> Women against Violence Europe (WAVE). (2012). Country Report 2011: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 149.

cities of Podgorica and Niksic provide specialist support to women and children survivors of all forms of violence, and the regional SOS Hotlines in Ulcinj and Bijelo Polje provide assistance to women survivors of domestic violence.<sup>620</sup> Three NGO-run women's counseling centers provide specialist support. Two of the centers are run by women's shelters as part of non-residential services. All women's centers provide support to women survivors of violence; one of them provides additional specialized support to migrant and undocumented women, women seeking asylum and women with disabilities; and two centers offer specialized support to women from the Roma community.<sup>621</sup> Most of the professionals working at support services run by women's NGOs are psychologists, lawyers and women's Human Rights activists, who provide emotional support to survivors during Court proceedings, as well as support in dealing with different State institutions.

Non-specialist services include the Center for Support to Children and Family, located in Bijelo Polje, and providing accommodation to all survivors of family violence for periods of two to four weeks, and one State-run shelter accommodating all survivors of trafficking for, and run in partnership with the Montenegro Women's Lobby.<sup>622</sup>

#### *Diversity and non-discrimination*

While undocumented migrant women often face difficulties in accessing State-run services, all migrant, undocumented and asylum seeking women are welcome at women's shelters run by women's NGOs, and women from the Roma community are provided specific support at the SOS Niksic Crisis Help Center shelter. While there is no specific shelter for women victims of trafficking, survivors can be accommodated in the SOS Niksic Crisis Help Center shelter; the shelter is the only center providing multilingual support in Albanian, English and Romani.<sup>623</sup>

### **Areas supporting sustainability and autonomy of women's NGOs**

#### *Legal basis for funding of (women's) NGOs*

As present, there exists no legal basis to guarantee State funding of women's organizations providing support services to women survivors of violence in Montenegro. While the Action Plan for Achieving Gender Equality (2013-2017) makes provision for funds to be invested, for the period of 2013-2014, into the establishment of a "sustainable model of funding support services for the victims of domestic violence,"<sup>624</sup> it should be mentioned that women's organizations still face significant barriers in being recognized as service providers by the Montenegrin government. As such, very little funding is channeled to these organizations, and

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<sup>620</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 153.

<sup>621</sup> Ibid.

<sup>622</sup> Ibid. Pg. 150.

<sup>623</sup> Women against Violence Europe (WAVE). (2012). Country Report 2011: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 149.

<sup>624</sup> Ministry for Human and Minority Rights of Montenegro. (2013). Action Plan for Achieving Gender Equality 2013-2017. Pg. 91.

the State has adopted a ‘market-oriented’ approach to service provision, whereby funding has focused on organizations (profit or non-profit) having greater technical expertise and capacity, with little focus on whether or not these institutions adopt a gender-specific and specialist perspective.

#### *State financial support and other support to national feminist women’s networks of NGOs*

An informal network of women’s organizations working in the field of combating violence against women has existed in Montenegro for two years. Supported by the Swedish foundation Kvinna till Kvinna, the creation of the network originated from three women’s organizations, including SOS Hotline Niksic’; coming from within the women’s movement, the initiative has found little to no support from the Montenegrin government, which has mostly tried to jeopardize its initiatives. The network has received financial support from the Oak Foundation for a period of three years, ending in September 2014. It is currently in the reporting process, and is hoping to formalize in the coming years. With currently little funding, network members nonetheless try to remain connected and informally meet on a regular basis. The network started gathering around the common goals to develop a safe and supportive environment for women survivors of violence, where fast and joint action is enabled, and partnership fostered, with the aims of sharing scarce resources and improving the sustainability of local NGOs, and to create a stronger and united voice in the field of women’s human rights. While previous initiatives to develop such network had failed in the past, partly linked to local organizations having to dedicate much of their efforts to their very survival, the current structure has succeeded in connecting people from the field across Montenegro.

In addition, for many local and national women’s organizations in the country, being part of an international network such as the WAVE network has been greatly beneficial. It has enabled them to receive a better overview and understanding of the situation of violence against women in other countries, while also enabling them to access a more global platform – participation in international meetings such as the Commission on the Status of Women (CSW), (enabled through WAVE membership) and leading to new opportunities. Being part of an international network has also allowed them to grow stronger at the national level, improving their status as project partner, and enabled them to increase their capacity to set up and run specialist feminist-based services for women survivors of violence, based on standards and guidelines developed by WAVE – (i.e. Away from Violence 2004 provides important guidelines for setting-up and running a women’s refuge).

#### *State financial support and other support to feminist women’s NGOs service providers*

With no legal basis to guarantee funding for women’s NGO service providers, women’s NGOs receive very little and irregular public funding, and mostly in the form of public tenders; extreme irregularity in granted State funding has sometimes equated to periods of up to five years. In addition, it has been reported by NGOs that the Montenegrin government often tends to establish and support (including financially) NGOs that are either directly linked to the State, or are ready to collaborate with it<sup>625</sup>; conversely, organizations that tend to

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<sup>625</sup> Women against Violence Europe (WAVE). (2014). Coordination Committee (CoCo) meetings Report – November 2010 to May 2014. Pg.24-25 [Internal Report]

criticize the State have little chance of receiving public funding.<sup>626</sup> Women's NGO service providers rely extensively on foreign donors project-based funding to run their services. Women's shelters and counseling centers for women survivors of domestic violence are predominantly funded through foreign donations (70%).<sup>627</sup>

Support from international donors has, however, been decreasing over recent years, as priorities seem to have shifted away from the specific field of women's issues and violence against women, to focus on areas including human rights in general and the Rule of Law. Increasingly, the stance of international donors has been that the State is responsible for financing of women's organizations and services at the national level; the State is however not ready to take this step. Without the capacity to apply for large European Commission grants, the support received by women's NGOs service providers remains insufficient and too irregularly distributed to guarantee the continuous running of their services.<sup>628</sup> In July 2011, the Montenegrin government provided emergency funding to the Women's Safe House, whose shelter in Podgorica was on verge of shutting down; the aid granted consisted in funding to cover minimum operation expenses over a six months period.<sup>629</sup>

#### *Cooperation between women's NGOs and relevant State-run services and other agencies*

In 2003, an initiative by SOS Hotline Podgorica successfully resulted in introducing the issue of domestic violence as part of the mandatory curriculum for Police officers in Montenegro. Since the beginning of 2000s, women's NGOs working in the field of combating violence against women have conducted numerous activities aimed at raising awareness of the issue and consequences of violence, and the importance of prevention, targeted at officials from State agencies. Activities have included training seminars on domestic violence, multidisciplinary cooperation in the field of combating domestic violence, and trafficking in women and children, among others, which have been targeted at the police, the courts, prosecutors' offices, professionals from the health sector, centers for social welfare and local authorities.

In the mid-2000s, the 'Memorandum of Understanding and Mandatory Joint Action' was signed between the Police Directorate, Social Welfare Center, local governments, Basic Court, health care centers and the SOS Hotlines in Podgorica, Bijelo Polje, Ulcinj and Niksic', with the aim to develop much-needed inter-professional cooperation in the field.<sup>630</sup>

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<sup>626</sup> Kvinna till Kvinna. (2013). Montenegro – The Women's Movement. Available at [<http://kvinnatillkvinna.se/en/country/montenegro/the-womens-movement/>].

<sup>627</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 152-153.

<sup>628</sup> Kvinna till Kvinna. (2013). Montenegro – The Women's Movement. Available at [<http://kvinnatillkvinna.se/en/country/montenegro/the-womens-movement/>].

<sup>629</sup> Milić. (2004). The women's movement in Serbia and Montenegro at the turn of the millennium: a sociological study of women's groups. Pg. 19.

<sup>630</sup> CEDAW. (2010). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Initial Report of State Parties – Montenegro. Pg. 28.

The 2010 Law on Protection from Violence in the Family makes provisions for the setting-up of multidisciplinary teams for the protection of survivors of domestic violence (Article 17); these may be composed of experts from social and child care services, health care, judiciary, police protection, human rights and freedoms, as well as representatives from NGOs dealing with protection of survivors – and for the setting-up by social work centers of expert teams tasked with developing victim assistance plans, and coordinating victim assistance activities (Article 11) – experts include representatives of social work centers, local government bodies and service agencies, the police, NGOs and experts in family issues.<sup>631</sup>

However, despite official provisions aimed to improve multidisciplinary response to domestic violence, Montenegrin women experiencing violence mostly do not address police authorities and social work centers, for fear of prevailing stereotypes and judgmental attitudes, since more gender-sensitive training is still needed.

The adoption of the Strategy, together with the 2010 legislation, also led to the introduction of the Protocol on the Treatment, Prevention and Protection against Domestic Violence, on 25 November 2011. The Protocol was developed together with experts from relevant Ministries, and with women's organizations, with technical support from UNDP, and aimed to establish and encourage the development of multidisciplinary cooperation, including clearly elaborated procedures to be followed by all actors involved in the response to domestic violence.<sup>632</sup>

While the existence of such protocol is considered positive by women's NGOs, there remain concerns that the Protocol has not, in effect, been implemented by the government, as it is not compulsory and still remains unknown by many State officials. Local governments are not always up to date with available protocols and standards, and the level of service provision significantly varies from town to town.

#### *Cooperation, good will and sustained communication between policy makers, State officials and feminist women's NGOs*

There has been little support from and communication between State officials and women's organizations in Montenegro. As previously mentioned, women's NGOs have felt increasingly marginalized, both by other civil society organizations and by the State. The situation is such that the government would meet with civil society organizations and despite discussions, no follow-up actions took place. Mostly, the government does not acknowledge the role and importance of civil society organizations, particularly women's organizations, while women's rights are not yet taken seriously, or seen as a priority. As recalled on the Kvinna till Kvinna Foundation website, lack of cooperation and support from the state was made particularly evident following the election of former Prime Minister Igor Lukšić in 2010; as a series of meetings with representatives from NGOs, the political opposition, minority and religious groups were organized following the elections, yet not a single women's organization was invited. **It was only following the strong reaction of the women's**

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<sup>631</sup> Ministry of Justice of Montenegro. (2010). Law on Domestic Violence Protection. Pg. 7-9.

<sup>632</sup> UN Montenegro. (2011). Montenegro gets a Protocol on procedures in domestic violence cases. Available at [<http://www.un.org.me/news/366/127/MONTENEGRO-GETS-A-PROTOCOL-ON-PROCEDURES-IN-DOMESTIC-VIOLENCE-CASES/d,NewsENG>].

movement, whereby an official letter was addressed to Lukšić and to representatives of the European Commission, that several women's organizations were eventually invited to participate in official dialogues, albeit two months later.

Good cooperation and communication has nonetheless been developed with the Gender Equality Office, established in 2004 in Montenegro. Cooperation was particularly enabled thanks to the presence in the Office of one individual woman, now a member of the Parliament and President of the Gender Equality Board, who had been quite active and dedicated to the issue of gender equality. A lot of effort was invested in change, and among others, into changing discriminatory legislation. While this good contact among the Gender Equality Office has left about four years ago, the economic crisis and subsequent budget cuts have led to the Office's capacity being reduced to one single person, who has only joined in recently and is yet to develop a proper understanding and knowledge of gender issues. As such, the Gender Equality Office is extremely weak, and not in a position to fight any new battles, and there has been less and less new initiatives put forward over the last years. Such dramatic funding cuts from initiatives promoting gender equality is yet another indicator of the little interest the State has in the issue.

Over recent years, a number of joint actions involving State officials have taken place; this has included the 2010 official address to PM Lukšić, joint actions based on inviting women members of the Parliament, as well as lobbying for the 2010 Law on Protection from Violence in the Family, among others. However, and while there have been some successes, most such initiatives are rejected by the State.

Despite a difficult environment, since 2006, the Montenegrin women's movement has been increasingly united, and organizations have actively worked together to influence the State. On 8 March 2009, a large-scale national conference supported by the Kvinna till Kvinna Foundation and organized by the organization ANIMA, gathered about 100 women from all over the country. The conference marked the beginning of a new era of cooperation and consensus between participating women's organizations, trade unions, and individual activists. While a conference of this dimension has not been taken place since, smaller conferences of about 20 participants have been organized on an annual basis, supported each time by the Kvinna till Kvinna Foundation and organized by the organization ANIMA Center for Women and Peace Education, based in Kotor;<sup>633</sup> the conference has become an important platform for women's organizations to discuss current trends, issues and strategies. Unfortunately, the Foundation has now left Montenegro, and it is not sure whether there will be a 2015 conference; in most certainty, women's organizations will need to be innovative and manage with limited resources in carrying out the event in 2015.

At the time, there is a significant presence of international organizations in Montenegro, which play different roles. This includes agencies of the United Nations. There is the feeling that while the agencies are happy to work with women's organizations and benefit from their

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<sup>633</sup> Kvinna till Kvinna. (2013). Montenegro – The Women's Movement. Available at [<http://kvinnatillkvinna.se/en/country/montenegro/the-womens-movement/>].

knowledge (such as in the making of the Protocol), cooperation mostly focuses on large-scale projects, and no direct support is provided to women's organization service providers on the local-level.

### *Feminist women's NGOs submissions to the CEDAW Committee and other international processes*

In 2011, ahead of the 50<sup>th</sup> session of the CEDAW Committee, which was to review the Initial CEDAW State Report for Montenegro, a coalition of 11 Montenegrin women's organizations submitted a 'Shadow Report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in Montenegro'. The initiative of the Shadow Report was coordinated by the women's organization ANIMA Center for Women and Peace Education, located in the town of Kotor.<sup>634</sup>

### *Awareness about the role of women's NGOs in supporting survivors of violence against women*

As is the case in other countries of the Balkan region, women's organizations in Montenegro have the feeling that they are being increasingly marginalized, and receive little support from the rest of the civil society. In addition to insufficient and unsustainable funding, a limited understanding and recognition of women's issues in the country further threatens the sustainability of the services they provide. As a result, numerous women's organizations have had to reduce the number and size of their activities, and there is a feeling that women's NGO activism is not as strong as it was in the past. The Shadow Report submitted in 2011, ahead of the 50<sup>th</sup> CEDAW session, further raises the concern that "activities of women's organizations developing critical thinking and promotion of women's rights are marginalized and characterized as radical. Eyes are shut in front of every other issue concerning the status of women, especially their labor rights."<sup>635</sup>

In addition, findings from a sociological study on women's groups in Serbia and Montenegro show that, while most surveyed participants knew of the existence of local women's groups, nearly none of them identified the struggle of women's groups as an autonomous struggle led by women for greater equality and rights.<sup>636</sup> With less women's rights activists in Montenegro than in the past, the pressing issue has also been in the area of women's human rights defenders' security, including both bodily security and risks of overwork resulting in burnouts.

In the area of awareness raising on the issue of violence against women and domestic violence, several campaigns have been carried out by women's organizations and the Gender Equality Office of the Montenegrin Government – this has included the organization of the annual global 16 Days of Activism against Gender-Based Violence Campaign – and several conferences aimed at informing and empowering women, as well as raising awareness of the

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<sup>634</sup> Montenegrin Women NGO Coalition. (2011). Shadow Report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW). Pg. 1.

<sup>635</sup> Ibid. Pg. 12.

<sup>636</sup> Milić. (2004). The women's movement in Serbia and Montenegro at the turn of the millennium: a sociological study of women's groups. Pg. 76.

different forms of violence against women among the general public and governmental institutions,. However, the amount of information available to women survivors of violence regarding their rights, legal interventions, and services remains largely insufficient.<sup>637</sup>

#### *Standards of specialized service provision for survivors of violence*

There has been very poor cooperation with women's NGO service providers in the area of developing standards for services. While SOS Hotlines in Montenegro have voiced their interest in contributing to the process, and put forward their standards for SOS Hotlines, the State has systematically ignored their calls and designed standards with the help of their own experts. There has been no visibility as to what processes and concepts have been utilized in the development of these standards, which should apply not only to women's helplines, but also to a range of other services. Another very general Rulebook, developed in 2013, addresses standards for 'social accommodations', including women's shelters; here again the standards were developed without cooperation with women's organizations.

#### *Legislation on domestic violence, including civil protection orders*

In 2011, the Law on Protection from Violence in the Family was adopted, following intense lobbying by women's organizations in Montenegro. The law defines domestic violence as "omission or commission by a family member in violating the physical, psychological, sexual or economic integrity, mental health and peace of other family member, irrespective of where the incident of violence has occurred."<sup>638</sup> While women's NGOs have brought forward a proposal to include 'persons who have been, or are currently in an emotional or sexual relationship' (irrespective of them sharing a common household), based on UN Expert Group's recommendations, the proposal was declined; and the law further fails to apply to same-sex relationships.<sup>639</sup>

The 2010 Law on Protection from Violence in the Family introduced a system of protection orders, including orders of removal by the police from the place of residence or other premises (minimum 30 days, maximum six months), restraining orders (minimum 30 days, maximum one year), prohibition of harassment and stalking, mandatory addiction treatment, and mandatory psycho-social treatment. These protection orders can be applied for by: the victim or a representative, a social work center, or other social and child care institutions, the police or a public prosecutor. The duration of protection measures may be prolonged, but may not exceed a period of two years.<sup>640</sup> In addition, the law makes provisions for 'Emergency Intervention' (Article 10), based on which it is the duty of the police to take immediate action and measures to protect the victim after the receipt of a report on the incidence of violence. The same article provides for immediate provision of protection and assistance to survivors by 'a social work center, or other social and child protection institution; and other body and

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<sup>637</sup> Open Society Foundation. (2007). Violence against Women – Does the Government Care in Montenegro? Pg. 49.

