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Sanin Hasibovic and Manja Nickel: Governance of Domestic Violence in Central and South-Eastern Europe

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Abstract

Gender relations were not left untouched by the ongoing processes of system changes and nation-building in Central and South Eastern Europe following the collapse of Communism. On the contrary, the understanding of gender roles and family relations was deeply affected by the socio-political changes. In some cases, this understanding regressed to the patriarchal 'traditions' of the pre-communist period.

In this paper the authors are concerned with the socially contested issue of domestic violence, the most pressing problem in mismatched gender relations and the most dreadful manifestation of the abuse of power.

Special focus has been placed upon the governance and regulation of the issue of domestic violence. This is basically a comparative study of developments in the issue in four countries, namely Slovenia, Croatia, Bosnia-Herzegovina and Bulgaria. The authors are especially interested in the political participation and interaction of civil society protagonists with state agencies. However, greater emphasis is placed upon the civil society activists as well as their frames and narratives. While conducting pre-field research and, later on, expert interviews in the field, it became clear to us that NGOs had taken much more responsibility for ameliorating the seemingly hopeless situation for women survivors of domestic violence. Women's NGOs were the initiators of legal changes and policy developments. They were and are actively present at every stage of the policy cycle. In all four countries they took the lead in providing psychological support, legal counselling and protection from further abuse. The state authorities were rather sluggish in their response to the NGOs' demands (with the exception of Slovenia to a certain extent). However, the state agencies are changing as well. They are often weakly connected to each other and even more frequently lack real commitment to introducing and implementing changes.

Originally, we assumed that the Council of Europe, the EU and especially the EU accession processes could have had a significant impact on the governing of gender relations and protection from domestic violence, as the EU introduced anti-discrimination standards to the new or acceding member states. But the EU's effect on gender relations in Central and South Eastern Europe was in fact very limited. The adoption and particularly the implementation of anti-discrimination legislation, let alone legislation pertaining to domestic violence, was neither carefully monitored nor an issue of priority at any stage during the accession talks.

Therefore, the emphasis of this study lies on the legal developments as well as on the related interdependency between women's organisations and the public authorities in the countries under study. By looking through a comparative lens the authors aim at revealing major similarities and differences with respect to the feminists' activism and the states' responsibilities. Furthermore, the authors reflect on the starting points of engagement in the fight against violence against women, the historical and socio-political contexts, the windows of opportunity within the policy cycle, and the different outcomes resulting from these factors in each case.

1. Introduction

In the last two decades Central and South East European (CSEE) countries have been characterised by processes of state- and nation-building, political and economic transitions, ever-growing social heterogeneity, and increasing integration into the world and European Community. It is well established that these transformation processes are deeply entangled with gender relations. Yet gender relations are not only an object of system changes, but are also resources of social, cultural and political transition. They are part of in-group and out-group differentiation in nation-building processes, involving education and socialisation, the reconstruction of social institutions such as the family, and the political culture of the individual country (Funk/Mueller 1993; Watson 1993; Gal/Kligman 2000). Thus, to understand transformation processes in CSEE in a comprehensive way, the analysis of gender relations is indispensable. We assume that issues of culture and gender relations constitute important frames and resources in democratisation processes as well as in the political efforts to achieve membership in the European Union. At present, the governance of cultural and gender differences (e.g. the recognition of minorities and the anti-discrimination of women) is a relevant issue in accession talks with the EU.

In this general context, we are concerned in this paper with the socially contested issue of domestic violence. The problem of domestic, especially gender-based, violence has sparked a vivid debate in various European countries on gender relations, cultural patterns, the role of tradition, patriarchy, etc. Special focus has been placed upon the governance of this pressing social problem. In this paper, governance is seen as a political setting in which to deal with shifts in issues and procedures, particularly with respect to issues of difference, values and conflicts over recognition and identity (Hajer 2003). Governance thus describes a form of political decision-making and regulation that mirrors transition processes in that it includes not only governmental actors but also civil society actors. Governance processes attempt to integrate as many actors as possible with different views and preferences on the issues. Therefore, frames and social meanings deserve greater importance in the entire policy cycle and not just in governmental decision-making (Fischer 2003).

Against this background, we seek to describe the governance process regarding domestic violence in four countries in CSEE, namely Slovenia, Croatia, Bosnia-Herzegovina and Bulgaria. In doing so, we look at the policy cycle, focusing primarily on agenda-setting and policy formation/formulation (e.g. institutional arrangements). Utilising the concept of governance outlined above, we are especially interested in the processes of political participation and the interaction of state authorities and civil society protagonists. In addition, we will visit the question of how external factors/actors (e.g. the EU, foreign donors) have affected the governing of domestic violence.