<sup>638</sup> Ministry of Justice of Montenegro. Law on Protection from Violence in the Family, 2010. Pg. 4.

<sup>639</sup> Montenegrin Women NGO Coalition. (2011). Shadow Report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW). Pg. 18.

<sup>640</sup> Ministry of Justice of Montenegro. Law on Protection from Violence in the Family, 2010. Pg. 10-12.

institutions in charge of such protection.<sup>641</sup> Article 5 ('Institutions providing protection') of the 2010 Law on Protection from Violence in the Family identifies 'the public administration agency in charge of police affairs ('Police'), misdemeanor body, public prosecution service, social work center or other social and child protection agency, health care institution, and other agency or institution acting as a care provider',<sup>642</sup> as responsible for providing survivors with full and comprehensive protection; as per the article, NGOs, as well as legal or natural persons, 'may' provide protection in accordance with the law.<sup>643</sup>

#### *Effective implementation of existing legislation*

Despite formal progress represented by the 2010 Law on Protection from Violence in the Family, there has been little progress in practice. There is a complete lack of knowledge about the execution of the 2010 Law among the police and judicial authorities; in several instances, it has been reported that police officers were completely unaware of the existence of the legislation.<sup>644</sup>

Relevant to the areas of prevention, protection and prosecution, the Montenegrin State often fails to protect survivors of violence in the everyday life, due to lack of adequate risk assessment procedures, bylaws, and positive interpretation of the law by prosecutors. An example of this relates to protection measures, which should be granted by competent authorities within a maximum of 48 hours of the receipt of petition; however, a statement by the plaintiff is not considered sufficient, and the court is required to ask the opinion, or 'confirmation', from centers of social work, or the police. As aforementioned, women who experience violence mostly do not contact the law enforcement authorities or centers for social work, by fear of facing stereotyped and judgmental attitudes of police officers and social workers resulting from lack of gender-sensitive training and education. In addition, the behavior of judges is often discriminatory and focuses on the 'family reconciliation' approach; this results in the concept of orders of protection from violence being largely undermined.

#### *Accession to relevant international treaties*

The Republic of Montenegro has ratified CEDAW and its Optional Protocol in 2006. As of December 2014, it is also one of the 15 States to have signed and ratified (22 April 2013) the Istanbul Convention (2011).<sup>645</sup> As this was the case in Serbia, many efforts were invested by women's organizations in the country to promote the Istanbul Convention, and there is the hope that the European Union will push for the Montenegrin State to cooperate further with women's NGOs in the future, while also increasing their capacity to work at the national level, (i.e. through access to EU funding).

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<sup>641</sup> Ibid. Pg. 7.

<sup>642</sup> Ibid. Pg. 5.

<sup>643</sup> Ibid.

<sup>644</sup> Montenegrin Women NGO Coalition. (2011). Shadow Report on the implementation of the convention on the elimination of all forms of discrimination against women (CEDAW). Pg. 20.

<sup>645</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 152.

*National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women*

In July 2011, the Strategy for Protection against Domestic Violence (2011-2015) was adopted, to complement the 2010 Law on Protection from Violence in the Family. As the end of the Strategy timeframe is approaching, it is mostly felt among women's organizations that nothing has been effectively implemented. With no positive results coming from it, many feel that the same objectives might as well be transferred into the next Strategy on domestic violence. The adoption of the Strategy, together with the 2010 legislation, also led to the introduction of the aforementioned Protocol on the Treatment, Prevention and Protection against Domestic Violence, on 25 November 2011. The Protocol was developed with women's organizations with the aim to develop multidisciplinary cooperation.<sup>646</sup>

In 2013, the Republic of Montenegro adopted the Action Plan for Achieving Gender Equality (2013-2017), including the strategic objective to 'prevent all forms of violence against women and domestic violence and improve the position and protection of rights of victims of all forms of violence.'<sup>647</sup> Activities integrated in the Action Plan include, among others, the evaluation of implementation of the Strategy for Protection against Domestic Violence, the publishing and promotion of the Istanbul Convention, education of professionals working in the field of combating domestic violence in all State agencies, provision of funds for work of multidisciplinary teams, the establishment of a free and unique SOS hotline to report cases of domestic violence with a 24-hour duty service, establishment of specific support programs for women victims of domestic violence (i.e. self-support programs, empowerment, social reintegration) and the establishment of a sustainable model of funding for support services for the victims of domestic violence with, as indicator, provided technical and special conditions for NGOs providing support services to victims of domestic violence.<sup>648</sup> Implemented about two years ago, most of the objectives of the Action Plan have yet to be implemented, and there is great skepticism as to whether these will be achieved by 2017.

Women's NGOs are generally involved in the process of drafting National Action Plans and recently, the Center for Roma Initiatives – an organization born on the premises of SOS Hotline Niksic, and working to support women from the Roma community in Montenegro – took part in the elaboration of the National Action Plan for the Achievement of Gender Equality (2013-2017), as well as in the drafting of the National Action Plan for Women from the RAE (Roma, Ashkali, Egyptians).<sup>649</sup>

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<sup>646</sup> UN Montenegro. (2011). Montenegro gets a Protocol on procedures in domestic violence cases. Available at [<http://www.un.org.me/news/366/127/MONTENEGRO-GETS-A-PROTOCOL-ON-PROCEDURES-IN-DOMESTIC-VIOLENCE-CASES/d,NewsENG>].

<sup>647</sup> Ministry for Human and Minority Rights of Montenegro. (2013). Action Plan for Achieving Gender Equality 2013-2017. Pg. 82.

<sup>648</sup> Ibid. Pg. 82-91.

<sup>649</sup> Perić. (2007). The Romani Women's Movement in Montenegro – Chapter 1. Available at [<http://www.errc.org/article/the-romani-womens-movement-in-montenegro-chapter-one/2752>].

## Summary conclusions

Montenegro has been a stand-alone State since 2006. Similar as in neighboring countries, years of conflict in the region have had significant social, political and economic impacts on the society, and particularly women. While Montenegrin women remain largely discriminated in all aspects of life, including access to the labor market, equal remuneration and official representation, a strongly patriarchal society has contributed to the issue of violence against women remaining a 'private matter'. As a result, violence against women is highly prevalent and remains mostly unreported. Developing in the 1990s, the women's movement has met significant obstacles from the Montenegrin State; however, despite current difficulties, the movement has become increasingly united with many successes.

In the area of support services, three women's shelters and four regional SOS Hotlines are run by autonomous women's organizations, funded mainly through foreign donations. State funding for social services remains too little and too irregular to allow for their sustainability and women's NGO service providers have to compete for public tenders with organizations with often greater technical expertise and capacity, albeit not specialized. Foreign donations have been decreasing over the years, as funding priorities have shifted. Great support has been found among the movement itself, and through the informal network of women's NGO service providers founded two years ago. Supported by foreign foundations, the network has been able to gather on a regular basis, strategize, and conduct capacity building for smaller local organizations. The network is seen as essential for women's NGOs to strengthen the movement and push their agenda forward in the future.

Intense lobbying led to the development of the 2010 legislation relevant to family violence, and has been an important milestone, resulting in protocols and policy documents that, if implemented, would promote sustainability of women's NGOs. At the same time, there is a gap in terms of cooperation between women's NGOs, State agencies, and government officials as well. Much remains to be done in the area of training and awareness raising about the gendered nature of violence against women and domestic violence

There has been poor cooperation between women's NGOs in the area of developing standards for service provision. While women's NGOs have recently tried to influence the development of standards for SOS Hotlines, their suggestions have been ignored and very general standards were developed by the State. Similarly, standards for 'social accommodations' (including women's shelters) were developed in 2013. In general, there has been very limited State cooperation and communication with women's organizations, while the State has mainly ignored their importance and countered their initiatives. The Gender Equality Office has seen its capacity decrease dramatically in recent years. However, good cooperation with a former member of the Office proved to be beneficial to women's organizations. While highly dedicated and motivated to advancing women's rights in Montenegro, the representative left about four years ago.

In 2013, the Istanbul Convention. As in neighboring Serbia, the promotion of the Convention as a symbol of 'Europeanism' to be embraced by a government eager to join the European Union has proven successful.

## 2.2.6. SERBIA<sup>650</sup>

### Short historical background

Serbia became a sovereign republic in 2006, following Montenegro's independence from the State Union of Serbia and Montenegro, voted through a referendum.<sup>651</sup> The end of the State Union marked the closing chapter of the breakdown of the former Socialist Republic of Yugoslavia. While ethnic tensions were contained under the leadership of Josip Broz Tito, these finally led to the collapse of the Republic of Yugoslavia under the rule of Serbian nationalist leader Slobodan Milošević, in the 1990s. The policies of the Milošević regime had devastating effects on the population and on women in particular. Added to the 'legacy' of the former regime, including a shattered economy and huge influx of refugees to the republic, it further increased corruption and criminality, poverty and social inequality.<sup>652</sup> At the end of the 1990s, violence erupted in the Autonomous Province of Kosovo, eventually declaring its independence from Serbia in February 2008, an independence still contested by many countries including Serbia.<sup>653</sup>

According to the 2007 CEDAW Shadow Report<sup>654</sup>, the situation of women's human rights in Serbia cannot be properly understood without analysis of the heavy legacy of years of nationalist ruling and fratricidal wars. In the 1990s, women in Serbia were particularly affected by negative social and economic trends, making up for the majority of the (long-term) unemployed and represented mainly in informal economy, poorly represented in the private sector as well as in official representation and decision-making, and negatively affected by gendered expectations and traditional views on the role of women within the family and the community. In this context, violence against women was and still is a widespread phenomenon in the Serbian society; sexual violence (and the use of rape as weapon of war during the 1990s) in particular remains a taboo and a 'private issue' not to be disclosed by women.

Flexible borders between countries of the former Socialist Republic of Yugoslavia favored the transfer and development of feminist ideas, and discussion groups on women and the socialist society formed in Croatia and Serbia at the end of the 1970s. Serbian women in the 1990s were largely represented in NGOs as both activists and leaders, and their ability to influence political changes and decision-making decreased at the turn of the new millennium.<sup>655</sup> Today, women in Serbia are still facing significant barriers to achieving equality, and women's

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<sup>650</sup> The country profile was drafted based on data collected during a workshop organized by WAVE with project partners on the 28 May 2014 in Vienna, Austria.

<sup>651</sup> BBC.com (2014). Serbia profile. Available at [<http://www.bbc.com/news/world-europe-17907947>]. Retrieved on 29.10.2014

<sup>652</sup> Voice of Difference from Serbia. (2007). Alternative Report to the CEDAW Committee. Pg. 5.

<sup>653</sup> BBC.com (2014). Serbia profile. Available at [<http://www.bbc.com/news/world-europe-17907947>].

<sup>654</sup> Voice of Difference from Serbia. (2007). Alternative Report to the CEDAW Committee. [<http://www.astra.org.rs/wp-content/uploads/2008/07/CEDAW.pdf>]

<sup>655</sup> Ibid. Pg. 23-49.

NGOs face significant constraints from the government that has been increasingly emphasizing traditional values and right-wing politics.

An important note in Serbia is the existence of the two independent political entities that are Kosovo and Vojvodina. As of 2013, more than half of United Nations has recognized Kosovo as an independent State.<sup>656</sup> Vojvodina acts as an autonomous region with its own government administration and political system.<sup>657</sup>

## **Situation of service provision for women survivors of violence**

### *Fair access and free of charge*

There are currently 14 women's shelters in Serbia, with at least 162 shelter places available. According to recommendation, 719 shelter places are needed in Serbia, which means that about 77% of recommended places are missing.<sup>658</sup> Among the 14 women's shelters available, only one women's Safe House is run by a women's NGO (although cannot be said to use a feminist approach), while the others (termed 'centers for social work') are run by the State. Another women's NGO shelter has emergency accommodation only, while two shelters for elderly and homeless persons may also provide emergency accommodation (up to seven days) for women and children survivors of domestic violence.<sup>659</sup>

The length of stay at women's shelters is limited to six months.<sup>660</sup> Access to shelters depends upon the decision of the local municipality. As such, access by women from other regions or cities is also limited. Women who want to access State shelters need to 'go along with the system', which includes compulsory referral to the police. Where information on free access to women's shelters is provided for 11 of the 12 State-run shelters, only three provide accommodation free of charge, while others charge money depending on survivors' employment status. Accommodation at the two NGOs women's shelters is free of charge.<sup>661</sup>

While there is currently no national women's helpline to cover the whole of the Serbian territory, a number of SOS Hotlines exist in the country which provide free of charge support to women survivors of violence. These include the 'Helpline for victims of domestic violence', provided by the Serbian Ministry of the Interior – the helpline is operated by police officers who are charged with enabling police response in cases of domestic violence, but do not provide any specific information or advice to survivors – and servicing both women and

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<sup>656</sup> Foreign and Commonwealth Office. (2013). Kosovo wins recognition from over half United Nations States. Available at [<http://blogs.fco.gov.uk/davidlidington/2013/06/21/kosovo-wins-recognition-from-over-half-united-nations-states/>].

<sup>657</sup> Government of Vojvodina. (2014). Home. Available at [<http://www.vojvodina.gov.rs/en>].

<sup>658</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 174-175.

<sup>659</sup> Ibid.

<sup>660</sup> As per the May 2013 'Decision on the conditions and standards for providing services of social protection', developed by the Ministry of Labor, Employment and Social Affairs.

<sup>661</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on Data Collection and European Services for Women and Children Survivors of Violence – A Right for Protection and Support? Pg. 175.

men survivors of domestic violence on a 24/7 basis.<sup>662</sup> The women's helpline opened in November 2012 in the Autonomous Province of Vojvodina, run by women's NGOs gathered around the Network of Women's Hotlines in Vojvodina, but does not operate 24/7.<sup>663</sup>

In the area of coordinated response to violence against women, a positive example has been provided by the project of a database currently developed by the Women against Violence network. The database would contain the data collected by the different institutions involved in the response to individual cases of violence against women (police, courts, social services, and specialized women's services), with the aim of increasing the safety of women survivors of violence, by enabling a rapid response of relevant institutions in high-risks cases. The project, so far implemented in one city, has proven successful. The procedure involves the following steps: the first institution contacted by the woman inputs information concerning the case in the database, providing that the woman has consented to it. Only specific and most relevant data is made available to other institutions, based on its relevance to the work of the institutions, while other data remains confidential. Prosecutors only have the capacity to access all collected data, as they are responsible for court proceedings and need maximum available information. While the database project is still in the development phase, such a system would have the potential to enhance cooperation between relevant institutions, and positively impacting on the safety and security of women survivors. It would also enable the identification of gaps and dysfunctions in the work of institutions. While the question remains as to which institution would be in charge of managing the database, it is expected that, in order to have the model established on a national-level, relevant legislation must be established – which women's NGOs fear will be integrated into the Serbian Criminal Code.

Information about violence against women, and knowledge of available assistance in Serbia, is very weak. Only about 10% of women seek assistance when facing domestic violence.<sup>664</sup> Most women also find help from the police to be not useful.<sup>665</sup> While low numbers of women seeking help may be linked in large part to predominant perceptions of domestic violence as a 'family' or 'private' matter, lack of awareness of available services, and in particular support services provided by women's NGOs, also plays an important role.

### *Specialist support*

While most of the women's shelters/centers for social work are run by the State, these follow State-developed standards that mainly address technical and managerial aspects, and do not address principles of working with a feminist approach and a gendered understanding of violence against women. As a result, it is very unlikely that women's shelters in Serbia, for the vast majority, provide specialized support tailored to the needs of women survivors. There are 28 SOS Hotlines for women survivors of violence, run by women's NGOs part of the Women against Violence network. Among them, two service mainly women survivors of trafficking, four are specialized in support of women with disabilities, and four provide

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<sup>662</sup> Ibid. Pg. 176.

<sup>663</sup> Ibid.

<sup>664</sup> SeCons. (2010). Mapping Family Violence against Women. Pg. 10.

<sup>665</sup> Ibid.

support to Roma women and women speaking languages of national minorities. Twenty-five of the 28 SOS Hotlines providing gender-sensitive counseling to women survivors of violence also provide free legal counseling. A majority of the women who are part of the staff of women's NGOs providing specialist services to survivors of violence have specific education in the field of psychology and therapy. The first-hand experience gained from working at services for women is invaluable, and cannot be compared to any educational curriculum available in Serbia.

#### *Diversity and non-discrimination*

Together with other populations of undocumented or migrant women in Serbia, Roma women survivors of violence face significant obstacles when seeking protection and support. As pointed in the 2007<sup>666</sup> and 2013<sup>667</sup> CEDAW Concluding Observations, de facto discrimination against Roma women experiencing violence has led to their exclusion from women's shelters, most of which are State-run, on basis of admission criteria that require legal status. Additionally, women with disabilities face significant obstacles when trying to access support services.<sup>668</sup>

#### *Safety, security and human dignity*

Established procedures of acceptance to State-run women's shelters, which require women survivors to first address the police before being referred to relevant social services including 'centers for social work', mean that confidentiality and anonymity of the person is, in effect, impossible. Human dignity and women's empowerment, if not effectively promoted by State-run services, are however at the center of the work of the 26 women NGOs providing counseling to survivors.

### **Areas supporting sustainability and autonomy of women's NGOs**

#### *Legal basis for funding of (women's) NGOs*

Until recently, women's NGOs providing support services were not recognized by the Serbian State as social services providers; as such, they did not qualify to receive funding from local budgets. While some funding on a project basis was available, it remained sporadic and unreliable – in one particular instance, funding provided to cover the activity of a helpline was simply terminated in the middle of the set term.

In 2011, the Law on Social Protection opened the provision of social services to profit, and made other non-profit organizations access to funding for running services dependent on public tenders. As a result, and while they are now legally entitled to apply for funding, women's NGOs mostly find themselves having to compete with organizations with greater capacity, among which are profit-oriented organizations and businesses. The 'liberalization' of the provision of social services has involved that women's organizations' access to funding is still extremely limited.

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<sup>666</sup> CEDAW. (2007). Concluding Comments on the Committee on the Elimination of Discrimination against Women: Serbia. Pg. 5.

<sup>667</sup> CEDAW. (2013). Concluding Comments on the Committee on the Elimination of Discrimination against Women: Serbia. Pg.7

<sup>668</sup> Ibid.

The majority of women's NGOs in Serbia, including service providers, rely on funding from foreign donors and foundations, as well as on volunteer work. However, foreign donors and international foundations support has been decreasing over the last few years, linked to the expectation that the Serbian State should assume responsibility for funding services. As a result, an increasing number of women's organizations have had to find coping mechanisms to face this trend; this has included the reduction of staff and operating times, as well as greater reliance on volunteer work. Many women's organizations are now thinking about how to rebuild a system of funding for services, and whether they should close services altogether.

#### *State financial support and other support to national feminist women's networks of NGOs*

The informal network Women against Violence was established in 2005, at the occasion of the first network's conference. It gathers women's organizations service providers from across Serbia. The network formed at the end of the 1990s, coinciding with the increasing setting-up of support services in the region, and emanating from the need for solidarity and capacity building among women's organizations, many of which were smaller organizations working at the local-level. The Women against Violence network focuses on creating opportunities for all women's organizations in Serbia, developing common strategies for action, and effectively involving grassroots organizations, among others. In 2009, the network led its first joint '16 Days of Activism' campaign, which, as of today, remains one of its main and most important annual activities. **The '16 Days' initiatives have grown over time. Also, and as part of the campaign each year, women's NGOs bring forward one particular issue or 'question' to the Serbian government (i.e. in 2011, women's organizations asked for stalking to become a criminal act, and in 2012, they asked for the Istanbul Convention to be ratified).**

While women's organizations aim to harmonize their actions to become stronger, the Women against Violence network also aims to remain an informal network, as to better utilize the potential of all women's organizations, rather than becoming a single organization. In October 2009, at the occasion of the second network's conference, the 'rules' and 'objectives' of the network were established, and a three-year strategic plan was set around the objectives to increase awareness raising about domestic violence, and strengthen the network, in view of increasing its capacity to influence decision-making processes. The Women against Violence network currently includes 28 women's organizations throughout 18 cities.

Financial and other support to the Women against Violence network by the Serbian State has been extremely limited. While no funding whatsoever was ever provided to the network for carrying out its activities, official support has been mostly limited to few and distant participation by State officials to network's events.

#### *State financial support and other support to feminist women's NGOs service providers*

Since the 1970s, a large ensemble of women's and other non-governmental organizations has been established in Serbia. In 1977, the first regional meeting of women's organizations gathered close to 30 women's NGOs from Serbia and Montenegro, as well as guests from Macedonia and Bosnia-and-Herzegovina. From the beginning, the focus of the work conducted by women's organizations in Serbia has been in the field of violence against women. In order to raise awareness of the issue among the general public, and increase the

protection of women survivors of domestic abuse, women's organizations have launched numerous activities, such as campaigns, roundtables, TV videos, and others, and focused on the setting-up of shelters for women survivors of violence and their children.<sup>669</sup>

The work of women's NGO service providers has been largely hindered by the lack of State funding. However, the State has contributed to certain projects over the years.<sup>670</sup> Up until the 2011 Law on Social Protection, service provision was understood to be a State responsibility, hence funding mostly focused on State-run women's shelters; causing some women's NGO service providers to close down. While women's NGOs are the main providers of SOS Hotlines, counseling and free legal support to women survivors of violence receive very limited to no funding from national and local authorities, which continues to represent the main challenge to sustainability. There is currently one women's shelter in Belgrade, run by a women's organization, which receives some level of funding, thanks to good relations and cooperation with the State, however it applies an institutional rather than feminist approach in its work, and good relations and cooperation with the State has sometimes involved gross violations of survivors' right to confidentiality. In several instances, politicians and the media were allowed to enter the Safe House for 'marketing purposes', exposing the women residing at the shelter in order to fundraise for the service.

In the Autonomous Province of Vojvodina, the government has provided funding for the establishment and running of a number of support services. In 2012, the Provincial Secretariat for Labor, Employment and Gender Equality initiated the establishment of the first SOS Hotline for women survivors of violence in the province, involving women's organizations in the strategy development, while also assuming responsibility for funding of the Hotline. It also initiated and financed the construction of the women's Safe House in Novi Sad in 2006, together with the civic authorities and public enterprises.<sup>671</sup> As part of the 'Strategy for Protection from Domestic and Other Forms of Gender-Based Violence in the AP Vojvodina 2008-2012', the Executive Council allocated funds for the construction of a number of women's Safe Houses in the Province: in 2009, a Safe House was built in Zrenjanin, and in 2011, two Safe Houses were opened in the cities of Sombor and Pancevo. At present, a Safe House is under construction in the city of Sremska Mitrovica. All aforementioned Safe Houses were established and financed by the AP Vojvodina, and are currently managed by centers for social work. While all centers are currently facing funding difficulties, the Provincial government has initiated new activities to guarantee sustained funding for Safe Houses. The government has also developed a plan to ensure future participation of women's organizations in the management of Safe Houses.

#### *Cooperation between women's NGOs and relevant State-run services and other agencies*

Over the period 2002-2003, the Serbian Ministry for Social Care supported the two projects 'Interventions for the suppression of domestic violence', initiated by the City Center for

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<sup>669</sup> CEDAW. (2006). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Initial Report of State Parties – Serbia. Pg. 89.

<sup>670</sup> Ibid.

<sup>671</sup> Ibid.

Social work – Center for Marriage Counseling and Family, Belgrade, and ‘Living without Fear – Cooperation with Institutions in Establishing Mechanisms for Observing and Intervening in the Situation of Domestic Violence’, initiated by the Autonomous Women’s Center, in cooperation with the City Center for Social Work, the City Department for Internal Affairs, and supported by the Ministry for Internal Affairs.<sup>672</sup> Both projects, which aimed at improving professional response to domestic violence, included education and training of professionals working in social services, (i.e. centers for social work (social workers, psychologists, lawyers and pedagogues), and other relevant services (internal affairs)<sup>673</sup>. Achievements of the ‘Living without Fear’ project have included: the establishment of direct cooperation between professionals from relevant institutions to develop a model of coordinated action; women’s organizations’ participation in the Working Group to develop a General Protocol for the Prevention of Child Abuse and Negligence (first legal act to regulate this area), initiated by the Serbian government and the Council for Children in 2005; and the interest demonstrated by the OSCE Mission to SCG (Serbia and Montenegro) to promote the methods and results of the project in Serbian cities where the OSCE project on the ‘Establishment of persons for Gender Equality and Equal Opportunities’ was implemented.

Carried out in 2009-2012, the UNDP supported a project titled ‘Combating Sexual and Gender-Based Violence’, which was implemented by the Gender Equality Directorate (within the Ministry of Labour, Employment and Social Policy) with funding from the Government of Norway. A main outcome was the 2011 ‘General Protocol for Action and Cooperation of Institutions, Bodies, and Organizations in the Situations of Violence against Women within the Family and in Intimate Partner Relationships’, which aims ‘to ensure in an integral and comprehensive way, that each stakeholder in organizing the protection of women victims of violence within the family and between intimate partners can act in accordance with their legal competencies and duties, in order to promote victim safety and perpetrator accountability’.<sup>674</sup> The following UNDP Joint Project ‘Integrated Response to Violence against Women in Serbia’ (December 2012 – December 2014) led to the development of additional protocols targeted at different categories of professionals involved in the response to violence against women, including the Health sector, Centers for Social Work and the Police.<sup>675</sup> In frame of the project, the Ministry of Justice also adopted the ‘Special Protocol for Judiciary for Acting in Cases of Domestic and Intimate Partner Violence against Women’ in 2014. While the Autonomous Women’s Center (AWC) Belgrade was invited to work on the development of the General Protocol, the Special Protocol for Police Officers and the Special

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<sup>672</sup> Autonomous Women’s Center Belgrade. 2002/2003 – Living Without Fear. Available at [[http://www.womenngo.org.rs/english/index.php?option=com\\_content&task=view&id=17&Itemid=27](http://www.womenngo.org.rs/english/index.php?option=com_content&task=view&id=17&Itemid=27)].

<sup>673</sup> CEDAW. (2006). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Initial Report of State Parties – Serbia. Pg. 24-25.

<sup>674</sup> General Protocol for Action and Cooperation of Institutions, Bodies, and Organizations in the Situations of Violence against Women within the Family and in Intimate Partner Relationship. 2011. Pg. 5.

<sup>675</sup> Protocols developed have included the ‘Special Protocol For Action of The Centre for Social Work – Custody Authority in Cases or Domestic and Intimate Partner Violence against Women’, ‘Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women’, and the ‘Republic of Serbia Ministry of Health – Special Protocol for The Protection and Treatment of Women Victims of Violence’.

Protocol for the Health sector, it was however not able to make a significant contribution to the Special Protocols for the judiciary and the social services. Following this, AWC has conducted a number of trainings on the General Protocol at various institutions, while trainings have also been conducted by the police and the health system on relevant protocols: however, this training was implemented only recently.

At present, collaboration with general social services remains difficult. As per the 2011 Law on Social Protection, they are responsible, among other things, for dealing with Child Protection Services and for providing the Court with their 'expert opinion' in instances of divorce involving domestic violence and the presence of children under the age of 18. While each judge is free to request the opinion of general social services in individual cases, the law makes it mandatory for recommendations to be applied once a judge has requested them. Hence, social services have the capacity to influence final judicial decisions in divorce cases. A problem associated with this system resides in the lack of gender-sensitive education on violence against women (largely following the so-called 'family approach') received by social workers, which inevitably impacts their work and contributions to the Courts, and often results in negative child custody decisions for the mother. On a positive note, women's NGOs have the opportunity (through public tenders on training) to influence the training of social workers. On this base, the Autonomous Women's Center has received accreditation by the Institute for Social Protection of the Republic of Serbia to develop its own 'State education programs' for professionals working in the field of combating violence against women, and is currently training social workers based on these.

At the level of court proceedings, it is also felt that women's NGOs in Serbia mostly lack the capacity to follow legal procedures, which limits their ability to contribute their own expertise to the Courts in instances of divorce involving domestic violence, and as such, limits their cooperation with the judicial system. Capacity building and legal training would therefore be useful to balance the current monopoly held by social workers in providing expertise during court proceedings.

The Ministry of Justice of the Republic of Serbia has played the main role in training of the judiciary and the police. Until December 2009, training was conducted by the Judicial Center for Training and Professional Advancement of Judges and Prosecutors, to increase the knowledge of employees of the State bodies, as to improve administration of legal regulations. The 2005 Family Law introduced compulsory specialization of judges acting in cases concerning the rights of the child, including specific training in the field of domestic violence. Training programmes addressed, among other areas, the importance of multidisciplinary cooperation, primarily between prosecutors and judges, but also with psychologists, social workers, medical professionals, and other persons involved in the protection process<sup>676</sup>. While there have been trainings aiming to address the response of the

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<sup>676</sup> CEDAW. (2011). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined Second and Third Periodic Reports of State Parties – Serbia. Pg. 63.

judiciary to cases of domestic violence, it is important to note the absence of cooperation with women's NGOs in developing and conducting such trainings.

*Cooperation, good will and sustained communication between policy makers, State officials and feminist women's NGOs*

As previously mentioned, there is a significant lack of systematic and constructive dialogue between Serbian State officials, policy-makers and NGOs, in particular women's organizations. It is also felt that, the higher the level of authority, the more sporadic and weak the level of influence of women's organizations. At the local-level, current relations between women's organizations and local authorities are perceived as 'male-dominated' and little inclined to cooperation. Increasing are right-wing politics, exacerbated by recent years of economic hardship and increasing poverty. This trend, visible in other countries of the region, has rendered communication with the State increasingly difficult. Many women's organizations are now wondering how to cooperate – and whether to cooperate at all – with a government that is inexorably radicalising.

Discrimination against women's organizations has been manifold, and aimed at weakening and marginalizing the activists and their work. Some examples of existing tensions have included the sentencing of a women's hotline for disclosing information on a perpetrator's mental health to the police, and the failure of the State to provide the financial support agreed on with a local women's NGO in southern Serbia, for opening a hotline. Another important indicator of the tensions currently faced by women's organization has been the inclusion of the Autonomous Women's Center Belgrade on a so-called 'Blacklist of national traitors' by the Serbian National Movement "Nasi", resulting in public lynching and attacks on women Human Rights defenders.

On a positive note, there has been good cooperation between women's organizations and various independent State bodies, including the Republic Ombudsman, the Commissioner for the Protection of Equality, and the Commissioner for Information of Public Importance and Personal Data Protection.<sup>677</sup> Through carefully choosing who to cooperate with, women's organizations have been able to formulate complaints on the practices of the Serbian government in the area of discrimination against women, and several successes were achieved in areas including addressing femicide, the gender pay gap, and women's official representation. The Republic Ombudsman in particular has been a great ally in efforts to lobby for legislative changes in the area of women's rights, bringing draft proposals developed by women's organizations to the Assembly. Good cooperation with the Commission for the Protection of Equality was enabled by the presence of a former women's activist within the Commission, and collaboration with the Commission for Information of Public Importance and Personal Data Protection has been instrumental in the area of data collection, including protocols for data collection. Representatives from the three independent bodies are regularly invited to take part in the events carried out by women's organizations, including national and international conferences.

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<sup>677</sup> These independent State bodies were founded in 2007, 2010 and 2004, respectively.

Similarly, in the Autonomous Province of Vojvodina, good will and sustained communication with State officials has been enabled by the presence of dedicated and motivated individuals within the Secretary Directorate, who have been particularly inclined to working with women's organizations. They have effectively included women's NGOs, consulting them in planning processes, but also worked at building their capacity. Good relations started developing at the time of the elaboration of the 'Strategy for Protection against Domestic Violence and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina (2008-2012).'

In 2012, the project 'Coordinated Efforts – Toward New European Standards in Protection of Women from Gender-Based Violence'<sup>678</sup> was launched, led by Autonomous Women's Center (Serbia) in cooperation with five women's organizations from the region (including the European Women's Lobby (EWL) and (WAVE). The project aims to '*contribute to the establishment of comprehensive legal and policy solutions for protection against GBV in the Western Balkans, as conditions for the realization of democracy, human rights, social inclusion and harmonization with EU values*', while also aiming at building the capacity of women's NGOs and networks to conduct analyses, monitoring and advocacy in the field of protection from GBV.<sup>679</sup> As part of the project, on the occasion of the 20<sup>th</sup> Anniversary of the Autonomous Women's Center, the conference titled 'How Women's Movement Influenced State Policies' was held in Belgrade on 11-12 November 2013; the event was attended by representatives from women's organizations, Serbian government institutions and the Council of Europe (including General Rapporteur on VAW of the CoE Parliamentary Assembly, Mr. José Mendes Bota).<sup>680</sup> Based on the exchange of experiences from Balkan countries, the main conclusion from the conference was on the need for women's organizations to reinvent ways to conduct activism, and to be louder in defending women's human rights, including by increasing the number of joint and solidarity actions in the streets. On 7 November 2014, the international conference 'Implementation of the Council of Europe Convention on violence against Women – One year anniversary from its ratification in the Republic of Serbia' was held in Belgrade, to discuss current and future activities of harmonization of the laws and regulations of the Republic of Serbia with the provisions of the Convention, as well as present good practice examples from other countries in the region.<sup>681</sup>

#### *Feminist women's NGOs submissions to the CEDAW Committee and other international processes*

As of 2014, the Serbian government has submitted two State reports to the Committee on the Elimination of Discrimination against Women (CEDAW), including combined second and

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<sup>678</sup> About the Project. Available at [[http://www.potpisujem.org/eng/about\\_the\\_project.html](http://www.potpisujem.org/eng/about_the_project.html)].