2. The Governance Process

2.1. Agenda-Setting

Having been triggered by different factors, the recognition of domestic violence as a social problem started at different points of time in the four selected countries. Even under socialism Slovenia and Croatia had an active feminist scene, going back to the first Yugoslav feminist meetings in the 1970s. In 1987 Yugoslav feminists met in Ljubljana, where the fight against domestic violence was given centre stage. Following the meeting in Ljubljana, the Zagreb-based Women's Group Trešnjevka founded the first helpline in 1988 and in 1990 the first women's refuge in Eastern Europe. Shortly thereafter, in 1989, inspired by the Croatian experience, an association called 'SOS Telephone' (*Društvo SOS telefon*) was established as the first NGO working with women survivors of violence in Slovenia. The initial liberalisation of the Communist system facilitated further collaboration among Yugoslav feminists, who started to organise discussions about legislative changes, women's political participation, etc. Before the final disintegration of Yugoslavia, feminist activists were planning to organise a meeting of the SOS Hotlines, the first three feminist services

for women survivors of violence, to discuss the issue of domestic violence with activists from Ljubljana, Zagreb and Belgrade.¹ However, the collapse of Yugoslavia and the wars that followed brutally disrupted these early endeavours. While Slovenia was only marginally affected by the so-called 10-day war, Croatia was pulled into a heavy conflict from 1991 to 1995. As a result, the war imposed its own nationalistic agenda, totally disrupting the nascent debate on domestic violence. A new discourse emerged, focusing on women victims of wartime rape, a topic intensively exploited in the propagandist media of all warring parties. According to Nela Pamukovic from the Autonomous Women's House Zagreb, nobody was interested in domestic violence during the war.² Moreover, there was strong pressure, including on women's organisations, to foster patriotism and national identity. It was only in the second half of the 1990s that Croat women's organisations were able to pick up the thread of their earlier activities. This process gained momentum in the post-Tudjman period under the Social Democratic Party (SDP)-led government, leading both to a reframing of the issue (from wartime rapes to domestic violence) and to significant legislative changes in this regard from 1999/2000 on.

Unlike Croatia, Slovenia's feminist activists were spared from war-related disruptions. By the early 1990s, new NGOs were established that worked with women survivors of violence (e.g. Association for Non-Violent Communication). The first nongovernmental women's shelter in Slovenia was established in 1997. Slovenia had already joined the global campaign '16 Days of Activism against Gender Violence' in 1994 (Croatia in 1997). Additionally, in every year since 1999, a national media campaign entitled 'What's up, girl?' (*Kaj ti je, deklica?*) has been organised by the state-run Office for Equal Opportunities in collaboration with various NGOs (SOS telefon, Fiks, DNK, ŠOU, etc.). In contrast to Croatia, the Slovenian state had already proved itself to be fairly responsive to NGO demands in the early 1990s. The state established the first women's refuge in 1996 (*CSD Maribor*) even before the foundation of the first NGO-run shelter. Moreover, all thirteen existing shelters/safe houses in Slovenia have been subsidised by the state.

In Bosnia-Herzegovina, there was no feminist engagement on domestic violence in the 1980s. The reason was that an independent women's movement, let alone feminist activism like in Ljubljana, Zagreb and Belgrade, simply did not exist. As opposed to Croatia and Slovenia, addressing domestic violence was not spurred by feminist ideas and feminist activism, but sprang from the dreadful horror of mass wartime rapes. Duška Andrić-Ružičić from Medica Zenica explained that Bosnian feminism was born of necessity, and did not 'organically grow', as it had in Croatia and Slovenia, where a 'necessity' (i.e. the struggle against domestic violence) was recognised on the basis of pre-existing feminist convictions.³ Due to the war-related isolation of the country, relevant international developments and debates on domestic violence passed largely unnoticed in Bosnia-Herzegovina in the first half of the 1990s. However, the Dayton Peace Accords, which brokered peace to Bosnia in 1995, resulted in a massive inflow of foreign aid and the large-scale engagement of the International Community in Bosnia, facilitating the development of civil society organisations, especially women's NGOs. These internationally sponsored organisations have served as the backbone of the emerging women's movement in Bosnia-Herzegovina.

As one of the most rigid Warsaw Pact states, Bulgaria did not have any independent social organisations that might have tackled the issue of domestic violence under Communism. Besides that, the long-standing conviction that Communism had done more than enough for the equalisation of women and men in Bulgaria meant that gender issues, including domestic violence, were largely disregarded. Thus, it was not until 1994 that some Bulgarian NGOs and primarily the Bulgarian Gender Research Foundation (BGRF) started to address the problem of domestic violence, in collaboration with the US-American NGO *Minnesota Advocates for Human Rights*.⁴ Yet the primary inspiration for Bulgarian women's activists came from

1 Due to the unrestricted freedom of movement, Yugoslav feminists maintained contacts to European and international feminist organisations, allowing for communication and exchange of ideas, enriching and inspiring the Yugoslav debate, not least in the field of domestic violence.

2 Interview with Nela Pamukovic, recorded in October 2007.

3 Interview with Duška Andrić-Ružičić, recorded in January 2008.

4 Minnesota was one of the first states in the USA to introduce a Protection against Domestic Violence Act in 1979. The Minnesota Advocates have been active in the region since the early 1990s. They played a decisive role later in the proc-

the Fourth World Conference on Women in Beijing (1995), which connected Bulgarian NGOs with similar organisations worldwide and revitalised the connection to the Minnesota Advocates. At the same time, with the assistance of international donors, the first local NGOs to provide support to women survivors of violence emerged (e.g. the Animus Association since 1994, and the Nadja Centre since 1995). However, according to Genoveva Tisheva from BGRF, the early discussion was dominated by the externally driven attention to trafficking in human beings and violence against children.⁵ It was only later that this discussion was gradually expanded to include domestic violence and violence against women. Unlike Slovenia – and later Croatia – Bulgarian authorities ignored the issue of domestic violence for a long time, especially concerning financial support and infrastructure. There are only two shelters in Bulgaria (both NGO-run) at the moment (in a country with a population of approximately 8 million people).⁶ The state has been virtually absent from the financing of the shelters. The only exception has been the shelter in Silistra, where the municipality, led by a female mayor, decided to provide some funds from the municipal budget for 2005.⁷

As the previous discussion has made clear, the definition of domestic violence as a social problem, along with the process of actually setting it on the agenda, has followed different patterns in the four selected countries. The common denominator of all four case studies is the crucial role of the nongovernmental sector. In none of the cases did the state initiate the agenda-setting process. Therefore, it was solely due to NGOs and individual activists that the significance of the issue was recognised and that a public debate on domestic violence was launched. However, the patterns and trigger factors were somewhat different. The agenda-setting process started in Slovenia and Croatia back in the Communist period, drawing on an indigenous feminist movement. Not least because of this early agenda-setting, public awareness of domestic violence as a social problem and the responsiveness of the state in Slovenia and Croatia have been the farthest advanced among the selected countries. Even in the case of war-related disruptions and a semi-authoritarian regime, as was the case in Croatia until 1999, the existence of an indigenous feminist scene appears to be a strong predictor for efficient agenda-setting.

Bulgaria and Bosnia-Herzegovina, countries with no indigenous feminist movements and no previous experience in dealing with domestic violence under Communist rule, tackled the issue much later on (not until the mid-1990s). In both cases external factors played a comparatively significant role. In Bosnia, the International Community nurtured and fostered the local civil society sector, in particular women's organisations that initially worked with women survivors of wartime rape and later focussed on domestic violence. In contrast to Croatia, the war in Bosnia provided the initial spark for the engagement on domestic violence.

In Bulgaria it was the experience of the Beijing conference and the ample support of the Minnesota Advocates and many other international organisations that facilitated NGO engagement on domestic violence.⁸ Accordingly, both Bulgarian and Bosnian women's NGOs have been highly dependent on external support. For this reason, the agenda-setting process in these two countries was fairly contingent upon the concep-

ess of drafting the Bulgarian domestic violence bill, offering their twenty-five years of experience.

5 Interview with Genoveva Tisheva, recorded in February 2008.

6 The first shelter in the country was established by Center Nadja in Sofia in 1997. However, it was closed in 2003 due to a lack of funds after international donors had begun to withdraw their financial support. Cf.: Nadja Center Foundation, available online at: <http://www.centrenadja.hit.bg/koismenie-eng.htm>, Accessed on May 15, 2008.

7 This is the first and thus far only case where a local authority officially acknowledged the necessity of this social service. The shelter in Silistra was financed by international donors and the Agency for Social Support to the Ministry of Labour and Social Policy for the period 2000–2005. From January 2006 on it was partly financed by the state through the Ministry of Finance. Cf.: Open Society Institute (2007), *Violence against Women: Does the Government Care in Bulgaria*, p. 41.