<sup>679</sup> Autonomous Women's Center Belgrade. (2012). Project „Coordinated Efforts – Toward new European Standards in Protection of Women from Gender-Based Violence“. (2012). Available at [[http://www.womenngo.org.rs/english/index.php?option=com\\_content&task=view&id=164](http://www.womenngo.org.rs/english/index.php?option=com_content&task=view&id=164)].

<sup>680</sup> Women against Violence Europe (WAVE). (2013). Conference on the Istanbul Convention in Belgrade, 10th November 2013. Available at [<http://www.wave-network.org/content/conference-istanbul-convention-belgrade-10th-november-2013>].

<sup>681</sup> Belgrade, 7/11/14 International Conference. (2014). Available at [<http://www.potpisujem.org/eng/840/coe-convention-on-vaw-one-year-anniversary-from-its-ratification-in-serbia>].

third periodic reports. In 2007, ahead of the 38<sup>th</sup> CEDAW session, which was to examine the initial State report of the Republic of Serbia, a coalition of five women's NGOs submitted their Shadow Report.<sup>682</sup> Following the session, women's organizations including the ones that worked on the drafting of the Shadow Report conducted a number of roundtable conferences, to discuss CEDAW Concluding Comments, and ways to implement recommendations.<sup>683</sup>

#### *Awareness about the role of women's NGOs in supporting survivors of violence against women*

A recent study on the women's movement in the region, conducted over nearly three decades, indicates that the struggle of the women's organizations in Serbia has mainly been one for visibility, public recognition and legitimacy of the autonomous women's movement. Over the years, their claims for greater women's rights, as well as their legitimacy to formulate such claims publicly have been increasingly supported by a wide variety of actors, from other civil society organizations, institutions and networks, to a wide range of other social and public actors.<sup>684</sup>

Awareness raising about the role of women's NGOs in providing support to women survivors of violence has remained extremely limited. While the media can play an important role in providing space and visibility to these services, the media in Serbia has mostly had a negative impact on the work of women's organizations. They have ignored their voices and denied them the public space needed (leaving the State as sole provider of information on services), but also purposely jeopardized their work in many instances, through 'misinterpretations' and dissemination of false information.

In the Autonomous Province of Vojvodina, awareness raising about gender-based violence, available support services, and organizations providing such services (including women's organizations) has been conducted by the Provincial Secretariat of Labour, Employment and Gender Equality. Each year, the Secretariat provides updated printed material targeted at women survivors, on the rights of victims, available services, protection procedures and legal proceedings; since 2009, information has also been provided in languages of the national minorities. In addition, a specific cooperation has been developed between members of the Assembly of AP Vojvodina and the media, to raise awareness about VAW and the protection against violence.<sup>685</sup>

#### *Standards of specialized service provision for survivors of violence*

General standards for the provision of social services in Serbia – these apply to all services, including women's shelters – are set in the 2011 Law on Social Protection. Developed by the State without consultation of, or collaboration with, women's organizations providing

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<sup>682</sup> Voice of Difference from Serbia. Alternative Report to the CEDAW Committee. March 2007, Belgrade.

<sup>683</sup> UNECE. (2009). Fifteen years since the adoption of the Beijing Declaration. Overview of the achievements and challenges in the promotion of gender equality and empowerment of women. Pg. 2.

<sup>684</sup> Milic'. (2004). The Women's Movement in Serbia and Montenegro at the turn of the Millennium: a sociological study of women's groups. P. 71-72.

<sup>685</sup> CEDAW. (2011). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined Second and Third Periodic Reports of State Parties – Serbia. Pg. 65.

services, the prescribed standards cover essentially structural and administrative aspects of services, such as required staff qualifications or basic infrastructure, and include no specific provisions on the ‘content’ of the work conducted by services. As such, no standards exist to guarantee that services provide gender-sensitive and human rights-based support to women survivors of violence. In addition, there is currently no established monitoring system to assess whether social services do comply with the set standards.

Recently, women’s organizations that are part of the Women against Violence Network have resolved to work together with State representatives to develop standards applicable to SOS Hotlines for women survivors of violence. Developed over the period 2013-2014, the final document has not yet been validated by the relevant Ministries. With recent changes in the Serbian government, it remains unsure when and whether the standards will be adopted by current authorities and whether the proposal is still under consideration. There is also scepticism as to whether the text will be adopted without major amendments.

While shelters are largely funded by local authorities, access to Safe Houses by women survivors of violence is dependent on the decision of the city. The procedure requires women to be directly referred to a Safe House by a Center for Social Work – the official process also requires referral to the police – and acceptance is conditional on the availability of funding provided by the local municipality to support individual cases. As described, the procedure implies that victims’ anonymity is impossible, and compulsory referral to the police significantly reduces the likelihood for women to reach out for support to begin with.

#### *Legislation on domestic violence, including civil protection orders*

The 2005 Family Law guarantees the right to protection from violence, including through the imposition of orders of protection, for all individuals. The legislation, applying to both heterosexual and homosexual relationships, recognizes different forms of domestic violence, including physical, emotional and sexual violence,<sup>686</sup> and identifies categories of individuals who may seek protection.<sup>687</sup>

The Family Law provides for proceedings in the area of protection to be considered urgent, with a first hearing to be held within the first eight days following the filling of a request. The Court is required to conduct the entire proceeding in no more than two hearings, while the Court of Second Instance is required to come to a decision within 15 days. The Court may issue one or more orders against a perpetrator, temporarily evicting the perpetrator from the house and prohibiting or limiting personal contact with other family members; orders may last up to one year maximum, but may be extended until the circumstances under which these have been delivered have changed.<sup>688</sup> There is no system of police go-away order in Serbia.

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<sup>686</sup> Autonomous Women’s Center Belgrade. (2012). Legislation on Domestic Violence in Serbia: Lobbying, Implementation, Successes and Obstacles. Available at [[http://www.womenngo.org.rs/english/index.php?option=com\\_content&task=view&id=91&Itemid=71](http://www.womenngo.org.rs/english/index.php?option=com_content&task=view&id=91&Itemid=71)].

<sup>687</sup> Ibid.

<sup>688</sup> Ibid.

### *Effective implementation of existing legislation*

Lack of proper implementation of relevant provisions largely hinders access to orders of protection from violence by survivors; many have to wait for months (in some cases, up to a year) for the Court to issue an order, defying the purpose of quick and effective protection from violence. Lack of proper training, lack of support for women to apply for protection orders, lack of sanctions to address judges' neglect and lack of efficiency and also a lack of available resources means that prosecutor offices and Centers for Social Work are dependent upon the State budget to cover the costs of such proceedings, and are in turn reasons for limited implementation. Victims are, however, entitled to file a complaint to the President of the Court against a negligent judge, with the possible result that the judge be admonished or that another panel of judges be assigned to the case.<sup>689</sup> 2013 CEDAW Concluding Observations further voices concern with regards the lack of emergency protection orders in Serbia.<sup>690</sup>

### *Accession to relevant international treaties*

Serbia has been party to CEDAW since 2001 and it has ratified the CEDAW Optional Protocol in 2003. As of end of 2014, it is also one of the 15 members of the Council of Europe to have signed and ratified<sup>691</sup> the Istanbul Convention. **Significant efforts have been invested by women's NGOs to promote the Convention, including through projects such as 'Coordinated Efforts – Toward New European Standards in Protection of Women from Gender-Based Violence.'** The project has also enabled women's NGOs to produce a report that provides the government with data on current level of implementation of the Convention and existing gaps as related to provision of the Convention, in order to provide a path towards successful implementation.

### *National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women*

The 'National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality (2009-2015)' addresses areas such as women's inclusion in policy development and decision-making, in the economy, education, health, measures to address violence against women, as well as the role of media and social awareness in changing traditional views of the role of women in Serbian society. In the area of violence against women, the Strategy sets as key priority the 'protection and suppression of all forms of violence against women and the provision of a comprehensive system of protection for women victims of violence.'<sup>692</sup>

The 'National Strategy for Preventing and Combating Violence against Women in Family and in Intimate Partner Relationships (2011-2015)' addresses violence against women in the family, particularly (but not exclusively) intimate partner violence. Four priority areas

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<sup>689</sup> Ibid.

<sup>690</sup> CEDAW. (2013). Concluding observations of the combined second and third periodic reports of Serbia. Pg. 7.

<sup>691</sup> The Republic of Serbia signed the Istanbul Convention on 4 April 2012, and ratified it on 21 November 2013.

<sup>692</sup> CEDAW. (2011). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined second and third periodic reports of State parties – Serbia. Pg. 12.

include: (a) the establishment of a system of primary, secondary, and tertiary protection; (b) improvement of the normative framework for protection of women from violence; (c) improvement of multi-sectoral cooperation and capacity building for authorities and services; (d) improvement of the system of protection and support for victims of violence.<sup>693</sup> As the first national strategic document in the field, the 2011-2015 Strategy was developed with support from UNDP in frame of the ‘Combating Sexual and Gender-Based Violence against Women’ project,<sup>694</sup> also leading to the development of the previously mentioned Protocols.

The ‘Strategy for Protection against Domestic Violence and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina (2008-2012)’ was implemented in January 2009 in the AP Vojvodina, with the main objectives of building the capacity of professionals working at different services and agencies involved in the response to VAW, and improve prevention of and protection from VAW, particularly for women from vulnerable groups. In frame of the Strategy, a number of professional trainings were conducted, and special activities to improve access to assistance and protection by the judiciary, and “strengthen the existing, and develop new capacities of specialized services of anonymous and/or free assistance<sup>695</sup>” were conducted.<sup>696</sup> Women’s organizations have been largely involved in the development and implementation of the Strategy, based on which they have conducted training for professionals, among other activities, and they are currently involved in the making of a new Strategy on addressing violence against women/gender-based violence for the AP Vojvodina.

While acknowledging the development of a process to combat violence against women in Serbia, recent CEDAW observations also highlight the ‘lack of systematic and continuous dialogue between national machinery at all levels and relevant non-governmental organizations, in particular women’s organizations, and the absence of consultations with them in designing and implementing gender equality and women’s empowerment policies.’<sup>697</sup>

Women’s organizations have been included in the development of the recent ‘National Strategy for the Improvement of Women’s Position and Enhancement of Gender Equality (2009-2015)’ and ‘National Strategy for Preventing and Combating Violence against Women in Family and in Intimate Partner Relationships (2011-2015)’; they have contributed their knowledge and expertise in working groups including representatives from different Ministries<sup>698</sup>, lobbied to the general public, encouraged participation of a greater number of

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<sup>693</sup> UNDP. (2011). 2011 Call for Proposals. Full-Fledged Proposal – UN Country Teams. Pg. 17.

<sup>694</sup> UNDP. (2013). Multisectoral Cooperation – Institutional Response to Violence against Women. Pg. 3.

<sup>695</sup> CEDAW. (2011). Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined second and third periodic reports of State parties – Serbia. Pg. 64.

<sup>696</sup> Ibid.

<sup>697</sup> CEDAW. (2013). Concluding Observations on the Combined Second and Third Periodic Reports of Serbia. Pg. 4.

<sup>698</sup> In the development of the ‘National Strategy for Preventing and Combating Violence against Women in Family and in Intimate Partner Relationships (2011-2015)’, representatives from seven women’s NGOs and one representative from the Women against Violence network participated in working groups on the development of the Strategy, together with representatives from several Ministries (Justice, Education, Labour and Social

interested parties, and conducted research and monitoring of the development process and later implementation. Former inclusion of women's organizations in these processes has, however, not been associated with true and honest commitment to democratic values and the improvement of women's rights by the State. The 'National Strategy for the Improvement of Women's Position and Enhancement of Gender Equality (2009-2015)' was never effectively implemented, and none of the stated objectives was achieved – it is felt that these could as well be transposed as they are onto the next National Strategy. The large gap between the measures adopted, and their actual implementation is a strong indicator of lack of commitment from the State.

Women's organizations, among which the Autonomous Women's Center, were also invited to work on the development of the 'Strategy for Protection against Domestic Violence and Other Forms of Gender-Based Violence in the Autonomous Province of Vojvodina (2008-2012)'; they are currently working on the development of the new Strategy for the AP Vojvodina. **Collaboration in the development of the Strategies in the AP Vojvodina has been positive, and stemmed from recognition of the importance and knowledge of women's organizations – this was achieved, among other ways, through gathering information available on the Women against Violence Network's website.**

### Summary Conclusions

Serbia became a stand-alone sovereign State in 2006. Developing largely in the 1990s, women's organizations among which service providers for women survivors of violence have faced a number of challenges, but also opportunities, in past and recent history. Recently, the radicalisation of politics in a country still marked by a strong patriarchy, and gender stereotypes has increasingly threatened achievements in the area of women's rights.

In the area of support services, most shelters are run by the State, while counselling, hotlines and legal aid are provided by specialist women's NGOs with scarce State funding. Funded through local municipality budgets, access by women survivors to shelters is dependent upon decision of the town and requirement to report to police. As such, lack of access by undocumented women, and particularly Roma women, remains a problem.

In 2011, the Law on Social Protection opened the provision of social services to all non-profit and profit organizations, with funding allocated through public tenders. Limited capacity to compete against larger organizations limits women's NGOs access to funding. Although general standards for service provision exist, these cover mostly structural and administrative aspects. Quality standards for SOS Hotlines were recently developed, together with women's organizations part of the Women against Violence network; however, these were not yet adopted by relevant authorities.

Cooperation between women's organizations and State-run women's services and other services remain difficult. However, a number of protocols have been developed since the

beginning of the 2010s, with the aim to improve multi-disciplinary cooperation. Cooperation and communication with the State and its representatives with rise of anti-feminist sentiment. However, positive and sustained communication has been developed over the years with three independent State bodies, enabling some achievements by women's NGOs. In the Autonomous Province of Vojvodina, good cooperation between State officials and women's organizations has been developed since the elaboration of police on domestic violence in 2008.

As of early 2015, Serbia is one of the 15 State Members of the Council of Europe to have ratified the Istanbul Convention. Promoting the Convention as a symbol of 'Europeanism' to be embraced by a government eager to join the European Union has proven successful.

### **(PART III) ANALYSIS OF COUNTRY PROFILES AND PROMISING PRACTICES**

#### **Legal basis for funding of (women's) NGOs**

The current situation differs among the six countries in terms of an established legal basis for funding of women's NGOs or NGOs in general. In Bosnia and Herzegovina, funding responsibility sits with the two entities (RS and FBiH), although the percent of funding allocation involves 70% from entities and 30% from cantonal/municipal budgets. The initial Laws on Protection against Domestic Violence in the two entities did not involve clearly stipulated provisions for funding for women's services and only subsequent amendments, achieved after years of lobbying by women's NGOs addressed the gap. At the same time however, the necessary bylaws have not yet been developed in FBiH. In Bulgaria, the situation is similar, where funding for services is based in the Law on Protection from Domestic Violence (i.e. through later amendments).<sup>699</sup> In Bulgaria, however, the necessary bylaws to specify the method of implementation of funding mechanisms are still missing. In Croatia, the situation is rather difficult, since the Law on Protection from Domestic Violence does not specify funding, and the government prefers to sign individual agreements and funding is allocated on a 30-30-30-10<sup>700</sup> percent basis. In Moldova, the situation is rather peculiar. There is 'some' legal basis for funding of women's NGOs, however, it is either widely unknown or not 100% sure.<sup>701</sup> Women's NGOs are not aware of funding mechanisms and even the 'responsible' body Ministry of Labour, Social Protection and Family Policy is not certain about its competencies in this area. Funding has generally been delegated to the local-level of government, where combating domestic violence is unfortunately not a priority. In Montenegro, there is still no legal basis for funding of NGOs. In Serbia especially, the Law on Social Protection, has enabled 'per tender' funding for services run by both profit and non-

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<sup>699</sup> In Bulgaria: Law on Protection against Domestic Violence, Section 5(1)(5-6).

<sup>700</sup> Thirty percent of funding comes from the central-level, 30% city, 30% county and 10% from the service providers themselves.

<sup>701</sup> As part of by-laws of the Law on Protection from Domestic Violence (Law 45), there is a law on the standards of service provision for victims of domestic violence as well as an accreditation procedure in place (based on Law 129) in order to ensure services meet the standards. The National Accreditation Council is responsible for approving services deemed able to provide services to victims of domestic violence. The services meeting the standards should in theory be allowed to apply for government funding. The accreditation body (National Accreditation Council) is fairly new and weak. So far only three services out of the existing more than 40 have been able to receive accreditation.

profit organizations. Both Montenegro and Serbia have Law on Protection against Family Violence and Law on Protection against Domestic Violence, respectively.

### *Challenges*

The challenges that continue to exist in all countries appear to be related to funding being limited to a ‘project basis’ (i.e. annual re-application<sup>702</sup> for funding), in addition to a lack of implementation of bylaws or lack of bylaws, insufficient funding,<sup>703</sup> transfers not conducted in a timely manner or at different times depending on level of government, lack of serious commitment (i.e. organized source of funding) by government, lack of funding transparency by the government, responsibility for funding split among numerous ministries<sup>704</sup> or levels (where combating domestic violence is not a priority), lack of understanding about the level of funding needed/requested by NGOs, funding on ‘daily rate basis’, or government providing in-kind<sup>705</sup> support only.

### *Promising processes*

In the past, in BiH, a costing exercise was conducted to determine budgetary capacities of ministries to support women’s NGOs. The findings of the research<sup>706</sup> showed no sustainable stream of funding, and were utilised to lobby for change, which was eventually achieved. In Bulgaria, the obligation of funding was eventually implemented as an amendment to existing legislation, also resulting from lobbying by women’s NGOs. In 2014, a similar project was proposed by UN Women in Moldova to be carried out in 2015. The tasks of the project include reviewing and mapping existing services for women survivors of violence, undertaking a costing of multidisciplinary package of response services as well as specialized services for women survivors of violence, and reviewing accredited services and required procedures along with assisting the responsible ministry (MLSPP) in developing standards for the services to fulfil the accreditation process. The costing exercise involves looking into the budget circulars, medium term budgetary framework, budget statement or budget law, handbooks on preparation of the budget, among others, in order to estimate the cost of violence against women in Moldova.<sup>707</sup> This would include determining how much funding is spent by the government on women’s services and will hopefully serve as evidence for the need to organize sufficient and sustainable funding in the future.

### *European promising processes and practices*

#### [Legislation on Protection against Violence in Austria](#)

**Description:** The Austrian legislation on barring orders and interim injunctions issued for victims of violence provides for victims’ access to services, more specifically to intervention centers, established as means of implementing the provisions of the law. The intervention centers are run by autonomous women’s organizations and receive full State funding. In order to successfully implement the law, the police, upon issuing a barring order, transfer the

<sup>702</sup> Reapplication for funding often results in inefficient use of resources as women’s NGOs spend time away from service provision in order to complete funding applications

<sup>703</sup> Women’s NGOs often rely upon international funding and donors to supplement missing funding.

<sup>704</sup> In Croatia, the responsibility for funding sits mainly with the Ministry of Social Policy and Youth and city and country and it is provided based on the number of beds filled.

<sup>705</sup> In Bulgaria, there are reports of the physical structures being provided by the government

<sup>706</sup> The research was sponsored by UNIFEM (currently UN Women).

<sup>707</sup> [www.undp.md/tenders/details/889](http://www.undp.md/tenders/details/889)

information to an existing intervention center in the region (Bundesland), who then, through a proactive approach, have the responsibility to contact the victim and offer psycho-social support, including assistance with application for the interim injunction (longer-term protection order). This cooperation and existence of intervention centers enables the law to function. However, while the law provides for the existence of intervention centers, recently, the funding has been open to public tendering process enabling other NGOs and for profit organizations to compete for State funds to run the intervention centers.

### [Autonomous Austrian Women's Shelters Quality Survey](#)

**Name of the organization leading the process:** [Autonomous Austrian Women's Shelters](#)

**Description:** In 2008, the long-standing network of Autonomous Women's Shelters in Austria conducted a quality survey of the available women's shelters in Austria, all run by women's NGOs. The published survey included information about violence against women and information about the history of the shelters, as well as the role they serve in society, and the tasks and activities they perform in providing support to women survivors of violence and their children. The survey included information about minimum requirements that services should meet and the required funding, comparing this to the current situation of funding. Most importantly, the survey provided information on the situation of financing in terms of security of financing and sustainability of it, calling for changes to be implemented, where 'urgently needed.' Most importantly, the call for secure and sustainable funding was issued jointly by the network, instead of conducting lobbying for funding on individual shelter-level.

**Contribution to sustainability and/or autonomy:** The short survey allowed the for the women's shelters to present the argument that 'In every federal province legislation should be enacted making the establishment of women's shelters legally mandatory. This would ensure that adequate availability of such facilities and the maintenance of the required standards.' It could equally be an argument that to fulfil international standards for service provision for women survivors of violence, a legal basis for existence and funding of services is a prerequisite. The survey allowed the network to provide information on the situation in each province of Austria individually as well as in comparison to other provinces, to show where gaps exist, and to call for 'urgently needed' changes. Equally, the survey presented an opportunity for the network to gather a full picture of where gaps are presented in order to better address them.

Lobbying for development of law on social contracting

**Name of the organization leading the process:** [AKT NGO Belarus](#)

**Description:** The women's organization 'Gender Perspectives', together with other NGOs in Belarus, has actively lobbied for the law on social contracting to come to be. The aim of pushing for the law was to develop the market of social services to include NGOs, opening it from only State-provided services. Joint initiative to promote the establishment of the law was initiated by the organization AKT, which presented the government of Belarus with a proposal for a draft law, developed with different NGO partners. The proposal was based on

an analysis of different country situations, evidencing the importance of financing of the NGOs providing services. Following this, an inter-governmental group was created, including experts from social fields.

Lobbying for the law on social contracting took six years, during which AKT was gathering and sharing expertise with NGOs, which were encouraged to lobby their affiliated ministries to create a louder and united voice from the civil society. The role of AKT was to coordinate the movement, and to 'enable' NGOs to conduct activism/lobbying, for instance through teaching them how to do a cost-analysis (how much money would be needed by NGOs to run services) on which to base their lobbying for funding. Costing analysis exercises were mostly kept as internal documents, and served to identify and lobby for specific areas of work to be funded (most urgent areas of work that require funding could be focused on).

### **State financial support and other support to national feminist women's networks of NGOs**

Being a part of a national or an international network provides significant benefits for women's organizations in terms of exchanging knowledge, liaising, lobbying, or financial support. In the countries such as BiH, Montenegro and Serbia, women's networks are still informal. The Serbian women's network does not aim to become another organization, and instead would like to remain as an informal network and focus on using the potential of different women's organizations. In Moldova there are at least two national networks and one of them is the national referral system on supporting victims of trafficking as well as domestic violence. Both in Croatia and Bulgaria there are formal networks. 'Women's Network Croatia' is a very good example of feminist gathering and it includes around 40 women's organizations under its roof. The Bulgarian legal entity called Alliance for Protection against Gender-Based Violence (before 2014 it was Alliance for Protection against Domestic Violence) plays a role of networking for the women's organizations in Bulgaria.

#### *Challenges*

While being a part of both national and international networks is mostly advantageous for women's organizations, it may have negative effects as well. Namely, a broad and international network may not focus on the different priorities and problems of the countries, which would cause invisibility and not meet the demands for some countries. Apart from this, the remaining problem for the national networks of some aforementioned six countries is informality and therefore not having legal rights in their countries. For instance, in Montenegro, members of the women's network meet informally since there is no financial or advisory support from the government, and applying for grants in the future may be difficult without a legal status. Where the networks are still informal or new in terms of establishment, their work is still in the early stages and not significantly influential on policy and social change.

#### *Promising processes*

All of the countries' movements benefit significantly from the presence of the movement, as lobbying and advocacy are stronger and have greater legitimacy when a network of organizations stands behind calls for change. In Bulgaria, the network has begun the work of evidencing service provision through collection of statistical data. Another positive aspect of the network is the ability to share resources, in cases of funding cuts or shortages. In

Moldova, the network is significantly loose and informal, yet is likely to contribute to development of specialized standards in the future, which would enable it to take a first step in grounding a framework in the county towards sustainability and autonomy. In Montenegro, the existence of a network has enabled the carrying out of an annual conference, which not only promotes visibility of the network, but also fosters cooperation and provides a platform for cooperation among women's NGOs. In Serbia, the network works together to set a strategic framework of action that enables women's NGOs to be better coordinated, organized, and hence effective.

It was noted that most of the countries have had positive experiences from belonging to international networks as well, including WAVE. As members of the WAVE Network, NGOs received theoretical and practical support, which strengthens their organizational abilities. It enables women's NGOs to get an overview of situations in other countries, to exchange experiences and knowledge, have access to manuals and lobbying tools, take part in projects, provide input into policy recommendations made by WAVE, and gain legitimacy on a national level.

### **State financial support and other support to feminist women's NGOs service providers**

In Bosnia and Herzegovina, as previously mentioned, the State and local authorities have the legal obligation to fund the operation of services for victims of domestic violence. Funding is allocated and granted to feminist women's NGO service providers. At the same time, both the State and women's NGOs recognize that, while funding is made available, it is insufficient. In Bulgaria, the situation is similar in that a legal obligation exists, but the level of funding is insufficient. The funding has been received from the Ministry of Labour and Social Policy (through the Social Aid Fund) and from the Ministry of Justice, although sometimes it has been in the form of in-kind support such as provision of physical structures to house the services. In Croatia, while feminist women's NGO services receive funds from the State, it is subject to restrictions and cuts. In Moldova, feminist women's NGOs receive no State funding, only the one NGO 'La Strada' has received 'contract-based' funding for the operation of a support helpline for children. In Montenegro, feminist women's NGOs receive funding in form of irregularly distributed public tenders only or on emergency basis, which is insufficient and must rely upon international donors for the majority of their support. In Serbia, funding for the established NGO services was provided sporadically and through some projects at the beginning of 2000. In 2003, the Serbian State decided to stop funding women's NGOs and focus their funding on the State-run services. On the contrary, in the autonomous province of Vojvodina, the women's helpline and shelters were established with sponsorship from the provincial government.

### *Challenges*

Some of the challenges present is that funding is insufficient; in cases of natural disasters, the services cannot fully count on the State to support renovation work; women's NGOs are finding it difficult to complement State funding with other private donations, as many donors, including international organizations have left the countries due to their new EU status upon accession or status as candidate countries, where the expectation to fund services has been shifted to the State, who still has not fully committed to funding of women's NGO service providers. The funds are known to have been subject to cuts from one year to next, especially, where no legal obligation exists to fund services as part of a law. The State is often willing to only support NGOs that are aligned with its philosophy and if women's NGOs criticize the

State, they are unlikely to receive support. In other cases, the funding of women's NGOs by the State may actually result in the organizations eventually becoming absorbed by the State and turned into State institutions.

### *Promising processes*

In Moldova, as women's NGOs do not receive funding from the State, the specialist women's center and shelter 'Casa Marioarei' has begun the process of establishing facilities to enable both fundraising, trainings and educational events to enable financial sustainability in the future.

### *European promising processes and practices*

#### [Successful Commissioning: A Guide for Commissioning Services that Support Women and Children Survivors of Violence](#)

**Name of organization leading the process:** [Women's Aid England \(UK\)](#)

**Description:** In recognition of the effect of funding cuts on all levels of government and in order to support the decision making of government officials responsible for funding of women's services, Women's Aid England (UK) created guidance for funders (commissioners in England) to inform them about which services are most suitable and effective at combating violence against women and their children. The responsibility for funding has been shifted to the local-level of government, where combating violence against women is not always a priority. The goal of the guide is to address the position of the government in ensuring funding the "right outcomes for the right cost" and to therefore "[support funders] in what are very challenging decisions at a time of austerity."<sup>708</sup> Service provision in England is often 'tendered', meaning that calls for applications and grants awarded to run services for women survivors of violence are opened to a variety of applicants.

The guide includes information on the following: 1. The legal duties of funders around domestic violence, 2. The type of services needed by survivors, 3. Standards of services by which funders should decide upon the granting of tenders. There are three separate sets of quality standards provided that have been designed by three organizations in the area of supporting women and their children survivors of domestic violence (Women's Aid England), supporting black and minority ethnic women and their children survivors of violence (Imkaan<sup>709</sup>), and women survivors of sexual violence (Rape Crisis England and Wales<sup>710</sup>).

The guide is separated into the following sections: 1. National Quality Framework: Background and Context, 2. On Track: Women's Path to Safety, 3. Summary: Women's Aid Federation of England National Accredited Quality Standards, 4. Summary: Imkaan Accredited Quality Standards, 5. Summary: The Rape Crisis National Service Standards, 6. Guidance for Commissioners, 7. 20 Questions for Commissioners of Services for Women Experiencing and Escaping Violence, 8. Developing a Local Violence against Women and Girls Commissioning Strategy, 9. Model Tender Document.

<sup>708</sup> Women's Aid. Successful commissioning: a guide for commissioning services that support women and children survivors of violence.

[[www.womensaid.org.uk/page.asp?section=0001000100350003&sectionTitle=Successful+Commissioning](http://www.womensaid.org.uk/page.asp?section=0001000100350003&sectionTitle=Successful+Commissioning)]

<sup>709</sup> <http://imkaan.org.uk/resources>

<sup>710</sup> [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

The sections of the guide are meant to build upon each other and result in providing guidance to funders on how to structure the tender. The focus here is to inform the funders of their legal obligations and that tenders for services should connect to and/or follow the provisions of the local strategy on violence against women and girls; and that applicants be able to prove their service(s)' meeting of outlined standards and ensure certain outcomes for survivors based on their rights and needs. The structure of the tender also includes suggested questions to be asked in the application for tender.

**Contribution to sustainability and/or autonomy:** The strategy utilized jointly by Women's Aid England, Imkaan and Rape Crisis England and Wales can be said to be a pre-emptive and proactive response to the real environment in which women's organizations find themselves in, with presence of both budget cuts and a competitive landscape (i.e. where women's organizations compete with other organizations and companies for funding to run services for survivors of violence). The goal is to provide funders with a ready-made framework that serves a multitude of purposes (i.e. ensure funders' awareness of their obligations, ensure quality, rights- and needs-based services for women survivors of violence, ensure preference for specialized service providers) meant to result in funding being allocated and granted to autonomous women's organizations, as they are the most likely ones able to fulfil the ready-made framework, and best suited to provide comprehensive support to survivors.

#### [Road Map and Costing of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#)

**Name of organization leading the process:** [The United Nations Entity for Gender Equality and the Empowerment of Women \(UN Women\) Albania](#)

**Description:** The "road map study" was written by the initiative of the Government of Albania (GoA) and the UN Women Entity Albania. The focus of the study is an analysis of the steps that the GoA has to take in order to comply with the minimum standards of the Istanbul Convention. The study provides a detailed picture of costing of necessary actions, measures and implementations of the services for survivors of gender-based violence that the GoA has to adopt.<sup>711</sup> "The aim of the costing exercise was to find out the amount of funds the GoA needs to disburse in order to comply with the CoE Convention requirements regarding standards on preventive measures and services dedicated to GBV& domestic violence (DV), with the main focus being on service provision."<sup>712</sup> In the report, services for survivors of gender-based violence are detailed, such as a legal framework, prevention and protection measures, priority lines, and establishing a National Helpline and new regional shelters. The report is based on information about existing services for women survivors of violence to understand in which areas of existing services should be funded and which new services should be added as requirements of the Istanbul Convention.<sup>713</sup>

Methodology of the study is a combination of qualitative and quantitative methods, and analysis of strategic documents, previous researches and reports on Albania's effort to fight against violence against women. Data were gathered from informants such as governmental

<sup>711</sup> Road Map and Costing of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Pg. 6.

<sup>712</sup> Ibid. Pg. 31.

<sup>713</sup> Ibid. Pg. 6.

officials, professionals and volunteers working in women's organizations that provide services.<sup>714</sup>

The report involves the following chapters: 1. Executive Summary and Methodology of the Study, 2. The Istanbul Convention on Combating and Preventing GBV&DV, 3. Road Map for Albania to Support the Ratification of the Istanbul Convention, 4. Prevention Measures, 5. Protection Measures, 6. Costing Methodological Approach and Results with detailed appendixes that states which areas should be invested on and how much should be invested on.

**Contribution to sustainability and/or autonomy:**

The document provides information to the government on which actions are most needed in short, medium and long terms and how much it will cost in a five years time period.<sup>715</sup> The study focuses on service provision and provides information on the current level of services available in comparison to the required level, and provides steps, including the costs that will have to be incurred and related to ensuring that the obligation to provide specialized services under the Convention are met by the government.

[SOS Campaign: Save Refuges, Save Lives](#)

**Name of the organization leading the process:** [Women's Aid England](#)

**Description:** The SOS Campaign was launched by Women's Aid England as a response to funding cuts and closing down of specialist refuges, which directly affect women survivors of violence in England. In its Annual Survey 2013, Women's Aid discovered that the number of specialist refuges has decreased, that refuges were operating with insufficient funding or experiencing budget cuts, and that women survivors of violence who were seeking support were turned away due to lack of resources. By conducting this particular campaign, Women's Aid England targeted the attention of the government to lobby for sustainable funding in the future. The campaign asked for support from other European women's organizations in the following ways: signing and tweeting the campaign petition, tweeting any potential supporters, and publicizing the petition as much as possible online and throughout networks.

**Contribution to sustainability and/or autonomy:** The campaign aimed to achieve more sustainable funding for specialist refuges. As a result, The Department of Communities and Local Government has announced £10 million fund for the network of specialist refuges with a commitment of designing a long-term funding model.

**Cooperation between women's NGOs and relevant State-run services and other agencies**

In BiH, in terms of training of professionals (ex. social workers, police), this used to be conducted by women's NGOs over the last 20 years, with the responsibility now shifted to governmental institutions.<sup>716</sup> Training of other professionals (e.g. judges) appears to have been mainstreamed. BiH has also created a system of multi-agency response that sometimes

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<sup>714</sup> Ibid. Pg. 10.

<sup>715</sup> Ibid. Pg. 36.

<sup>716</sup> Bosnia and Herzegovina Gender Equality Agency and the Gender Centers of both entities are in charge of training of professionals. Guidelines for the education are defined in the governmental policies by following the international treaties such as the Convention on the Elimination of All Forms of Discrimination against Women.

includes women's NGOs, although women's NGOs are known to be excluded in some parts of the country. In Bulgaria, although a multi-agency working group<sup>717</sup> was established in 2012/2013, cooperation among agencies is still more theoretical than practical, and there is a lack of training of relevant professionals in the different agencies. One of the agencies that is especially difficult to work with is the Directorate for Social Assistance and the Child Protection Department. Training of police continues to be irregular and mainly initiated by women's NGOs. In Croatia, the main governmental agency responsible for implementation of the Law on Protection from Domestic Violence is the Center for Social Welfare.<sup>718</sup> The center lacks specialized training of staff, which inhibits effective cooperation with women's NGOs. Where training of professionals (i.e. police) is available, it is not done by women's NGOs, and is instead conducted by the Ministry of Interior. Despite rules of procedure<sup>719</sup> in place that include the need to establish cooperation between State agencies and women's NGOs, women's NGOs are often excluded from meetings and multi-agency cooperation has positively developed only among State agencies. In Moldova, multi-agency cooperation and the referral system have gained prominence since the adoption of the domestic violence law, although there are still weaknesses that mainly result from lack of funding, but also lack of sensitization about domestic violence (i.e. lack of sustainable and systematic training) in State agencies. While training protocols have been developed by an NGO for example, (Women's Law Center), the trainings are not conducted by women's NGOs. Cooperation with other agencies (e.g. employment agencies) is also not always well developed. In Montenegro, while the family violence legislation provides space for multi-agency cooperation that involves NGOs, the resulting Memorandum of Understanding and Mandatory Joint Action was signed by State agencies and only one women's NGO (i.e. SOS Hotline). In Serbia, the general social services have a responsibility<sup>720</sup> to protect children and to testify in court cases, when requested; however, the services lack proper sensitization to violence against women and the gendered nature of domestic violence, which results in information disadvantageous to women victims to be applied in court decisions.

### *Challenges*

Some of the challenges visible include multi-agency projects that included women's NGOs in the past, but no longer do currently; lack of communication and feedback between all multi-agency sectors (social work centers, police, courts, prosecutors); women's NGOs excluded from conducting training or excluded from contributing to training programs; and lack of sustainable and structured training of professionals in relevant agencies, especially of police.

### *Promising processes*

In Bosnia and Herzegovina, the women's NGO 'Medica Zenica' has signed protocols of mutual cooperation on prevention and protection of victims of domestic violence with the Cantonal Ministry of Labour, Social Policy and Refugees (Zenica Doboje Canton) and with eight municipalities in July 2010. The women's NGO 'United Women of Banja Luka' is a member of the Committee under the Ministry of Family, Youth and Sport, in charge of coordinating efforts against domestic violence. This membership enables good cooperation with the Ministry, although the influence is still limited, as the Ministry is part of a greater

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<sup>717</sup> The goal of the group is to establish responsibilities of various public agencies and to ensure implementation of the law.

<sup>718</sup> Victims of domestic violence are required to register with the center prior to receiving a space in a safe house.

<sup>719</sup> Rules of Procedure in Cases of Violence, prepared by the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity.

<sup>720</sup> The responsibility is based in Social Protection Law (2011) and Family Law (2005).

political system. In Moldova, some police departments have initiated discussions and cooperation agreements with maternal centers in cases of domestic violence. In Serbia, as a response to lack of sensitization of general social services workers, women's NGOs have begun to develop their own training programs and utilising the opportunity to apply for open tenders to conduct trainings. In the past, the women's NGO (Autonomous Women's Center) has cooperated on a project with the Ministry of Social Affairs that included cooperation among various institutions to respond to domestic violence that included training of relevant professionals (i.e. social workers, psychologists, lawyers and educational professionals).

### *European promising processes and practices*

#### [Handbook for Working with Women and Children Victims of Violence](#)

**Name of the organization leading the process:** [Association SOS Helpline for Women and Children, Slovenia](#)

**Description:** The goal of the project and the resulting publication was to bring together in a cooperative spirit various professionals from social services, including women's NGOs and government agencies, which work with women and children survivors of violence. Each professional was asked to author a piece on violence against women, from the perspective of their work, including to provide practical information on how the relevant institution or service can fulfill its obligation to meet the needs of victims. The authors also commented on the available legislative and strategic framework in Slovenia to support women victims of violence and how it relates to their work. In total, 14 authors from various backgrounds and professions contributed to the handbook, including from women's NGO, academia (faculty of social work), public prosecutors in the area of family criminality, medical doctors, criminal inspectors, and regional coordinators for dealing with domestic violence, judge, and psychologist, among others. The end pages of the handbook provide referral information on existing services for women survivors of violence and their children, including those provided by women's NGOs. Furthermore, women's NGOs collaboration with State agencies is generally positive, where reliable contacts to at least one person in each relevant State agency have been established for the purpose of supporting individual cases of violence.<sup>721</sup>

**Contribution to sustainability and/or autonomy:** Such collaborative effort among different professionals working with women victims of domestic violence, and coordinated by a women's NGOs, enables the exchange of ideas about best and available methods of supporting women survivors of violence and their children, while at the same time, presenting an opportunity for the relevant agencies to gain a better understanding and sensitization regarding violence against women through transfer of knowledge. Equally, such a project can strengthen multiagency cooperation by providing a platform for various professionals to strengthen cooperation and understanding of each other's' work and the work of women's NGOs, and also enable the transfer of a gender approach towards working with victims in State agencies. When everyone has an equal understanding of domestic violence, the cooperation and respect for each other's work can improve.

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<sup>721</sup> Personal communication, September 2014.

[International Conference ‘Development of Institutionalization of Multisectoral Mechanisms to Counteract Domestic Violence’ in Minsk, Belarus](#)

**Name of the organization leading the process:** [United Nations Population Fund \(UNFPA\)](#)

**Description:** The Conference took place on 25-26 September 2014 and was carried out in the framework of the International Technical Assistance projects to counteract domestic violence in the context of increasing gender equality in Belarus. The conference provided a good platform for professionals from different sectors to meet and exchange knowledge, but also to talk about challenges and failures, which is often not the culture or accepted discourse.

**Contribution to sustainability and/or autonomy:** In countries where there is no culture of ‘small working groups’ or in general cooperation with State officials and agencies, conferences may be the only way to discuss relevant issues in the area of combating violence against women. Such conferences usually result in positive cooperation and a call for future cooperation, or may result in the establishment of working groups, future collaborations, and ideas for improvement—all outcomes depend on the goals and structure of the conference. Ideally, such events should be organized on a regular basis.

**Cooperation, good will and sustained communication between policy makers, State officials and feminist women’s NGOs**

In Bosnia and Herzegovina, cooperation between women’s NGOs and governmental bodies on local-level such as cantons and municipalities appears to be more successful than cooperation at entity-level. The recent cooperation work between women’s NGOs and the State has focused on establishing dialogue, commitment and agreements between NGOs and women parliamentarians towards improvement of relevant legislation. In Bulgaria, the implementation of measures aimed at combating violence by the State relies on the expertise and experience of women’s NGOs, although the input from women’s NGOs does not always result in equal support or financial contribution from the State towards the work of women’s NGOs. In Montenegro, women’s NGOs work under challenging conditions, although since an establishment of the network of women’s organization, the organizations have been able to work together to lobby the government. In Serbia, the cooperation between women’s NGOs and the State can be characterized as distant. This can be partly attributed to the State being or being perceived as ‘male dominated’, which often is the case in many countries. There are also serious examples of the State acting purposefully against the work of women’s NGOs. A recent two-year campaign project has enabled the Autonomous Women’s Center to reach out to State officials and to raise awareness about the gaps in State responses to violence against women. Cooperation appears to be best with independent State bodies, for example, the Commissioner for Protection of Equality, Commissioner for Protection of Personal Data, and Commissioner for Availability of Public Data.

*Challenges*

While women's NGOs support the State as well as some international organizations (e.g. United Nations) with their knowledge and expertise, the support as well as financial support is not often returned equally to women's NGOs. In some cases, the State and its institutions are weak and underfunded, hence the women's organizations are addressing bodies that may not be able to, even if willing, address the demands of women's NGOs. Even when cooperation between women's NGOs and the State may be positive, it is important to note that the higher the level of State body, the lesser the level is of influence possessed by women's NGOs. Typically, more meaningful cooperation appears at the lower-levels of State government.

### *Promising processes*

In Bosnia and Herzegovina, an example of good cooperation was initiated between women's NGOs and women parliamentarians. The initiative was called the 'Platform for Action' for the period of 2010-2014, with signatories agreeing on priorities of joint work in relation to effective implementation/amendments of laws on violence against women, and the relevant institutions responsible for ensuring outcomes. In Bulgaria, NGO representatives are part of the Bulgarian Council on Gender Equality and in working groups on drafting of legislation and amending existing legislation. In Montenegro, to counteract the marginalization<sup>722</sup> of women's NGOs by the newly elected Prime Minister, women's NGOs sent a letter to the Prime Minister as well as to the representatives of the European Commission, which resulted in the State taking positive steps to include women's organization in the dialogue processes. In Serbia, the project 'Coordinated Efforts – Towards New European Standards in Protection of Women from Gender-Based Violence' has enabled the women's movement to carrying out numerous activities and reaching out to State representatives. The aim of the campaign was to urge the ratification of the Istanbul Convention and monitoring its implementation. One of the activities included a conference attended by government institutions as well as the Council of Europe Parliamentary Assembly General Rapporteur on Violence against Women José Mendes Bota. The good will and cooperation between women's NGOs and representatives of the State appear to be positive in the autonomous province of Vojvodina, where women's organizations appear to have positive influence as well as are well-received by State representatives. The Serbian women's NGOs have found allies in independent governmental bodies such as the Ombuds(wo)man Office of the Committee for Gender Equality. The relationship works in a way that women's organizations provide suggested amendments to legislation and the Ombuds(wo)man brings it forth to the Parliamentary Assembly. The State representatives with whom women's NGOs cooperate are carefully chosen based on their motivation to promote women's rights and freedoms.

### *European promising processes and practices*

#### [Platform for Action-Priorities of Cooperation of Women Elected in Legislative Governance Institutions](#)

**Name of the organization leading the process:** [The United Women of Banja Luka](#)

**Description:** The United Women Banja Luka has initiated a Platform for Action with women's organizations across Bosnia and Herzegovina and women parliamentarians. The

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<sup>722</sup> Upon the election of Igor Lukšić to become Prime Minister of Montenegro in 2010, series of meeting organized with representatives of civil society organizations, political opposition and other groups excluded women's civil society organizations.

platform was signed in December 2010 for the period of 2010-2014. The importance of the Platform was that signatories agreed about the joint work and the steps to be taken in order to combat violence against women in Bosnia and Herzegovina. The Platform was signed by the Parliamentary Assembly of BiH, Parliament of FBiH, People's Assembly of RS, and Assembly of Brčko District BiH.

**Contribution to sustainability and/or autonomy:** This is an example of a soft, but to some extent ethnically-binding agreement between politicians and women's NGOs. Such cooperation is positive in order to achieve current goals in the near future, but may also provide fruitful in the long-term future as many of the women politicians are also in Council of Europe bodies and have decision-making power, and hence the ability to create feminist policy binding on their nation States.

### [WAVE Study Visits](#)

**Name of the organization leading the process:** [European Network Women against Violence Europe \(WAVE\)](#)

**Description:** WAVE Study Visits include delegates from women's NGOs, State officials and government agencies from the visiting country. The goal is to present information about the Austrian measures to address violence against women, including legislative and service measures. The study visit groups typically visit relevant Austrian ministries and services for women survivors of violence (e.g. women's shelter, national women's helpline, intervention center against violence) as well as programs for perpetrators. The goals of the study visit are twofold: for one to enable women's NGOs and government representatives to learn about good European practices, and secondly to enable a platform for women's NGOs to present the good practices to their government officials in a collaborative environment such as a Study Visit.

### **[Feminist women's NGOs submissions to the CEDAW Committee and other international processes](#)**

Women's organizations put significant efforts into making submissions to the CEDAW Committee, and mostly it has requirement the establishment of coalitions with other women's organizations in the country to produce one strong report. In Serbia, women's organizations such as Voice of Difference, Autonomous Women's Center, ASTRA, Incest Trauma Center and Women in Black, created a joint work and submitted the 'Alternative Report to the CEDAW Committee' as the Shadow Report for Serbia. The same took place in Montenegro, in 2011. Eleven Montenegrin women's NGOs created a coalition to review 'the Initial CEDAW State Report for Montenegro'.

### *Challenges*

The main challenge that all women's organizations face is lack of financial support from the government or other funders to produce the reports, which involve a lengthy process of data collection and cooperation prior in order to draft a national women's NGO response to the

State report. Luckily, some organizations are able to receive financial support by international organizations such as Kvinna till Kvinna or CARE International. BiH is one of these countries and has been receiving financial support from Kvinna till Kvinna. Unfortunately, in Montenegro, international donors started to leave the country, which makes the situation for women's organizations very difficult, since they were dependent on international support. In Bulgaria, it is only two organizations that work and prepare the report to the CEDAW Committee. Bulgarian Gender Research Foundation and Gender Alternatives have been submitting a Shadow Report for the 4-7<sup>th</sup> Sessions without any funding. The report was prepared entirely with voluntary work.

### *Promising processes*

Serbian coalition of women's organizations organized a number of conferences to discuss the steps to be taken following the issuance by CEDAW of its Concluding Comments in 2007 to ensure implementation of the CEDAW Recommendations by the State.

### *European promising processes and practices*

#### [Shadow Report 2008-2013 on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Spain](#)

**Name of the organization leading the process:** [CEDAW Shadow Platform 2014](#)

**Description:** On 10 November 2014, NGOs that work in the field of human rights and specifically women's rights in Spain submitted the Shadow Report 2008-2013 to the CEDAW Committee. The importance of this particular Shadow Report is that it involved two years of joint work of more than 50 NGOs and included 267 Spanish NGOs as signatories. The process received no State funding and many representatives of the NGOs participated in their free time and as part of their regular work time. In order to organize some funding, each organization was asked to provide a certain level of funds towards the process depending on the size. For example, the larger organizations paid larger fees, while the smaller organizations paid symbolic fees. Despite the large number of NGOs and 17 autonomous communities in Spain, the process was very successful. The process began (in the first year) with monthly meetings in Madrid, and for those who could not attend, in order to feel included, Skype meetings were organized. The NGOs were divided based on their expertise into different areas (e.g. employment, trafficking, gender-based violence, education). Deadlines for turning in information on each area were also established. Committees such as the writing and editing committee were also established. As the drafting of the report was coming to an end, a national assembly was organized to discuss methods to utilize the report strategically and upon publication, the NGOs organized a high profile press conference to announce the findings of the report and their implications for the State. This had a strong impact with information being disseminated in various media, including on television. The report included strong criticism of the government budget cuts towards women's services, and provided an explanation on how this further placed women survivors of violence at risk of harm.

**Contribution to sustainability and/or autonomy:** Such joint work among human rights organizations in Spain is an important example of how joint efforts and efficient cooperation between NGOs can result in positive lobbying for change that includes lobbying the government for establishment of and funding of existing women's services for survivors of violence.

### **Awareness about the role of women's NGOs in supporting survivors of violence against women**

The overall situation points to an environment where women's organizations' demands are not taken seriously. This is also due to a lack of adequate understanding about the importance of women's NGOs as specialized service providers and their role in combating violence against women, a phenomenon which impacts the health and well-being of the entire society. There is overall limited knowledge about the services that are available to the survivors, and State officials and professionals lack the necessary sensitization to understand domestic violence as gender-based violence against women. Throughout Europe, some women's NGOs, in order to both evidence their work and to raise awareness about the importance of their work, issue annual statistics about women and children assisted/accommodated in their centers. National level data on women's helpline and women's shelters users is to some extent available in all six countries studied, although it is not always possible to get a full picture due to no centralized data collection and reporting.<sup>723</sup>

#### *Challenges*

Violence against women is still a taboo subject in Moldovan society and correlatively, the government has no proper understanding about the importance of women's NGOs and their role in service provision. In some cases, dismissive and harmful attitudes aim to reduce and diminish the contribution of women's NGOs in society. In BiH and Croatia, it is women's organizations themselves who fight for their visibility and public recognition through their activism and presence in public debates and media. However, the media's interest on the issue is only limited to special occasions such as International Women's Day. At the same time, where government officials do join women's NGOs, the meetings are not often meaningful and without any gained outputs or significant results.

#### *Promising Processes*

Despite the challenges and problems in the countries, some promising practices have been developed on awareness raising regarding the role of women's NGOs. As an example, the Ministry of Labor and Social Policy in Bulgaria has recognized the experience and expertise of the Bulgarian Gender Research Foundation as a partner and has cooperated with them to gain expert opinions. In recent years, a number of efforts such as supporting media projects have been seen by different Ministries of Serbia in order to increase awareness on violence against women and domestic violence. A good example of cooperation between the governments is media and women's organizations appearing in the autonomous Province of Vojvodina. Informative campaigns about options and methods to access service provision, the available types of services, and the importance of women's organizations have been

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<sup>723</sup> Women against Violence Europe (WAVE). (2014). Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence – A Right for Protection and Support?

conducted in the province, and since 2009 information is provided in languages of the national minorities.

### *European promising processes and practices*

#### [Cinema and YouTube Spot ‘Mom says, here we are safe’](#)

**Name of the organization leading the process:** [Frauenhauskoordinierung e.V.](#) and [Zentrale Informationsstelle Autonomer Frauenhäuser \(ZIF\)](#), Germany

**Description:** The one-minute video is simple and moving, demonstrating that women’s shelters are necessary to protect women and children from violence. The video shows a child living in a women’s shelter. While experiencing a flashback of the violence he experienced, the child realizes that he is in a women’s shelter and hence safe from his abusive father. The words ‘You cannot change your past, only your future...’ move across the screen. The video was made in relation to the national campaign ‘[Schwere Wege leicht machen](#)’ (Make difficult paths easier)<sup>724</sup> to raise awareness about the role of women’s services in protecting women and children from violence, and to remind the government of Germany of its obligation to adequately fund women’s services and ensure easy access to shelters for women survivors of violence, while utilizing the argument that protection of women and children from violence is the obligation of the State.

#### [Women’s Aid England Annual Survey: Domestic Violence Services](#) and [Rape Crisis Network Ireland Annual Statistics](#)

**Name of the organization leading the process:** [Women’s Aid Federation of England](#) and [Rape Crisis Network Ireland](#)

**Description:** Both of the organizations are long-term networks that, despite long existence in the United Kingdom and Ireland, continue to operate in an environment, where lobbying for sustainability is necessary. In order to promote their work and raise awareness of the importance of women’s services in supporting women and children survivors of violence, the networks issue publically available annual statistics that include information about the number of women and children assisted, the type of services rendered, the number of women and children that could not be assisted due to lack of space/funding, the funding situation, information about the violence users experienced, demographic information, and recommendations for the government, among others.

**Contribution to sustainability and/or autonomy:** Such statistics not only inform relevant stakeholders about the work of feminist women’s organizations and provide additional platform to lobby for funding of services for women and children survivors of violence, but also provide useful information for governments to create targeted policy making related to service provision.

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<sup>724</sup> [www.wave-network.org/content/awareness-raising-campaign-germany-aims-improving-womens-access-shelters](http://www.wave-network.org/content/awareness-raising-campaign-germany-aims-improving-womens-access-shelters)

## Standards of specialized service provision for survivors of violence

In all of the six countries, governments appear to interfere with the autonomy of women's organizations either through referral systems or establishing obstructive funding criteria that women's NGOs must fulfil. Interestingly, governments' decisions on which women should or should not be able to access services and the establishment of restrictions on the functioning of women's NGOs is further proof of the continuing patriarchal environment, where women, whether survivors of violence or women activists, are still not allowed autonomous decision making about their own lives and struggles, despite women's labour, financial and other numerous contributions to society, which should automatically grant them access to resources and decision-making power.

### *Challenges*

It appears that in all six countries the preparation and design of the standards of service provision for women survivors of violence are carried out by the governments. In some countries they involve the women's NGOs or civil society to some extent. In Bulgaria, women's organizations and the government agreed on standards and created a formal agreement as an output, and the standards are to be implemented. However, there is no research or feedback on the implementation of the agreement. Lack of transparency is a problem in Serbia as well. Even though all the standards were prepared by the government, women's organizations received a chance to contribute, and a final document was agreed upon in 2013-2014. During this process, there has been change of government, and the ratification of the standards has not been conducted to date. In BiH and Montenegro there is no dialogue between women's NGOs and the government on developing standards of specialized services. In some of the countries, adherence to government standards implies receipt of funding, while at the same time, the standards may violate women's rights to confidentiality or other rights.

### *Promising processes*

In Serbia, standards for providing SOS helpline services for women survival of violence were designed in 2013 by the women's organizations network, and they are (hopefully) in the process of ratification in the ministries. In Moldova, where a majority of the services are public institutions (e.g. maternal homes) and where specialized service provision does not exist, but will likely be elaborated in the future, the institutions have also established NGOs on their premises, although this was originally with the purpose of enabling additional funding to be collected. This, however, appears to be a good strategy to enable some level of autonomy by allowing the organization to conduct projects and building expertise with independent funding,<sup>725</sup> although if the core purpose of the organization is to serve as a State institution, the influence of State may still be present.

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<sup>725</sup> Personal communication with project partners. (19 November 2014). WAVE Conference 2014. [Vienna, Austria].

[National Quality Standards: For Services Supporting Women and Children Survivors of Domestic Violence](#)

**Name of organization leading the processes:** [Women's Aid England \(UK\)](#)

**Description:** National Quality Standards have been developed in collaboration by Women's Aid England and Imkaan. The goal was to fill in the gap on specialized service standards at the national-level in the UK. There were no national-level service standards set by the government in the UK, which presented women's NGO service providers with the opportunity and the situation to create their own specialized standards, which are gender-sensitive and prioritize women survivors of violence. As it is stated in the report, "the standards form a set of accredited criteria through which dedicated specialist services addressing domestic violence perpetrated against women and children can evidence their quality. There is a formal accreditation process organizations are required to complete to evidence they meet the standards." The standards cover the following areas and focus on meeting the needs of women in a way that also enables the autonomy of women's services, and operating based on understanding of human rights of women: 1. Safety, Security and Dignity, 2. Rights and Access, 3. Physical and Emotional Health, 4. Stability, Resilience and Autonomy, 5. Children and Young People, 6. Prevention, 7. Accountability and Leadership. The report of the National Quality Standards consists of four main chapters: 1. Background, 2. The National Quality Framework, 3. Principles and 4. The Standards

**Contribution to sustainability and/or autonomy:** The National Quality Standards are formed by autonomous women's organizations based on principles such as feminist and human rights frameworks, needs-led focus, understanding of gender and gender-based violence, and the promotion of women-only spaces. Setting their own principles and standards enables women's organizations to be autonomous in the way they operate services. Finally, the standards provide a portrayal of specialist work as quality and helps funders to understand the effective and cost-saving outcomes. Of great importance and in order for the standards to have more legitimacy and lobbying power, Women's Aid has ensured that the standards are accepted by a large consortium of organizations. The adherence to the standards is to be monitored through an established accreditation process.

[Capacity gap analysis study of the service providers working with women victims of domestic violence in Moldova](#)

**Name of the organization leading the process:** [Centrul de Drept al Femeilor, Moldova](#) and [Women against Violence Europe \(WAVE\)](#)

**Description:** The capacity assessment project was initiated by the Centrul de Drept Femeilor Moldova and supported with research and development by Women against Violence Europe Network (WAVE). The aim of the projects was to analyze the existing capacities of service providers for women survivors of domestic violence in Moldova. A framework of international standards based on the WAVE '[Away from Violence Manual](#)' on running a women's shelter was utilized as a measure of capacities, in order to evidence gaps in service provision. The project involved the development of a questionnaire based on the manual,

collection of data by a national expert, analysis of data by an international expert, and the drafting of the final report and recommendations. The project and its results were well-received in Moldova. A follow-up conference took place in December to inform NGOs, services providers, and government officials about the results of the research. The focus of the conference was to raise awareness about the lack of specialized service provision in Moldova, the need to ensure sustainable funding in the future, and the need to develop specialized services for provision of services for women survivors of violence and their children. This call was supported by the relevant government officials present at the conference. The Moldovan network of women's organizations will focus their efforts in the upcoming years to implement the recommendations of the report.

**Contribution to sustainability and/or autonomy:** The project is a detailed and systematically conducted analysis of the current situation of service provision for survivors of violence. The research serves as legitimate evidence and a strong lobbying tool for changes, that if implemented, should result in a level of sustainability and autonomy of services.

Development of standards for support services for survivors of violence in Belarus

**Name of the organization leading the process:** [Gender Perspectives](#)

**Description:** The development of specialized standards for service provision began initially with a questionnaire to assess the situation of work and functioning of organizations working in the area of service provision. The questionnaire was sent to 21 local NGOs working in the field of combating violence. Results from the questionnaires pointed to an overall poor quality of services and only three organizations having declared to operate on some set of standards. The results were then sent to the NGOs, who participated in the survey. Further research was conducted based on European experiences of services provision, where standards have been established. The next step involved development of minimum quality of standards that included structure, processes, needs assessment, and measuring and monitoring of impact and outcomes. Currently, the process of assessing the most relevant standards is underway. The standards were presented to the government in 2013 and have not yet been ratified.

**Contribution to sustainability and/or autonomy:** The goal of the project was to develop specialized standards to which services providers would commit and present them to the government to raise awareness of their existence and importance. Additionally, once approved, only NGOs fulfilling the quality standards would be eligible for funding.

### **[Legislation on domestic violence, including civil protection orders](#)**

In Bosnia and Herzegovina, both of the entities (FBiH and RS) have civil laws on domestic violence (i.e. Laws on Protection against Domestic Violence 2005). Amendments have been created to the Law in RS in 2012 in order to align the legislation with international standards, and included the establishment of 'emergency protection measures'. The amendments also included allocation of financial support to safe houses and the right of victims to access

service provision free of charge. In FBiH, the amendments included establishment of ‘emergency protection measures’, ‘financing of safe houses’, establishment of referral mechanisms on a local community-level, and adoption of a multi-disciplinary approach. There are, however, no police barring orders, and perpetrators can only be held by the police for a period of 24 hours. In Bulgaria, the Law on Protection from Domestic Violence was passed in 2005 and includes provision of protective measures for victims to be granted by the courts. The law does not include police barring orders. On the other hand, the law does include a mandate by the State to fund safe houses for victims of domestic violence. In Croatia, the law on protection orders has been in effect since 2003 and amended in 2009. The law enables the police to propose and seek among different protection measures; yet, no police barring orders are provided for.<sup>726</sup> The law does not stipulate funding of women’s shelters or services for victims. In Moldova, the civil Law on Preventing and Combating Family Violence (Law 45) entered into force in 2008. The law enables the protection orders to be issued by the courts. As of 2013, the possibility to install police expulsion orders was in the process of being elaborated. The current formulation of the law is ambivalent as to where responsibility lays in terms of funding of women’s services. Despite a law on procurement of services, enabling NGOs to receive funding through an accreditation process, the law also states that costs associated with the establishment and functioning of rehabilitation centres are either to be borne by the founders or through State budget, hence the responsibility is not clear. In Montenegro, the Law on Protection from Family Violence 2010 enables the police to carry out expulsion orders as well as for courts to issue longer-term injunctions. The law specifies different institutions (including NGOs)<sup>727</sup> as able to support victims in applying for protection orders, however it does not stipulate one specific institution such as an intervention centre. In Serbia, there is the Law on Family Relations 2005 that enables the application for and granting of protection orders in cases of family violence, however, police barring orders are not in place in Serbia.

### *Challenges*

In Bosnia and Herzegovina, despite existence of laws that cover also the role of service providers in combating domestic violence and allocation of funding to safe houses, the existing bylaws and procedures are not always favourable to the sustainability and autonomy of feminist women’s NGOs. At the same time, as the laws refer to issuance of protection orders for victims, it would be useful for the laws to also establish structures (i.e. intervention centres/legal aid support centres) run by women’s organization as further means of implementing the laws effectively. This does not appear to be the case in any of the abovementioned countries. In at least five of the countries, Bosnia and Herzegovina, Bulgaria, Moldova and Serbia, there are no police barring orders. Many of the laws are fairly new, established mid-2000 with only the first round of amendments behind them. Certain provisions in the laws are not clearly expressed and hence the implementation is still non-existent as the meaning of the provisions has not been explicitly defined. Lack of stipulation in the law of one main service (i.e. intervention centre) responsible for the psycho social and legal support in applying for protective measures appears to be present throughout all various laws.

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<sup>726</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support.

<sup>727</sup> According to Article 5, the institutions providing protection are police, misdemeanour bodies, public prosecution service, social work centre or other social and child protection agency, health care institution, and other agency or institution acting as care provider.

### *Promising processes*

In Bosnia and Herzegovina, it can be seen that advocating for the improvement of the legislation on domestic violence is done in combination with calling for harmonisation of the legislation with international human rights documents. In Bosnia and Herzegovina, this process may be easier because of the current EU accession processes. The new amendments to the relevant legislation include the role of service providers as part of the law and the law's implementing mechanisms. In Bulgaria, the passage of the Law on Protection against Domestic Violence was accomplished first by utilising a research report on domestic violence and the situation of survivors as a lobbying tool to argue for establishment of the law. A network of women lawyers in the Ministry of Justice was utilised to form a working group<sup>728</sup> and established a draft of the law. The drafting of the law and the lobbying opened women's NGOs to cooperation with State bodies and institutions (i.e. Parliament, Ministries) and enabled the eventual passage of the law, when it was introduced into the Parliament by a woman member Marina Dikova. Furthermore, amendments to the law adopted in 2008 were a result of a research report on the monitoring of implementation of the law, which served as a document pointing to gaps in the law. The research report was used to lobby for amendments<sup>729</sup> by the network of women's organizations 'Alliance for Protection against Domestic Violence'<sup>730</sup>, which were later achieved. Moldova and Croatia have had similar monitoring reports in 2012, both conducted in collaboration with, and utilising the methodology of the Minnesota Advocates for Human Rights. It should be noted that in all the countries, the achievement of passage of the Laws were a result of women's NGOs networking to lobby and advocate for establishment of the laws. In Moldova, the legislation on protection against domestic violence was adopted after lobbying, advocacy and awareness raising campaigns both from civil society and the donor community utilising the argument that Moldova must join the human rights regime in practice. The legislation was modelled after the Austrian Anti-Violence Legislation (1997). The establishment of the Moldovan legislation was included as a plan of action in the 2003-2005 National Action Plan on Gender Equality, and is therefore seen as one of the main achievements of the National Action Plan.

### *European promising processes and practices*

#### Legislation on Protection against Violence in Austria

**Description:** The Austrian legislation has been in existence since 1997, and has served as a best practice example throughout Europe.<sup>731</sup> Since its adoption, the law has gone through a series of amendments. The law provides for a three-step process that includes the issuance of police barring order, support provided to victims, and issuance of interim injunction (longer-term protection orders). The law requires the police to transfer information about intervention (i.e. implemented barring orders) to intervention centers (run by women's NGOs), who then proactive contact victims to offer psychological support and support in applying for long-term protection orders to be issued by the court.

<sup>728</sup> The working group included representatives from other ministries, governmental bodies and NGOs.

<sup>729</sup> Some of the amendments, including adoption of Article 269(1) into the criminal code to ensure effective implementation of criminalization of non-compliance with the protection order.

<sup>730</sup> The network is in the process of changing its name to Alliance for Protection against Gender-based Violence.

<sup>731</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for action in the EU Member States: Violence against Women – Victim Support. Pg. 24.

**Contribution to sustainability and/or autonomy:** The law establishes the existence of nine intervention centers against domestic violence (one for each Austrian province) and stipulates mandatory cooperation among the intervention centers (women’s NGOs) and the police.

### **Effective implementation of existing legislation**

The development and adoption of legislation on domestic violence are some of the most important milestones achieved by the women’s movement in the last two decades. While only few countries have gender-specific legislation, unfortunately most legislation still relates to domestic violence and family violence, without the recognition that it is violence that is gender-based and inflicted by the woman’s intimate partner.<sup>732</sup> In the six studied countries, adopting a law on protection against violence against women are not only recent accomplishments, but also significant ones, as the laws provided a momentum for the development of other measures, including the strengthening of existing services for victims. In Bulgaria, the adoption of the Law on Protection from Domestic Violence was followed by various activities such as developing a webpage on the issue, developing national plans, collaborating with women’s organizations, and establishing guidelines for the police. The further developments for an effective implementation are on the long-term agenda.

#### *Challenges*

Some of the obstacles include vague language of the laws, gap between legislative, institutional framework and implementation, focus on family reconciliation, holding women victims of violence accountable instead of the perpetrators (e.g. dual arrests in Croatia) due to lack of adequate definition of domestic violence, lack of knowledge and education of professionals who deal with cases of violence against women, lack of awareness of the law itself, and lack of services to assist right holders (i.e. victims) in receiving protection under the laws.

#### *Promising processes*

The Autonomous Women’s House Zagreb, Bulgarian Gender Research Center and the international organization Advocates for human Rights have published the report titled ‘The Implementation of Croatia’s Domestic Violence Legislation’ which contains a very detailed and in-depth analysis of legislation and its implementation, by gathering of evidence in part through interviews conducted with government officials and NGO professionals in Croatia. Such reports were also drafted and published in Moldova and Bulgaria, resulting in evidencing weak implementation of the law, and awareness among government officials about gaps in implementation, and eventually resulted in amendments to the legislation.

#### *European promising processes and practices*

### [Law Monitoring Reports for Bulgaria, Croatia and Moldova](#)

**Name of the organization leading the process:** [The Advocates for Human Rights](#)

**Description:** The Advocates for Human Rights has published law monitoring reports named ‘Implementation of the Bulgarian Law on Protection against Domestic Violence: A Human Rights Report (2008)’, ‘Implementation of Croatia’s Domestic Violence Legislation (2012)’,

<sup>732</sup> Ibid. Pg. 23.

and ‘Implementation of the Republic of Moldova's Domestic Violence Legislation: A Human Rights Report (2012)’. The abovementioned monitoring reports resulted from field research conducted by delegations sent by the Advocates for Human Rights with the aim to analyze the implementations of domestic violence law in the three countries. As methodology, interviews were conducted throughout the country with police, prosecutors, judges, government officials, NGOs, shelters, women survivors of violence, child protection service employees, UN agencies, prison officials, academics, journalists, health care professionals, and lawyers. ‘The reports present the delegation’s findings and makes recommendations to strengthen the governments’ response to better protect victims of domestic violence and hold offenders accountable’ as means of implementing and improving the existing legislation.

**Contribution to sustainability and/or autonomy:** Evidencing gaps in implementation of the laws, such as weak funding or lack of services that, if strong or existing, would otherwise support the implementation of the law, is an important process as it provides a basis for lobbying and calls for changes to the laws through future amendments.

### Accession to relevant international treaties

Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Montenegro and Serbia, are all parties to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). As of end of December 2014, three of the countries (Bosnia and Herzegovina, Montenegro and Serbia) have ratified the Istanbul Convention. Croatia has signed, and neither Bulgaria no Moldova has signed the Convention.<sup>733</sup>

### Challenges

After its accession to the European Union, the Croatian government decreased its interest in signing international treaties and policies on women’s rights. At an international conference on ‘the Implementation of the Council of Europe Convention on Violence against Women’ held in November 2014, a representative from a women’s NGO in Croatia mentioned that “the process of ensuring Croatia’s ratification of the Council of Europe Convention on preventing and combating violence against women has been difficult and the likely ratification in the future does not appear promising. One of the challenges lies in the fact that the government of Croatia is discouraged by the need to harmonize the national legislation to fall in line with the provisions of the Convention and the government does not consider the international treaties a pressure anymore.”<sup>734</sup> Similarly, as one of the recent members of the European Union, Bulgaria has not signed nor ratified the Istanbul Convention, and a Bulgarian NGO has pointed out that “CEDAW was signed by Bulgaria during the previous regime and since then it was taken for granted as a declarative text, not legally binding. The unwillingness to break the stereotypes and the fear of economic impact of such implementation and also the strong resistance for political aims and elections parts of the society, are the biggest challenges in the country.” At the same time, the Bulgarian State has faced significant challenges that have impacted its stability.<sup>735</sup> Moldova is party to CEDAW and numerous other international treaties on human rights; however as of 2014 the country

<sup>733</sup> [www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG](http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG)

<sup>734</sup> International Conference on the Implementation of the Council of Europe Convention on Violence against Women – One Year Anniversary of its Ratification in the Republic of Serbia. (7 November 2014). [Belgrade, Serbia – National Bank of Serbia].

<sup>735</sup> Personal communication, November 2014.

has not signed or ratified the Istanbul Convention yet. The EU accession process has made the Moldovan government move towards considering of ratifying the Convention.

### *Promising Processes*

It should be mentioned that there is a significant impact of joint NGO work as well as the conducting of international projects that support the ratification of international instruments by the State governments. For instance, in Moldova, the coalition ‘Life without Violence’, jointly with other NGOs and public institutions, are currently working on a National Action Plan on Combating Domestic Violence that includes the ratification of the Istanbul Convention. At the same time, State officials have expressed interest in ratifying due to pending European Union accession procedures. In Serbia, the ‘Women against Violence Network’ stands as a very powerful lobbying and solidarity tool to press government for further improvements on the violence against women issue. The ratification of the Istanbul Convention in Serbia is an example of strong lobbying process of the network in 2012 as well as the Autonomous Women’s Center in Belgrade leading the project ‘ISIGN’ on the ratification and implementation of the Convention. The EU accession processes should provide women’s NGOs in Montenegro with a lobbying platform to ensure strong implementation of the Convention in the country.

### *European promising processes and practices*

#### [ISIGN Campaign](#)

**Name of the organization leading the process:** [Autonomous Women’s Centre Serbia](#)<sup>736</sup>

**Description**<sup>737</sup>: The ‘ISIGN’ Campaign is a part of the ‘Coordinated Efforts-Towards a New European Standards in the Protection of Women from gender-based violence’ project, which is funded by the European Union. The objective of the project is “to strengthen the capacity of women’s organizations and networks in Western Balkan countries for the analysis, monitoring and advocacy in the field of protection of women against violence, through long-term regional cooperation and learning from the EU experience. The campaign aimed for the ratification and full implementation of the Istanbul Convention in the countries (Bosnia and Herzegovina, Macedonia, Serbia, Slovenia, Austria). The campaign involved a series of slogans based on the provisions of the Convention, including women’s right to access services; informational events, that aimed to raise awareness about the Convention and cement commitment by government officials to effectively implement the Convention; as well as conferences aimed at transferring knowledge, including about best practices on legislation.

**Contribution to sustainability and/or autonomy:** The Council of Europe Convention is a significant milestone for the women’s movement, several Articles of which (Articles 4, 6, 8, 9, 22-25), if implemented in the ratifying countries, have great potential to promote the autonomy and sustainability of women’s services.

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<sup>736</sup> Autonomous Women’s Center Serbia is the coordinator of the project. For the regional and local partners of the project please see [[www.potpisujem.org/eng/about\\_the\\_project.html](http://www.potpisujem.org/eng/about_the_project.html)]

<sup>737</sup> [[www.potpisujem.org/eng/about\\_the\\_project.html](http://www.potpisujem.org/eng/about_the_project.html)]

[Analytical Study on the Legislative and Strategic Framework of the Republic of Serbia in Comparison with the Provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence](#)

**Name of the organization leading the process:** [Autonomous Women's Centre Serbia](#)<sup>738</sup>

**Description:** The 'Analytical Study' was designed and carried out as part of the aforementioned 'ISIGN' campaign and related project in order to compare the provisions of the Istanbul Convention, with the current legislative and strategic framework in Serbia. Similar studies were conducted in project partner countries. In Serbia, comparison for Articles 7-61 of the Convention are analyzed. In the area of service provision, the applicable articles are 22-26. For example, when referring to the requirements and current situation as related to article 23 (on provision of safe houses), the analysis communicates to the government that only 162 shelter places exist out of the recommended 719. The text also provides information on gaps such as lack of specialized standards, gaps in protection, problems faced by women victims due to the current situation being inadequate, problems faced with current method of funding (local) and the insufficiency of funding. This analysis was designed during the first two years of the project 2013-2014, and the following two years 2015-2016 will focus on monitoring the implementation based on the analysis of gaps and recommendations utilizing indicators developed to monitor progress.

**Contribution to sustainability and/or autonomy:** In a country that has ratified the Istanbul Convention, women's NGOs in Serbia, by developing the analysis, have created a platform where their demands and recommendations for implementation of an international obligation that covers provision of specialized services for survivors, can be voiced.

[Lithuania Networking Lobbying Letter](#)

**Name of the organization leading the process:** [Vilnius Women's House and Crisis Center](#) and Coalition Women's Rights-Universal Human Rights, Lithuania

**Description:** The Lobbying Letter was prepared by a coalition of women's organizations in Lithuania under the leadership of Vilnius Women's House and Coalition Women's Rights-Universal Human Rights. The letter was written in response to opposition by some anti-feminist organizations against signing the Istanbul Convention. The women's NGOs took the initiative against the anti-feminist sentiment, and shared their opinion on women's rights and the necessity of signing and ratifying the Convention as part of State responsibility to respond to women's human rights violations.

**Contribution to sustainability and/or autonomy:** The lobbying letter is a simple but powerful example of cooperation among women's organizations. It should not be a coincidence that following the submission of the letter, the government of Lithuania signed the Convention. Even though the Convention has not been ratified yet, such an example shows the power of joint women's organizations to lobby for an instrument that solidifies the role of women's NGOs and the rights of women survivors of violence.

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<sup>738</sup> Autonomous Women's Center Serbia is the coordinator of the project. For the regional and local partners of the project please see [www.potpisujem.org/eng/about\_the\_project.html]

## National Action Plans on gender equality (including violence against women) and/or National Action Plans addressing violence against women

While several national action plans were developed in Bosnia and Herzegovina, the significant present as well as future development is and will be the 2014-2018 Strategy addressing the implementation of the Istanbul Convention. As a ratifying country of the Convention, ensuring effective implementation of the plan will be of great importance. In Bulgaria, there is a current action plan in place until 2015 that includes actions in the area of providing assistance and support to victims of domestic violence. The current action plan in Croatia focuses on improving inter-sectoral cooperation, among other measures. Women's NGOs are largely involved in elaborating national action plans in Moldova, as is being currently conducted. The future plan will focus on State signing and ratification of the Istanbul Convention. Montenegro is currently in the process of implementing its national action plan, however, despite being in effect for two years (and ending in 3 years), few if any of the ambitious activities listed under the plan have not been realized yet. In Serbia, a positive example can be seen in the autonomous province of Vojvodina, where the government has considered the expertise and knowledge of women's organization in elaboration of the plan.

### *Challenges*

National action plans appear to be an area with significant challenges present. Women's organizations are often asked to participate in the drafting processes, but their input is not always taken into account. For example, women's organizations in Serbia have been very active in developing and do not address women's issues. For instance, in Bulgaria, the plan focuses on child protection within the framework of domestic violence. There are also promises to allocated funding, as in Croatia's plan, but no specifics on when and how, and who will benefit. Most importantly, there is rarely information on whether the plans are monitored or evaluated; however, it is unlikely, as this is not a common practice across Europe. The feeling among women's organizations is that the plans are largely declaratory and never adequately implemented, which would mean that the same proposed actions from a previous plan might as well be transferred onto any future plans, as they have not been realized during the implementing period. In Bulgaria, the plans are made in a way that they cannot be implemented, because they only repeat the status quo (hence there is nothing new to implement).

### *European promising processes and practices*

#### [Report on the realization of the national program on combating domestic violence in Poland](#)

**Name of the organization leading the process:** [Ministry of Labor and Social Affairs](#)

**Description:** 'In Poland, the Prevention of Domestic Violence Act mandates a yearly evaluation of the national action plan, which is then presented to the parliament and the public

by 30 September of each year.<sup>739</sup> The plan monitors and evaluates the actions realized by each responsible ministry (i.e. Ministry of Labor and Social Affairs, Ministry of the Interior, Ministry of Health, among others) and provides information on the funding allocated and granted for the realization of the plan, including costs of service provision to survivors of violence, including shelters and counseling centers, training and educational programs, among others.

## Concluding Observations

Based on information provided in the report, several general observations can be elaborated:

Achieving meaningful change requires significant effort, and may depend upon opportunities making themselves available. Single achievements (i.e. adoption of legislation) are often a result of cumulative actions. As a result, strategic planning and identification of future opportunities may strengthen the effectiveness of the women's movement.

After decades of activism, women's NGOs face significant backlash and face the risk of their achievements being overturned. The women's movement continues to operate within highly conservative and patriarchal environments, and face significant resistance, when demanding the recognition and fulfillment of women's rights. Restrictive criteria on funding, on operation of women's organizations, and State interference in women's service provision as well as victims' of violence decision-making processes, despite women's equal contribution in society, point to governments still holding patriarchal beliefs aimed at restricting women's autonomy and decision-making.

Women's movements often originated at the grassroots and were led by highly educated women, with organizations mainly present in urban areas or capital cities. In the future, positive presence of women's organizations in rural areas may contribute to strengthening the women's movement, combating violence against women and raising awareness of women's rights in less visible areas.

There is a general need to improve the integrated security in the women's movement, not only in the sense of protecting women survivors of violence, but to also ensure the safety and health of women human rights defenders, who often face professional burn-out due to the nature of their work and overwork.

The direction of the movements appears to have been largely influenced by the professional background of the women in the movement. For example, if the movement is largely composed of lawyers, legislative changes and cooperation with relevant ministries were often of central focus as opposed to grassroots initiatives.

The issue of expanding the women's movement or reaching out to include younger women needs to be addressed, as well as consideration of inclusion of a variety of professions in the movement. A wider variety of professionals (e.g. political scientists, information technology specialists, financial professionals, legal professionals) would enable capacity building and balance the monopoly currently held by other organizations or governmental agencies, such as the ability to follow court proceedings, ability to submit large grant applications, or ability to mainstream communication or awareness raising processes, among others.

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<sup>739</sup> European Institute for Gender Equality (EIGE). (2012). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support. Pg. 22.

Awareness raising, knowledge and sensitization about gender-based violence and the role of women's civil society organizations in combating gender-based violence, in fulfilling the obligations of the State, and in creating healthier and democratic societies, is largely missing from public discourse. Equally, the awareness of available women's services is missing, or else such information is not often promoted. Women's organizations need to make their presence known.

Women's organizations have the ability (albeit limited) to influence areas in national frameworks that promote NGOs sustainability and autonomy, and the ability to exercise influence may to a large extent depend upon their own organizational and professional capacities.

Women's organizations are operating in highly competitive environments, especially in terms of funding, where they must compete with other organizations as well as for-profit-making organizations that may pose a threat to their sustainability due to having higher capacities. In this regard, achieving the recognition of specialization is all the more important, as is organizational and professional capacity building (including in the area of technology) and strategic planning.

The current funding situation of women's services is similar in the studied countries as well as throughout Europe. The funding is sporadic, insufficient, donors leaving the country, project-based, based on public tendering procedures, subject to cuts, spread out among various levels of State administration, and without priority given to services for women survivors of violence. Such funding methods hinder the development of new positions in organizations and hinder long-term strategic planning. At the same time, due to lack of transparency, women's organizations are unable to monitor the amount of funding dedicated to specialist services. Currently in Europe, there is no one established and promoted model of funding of women's organizations and service providers that can be utilized to demand sustainable funding from State governments, and no established method of monitoring of the funding granted to specialist services.

The situation of funding of the work of women's organizations that results in insecurity of funding and reliance upon volunteer work creates challenges to expanding the women's movement and creating new positions, which would ensure quality and developing of long-term strategic planning.

As women's organizations often aim to permeate State institutions in order to present their demands and the presence of a highly competitive environment, the issues of professionalization of women's organizations versus grassroots activism needs to be considered.

Over the years, the accession to international treaties or to the European Union, adoption of legislation, and development of bylaws and protocols have taken place. Such existing binding documents and international processes may serve to add legitimacy to the demands of the women's movement. International processes, such as monitoring of the implantation of CEDAW require follow-up and further monitoring subsequent to issuance of CEDW Committee recommendations.

The presence of strong national networks of women's organizations impacts significantly on lobbying power and the legitimacy of demands posed by women's organizations. Areas such as development of specialist standards of service provision and establishment of a consortium of organizations to adopt the standards, lobbying for funding, sharing of resources, development of monitoring report (e.g. CEDAW Shadow Report) are all made possible in the presence of strong networks. Belonging to wider international or European networks further strengthens the position of women's NGOs in their countries.

Cooperation among State officials, such as parliamentarians or ministry officials, has been beneficial to women's NGOs, especially when presenting their demands to dedicated women State officials, or persons who share the feminist perspective and are willing to present women's NGOs demands to relevant State bodies. At the same time, it has been observed that women's organizations hold higher

influence in lower-levels of State government. The higher the level of State government, the stronger the imbalance of power, which is disadvantageous to women's NGOs.

Cooperation with State agencies can prove to be difficult for women's NGOs, and criteria followed by State-run service provision for women survivors of violence can sometimes result in the violation of victims' rights. A sustainable method of cooperation and sensitization to gender-based violence is needed in order to support the work of women's NGOs, especially in multi-agency cooperation.

The elaboration and recognition of specialist standards of service provision that both ensures the meeting of women's human rights and autonomy of service providers is crucial in strengthening the work of women's NGO service providers, as is the bringing together of a large number of service providers under the umbrella of the standards for specialist service provision.

Funding of women's NGO service providers by the State has sometimes resulted in the organizations becoming absorbed by the State. A transfer of the responsibility to the State and its institutions for combating violence against women may result in the lessening of the role of women's NGOs in the field of combating violence against women. The goal in the future is to ensure sustainability through State funding, while retaining autonomous space for activism.