8 Bulgarian NGOs such as Nadja Center and Animus in Sofia, Diva in Plovdiv and Demetra in Burgas were surely the result of local initiatives, yet not a single one of these organisations would have been able to survive without external (foreign) support.

tions and priorities of external actors. Since state authorities were largely uninterested, even dismissive for a long time, (externally inspired and sponsored) NGOs came into being to fill the vacuum.

2.2. Policy Formation/Formulation

The agenda-setting processes have led to steady pressure on state administrations to take action and thus responsibility. Consequently, the authorities in all four countries have shown responsiveness to NGO demands, though to varying degrees. Despite some measures (e.g. Slovenian authorities established the first shelter in 1996), it was not until 1998/99 that any governmental policies on domestic violence emerged, albeit largely on the legislative level. The first tentative legislative changes in the region took place within the scope of general laws, mostly via the criminalisation of domestic violence in the Criminal Code.⁹ However, these penal provisions were solely aimed at the perpetrators of violence, leaving aside the protection and empowerment of the survivors of violence. In order to remedy this, Slovenia and Croatia subsequently made further amendments, introducing e.g. bans on approaching a specific place or person¹⁰ and restraining orders.¹¹ Although some of these measures appeared to work rather well,¹² the majority of NGOs argued that only a special law could provide effective protection from domestic violence. As in the agenda-setting phase, NGOs played an important role in the legislative process as well.

Slovenia was rather late to adopt the Family Violence Prevention Act (FVPA),¹³ which came into effect in February 2008.¹⁴ In accordance with the generally strong engagement of public institutions in the realm of gender equality,¹⁵ the passage of the FVPA was a result of joint efforts by NGOs and governmental institutions. Although the NGOs had agitated for such a law since the mid-late 1990s, it was a special report on violence in the family by the Human Rights Ombudsman (2003/2004) that got the ball rolling. This document illuminated the problem of domestic violence, and recognised it as a widespread social problem requiring a solution at the national level. Following the assessment of the report, the then liberal government prepared the first draft of the FVPA, which was not introduced in Slovenian parliament due to the change of government. The new conservative administration put the bill on hold, mostly because the new Minister for Labour, Family and Social Affairs (MLFS), Janez Drobnic, strongly opposed it. The legislative process was resumed only after he had been forced to resign (in December 2006). In July 2007 the MLFS presented a new draft to the public, offering NGOs the opportunity to comment and lobby for changes. In general, the FVPA has been described as systematic and comprehensive. However, further assessment is premature at this point because the implementation of the law has just started.

With its Law on Protection from Violence in the Family in 2003¹⁶, Croatia was one of the first countries in the region to pass legislation of this kind. The legislative process was initiated by women's and human

9 All four countries had criminalised spousal rape by the 1990s, followed by the criminalisation of domestic (or more precisely: family) violence. Domestic violence has been criminalised in Slovenia since 1999 (Article 299), in Croatia since 2000 (Art. 215a), and in Bosnia-Herzegovina since 2000 (Republika Srpska, Article 208) resp. 2003 (Federation BiH, Article 222). Bulgaria is the only country among the four that has not criminalised domestic violence in the Penal Code yet.

10 Cf.: Slovenian Criminal Procedure Act (1998/99) and Croatian Criminal Procedure Act (2002).

11 Cf.: Slovenian Police Act (2003).

12 Since their introduction into the Police Act in 2003, these measures have helped Slovenian police to issue an increasing number of restraining orders: 2005 – 154, 2006 – 277, 2007 – 488.

13 Cf.: Zakon o preprečevanju nasilja v družini (ZPND), Uradni list RS, št. 16-487/2008, stran 1148.

14 However, even before the adoption of the FVPA, Slovenia established a rather sophisticated infrastructure to tackle the problem of domestic violence. Besides the legislative changes and state funds for 13 women's shelters as mentioned above, 12 Regional Coordinators for the Problem of Violence in the Family were created in 2004. In addition, there has been an Expert Council for the problem of violence in the family within the Ministry for Labour, Family and Social Affairs since 2001. The gender equality bodies (e.g. Office for Equal Opportunities, formerly Women's Policy Office) have focused on domestic violence as well.

15 Slovenia was the first country in the region to establish a public body devoted to gender equality issues, namely the Women's Policy Office (since 1992), which also dealt with domestic violence. This development is attributed to the strong and powerful feminist movement in Slovenia (Jalušič and Antić 2001: 21).

16 Cf.: Zakon o zaštiti od nasilja u obitelji, Narodne novine, broj 116/03.

rights organisations during the term of office of the SDP-led government. The Autonomous Women's House Zagreb (AWHZ), B.a.B.e., and Centre for Women War Victims have been exceedingly involved in long-standing lobbying and public campaigns for the adoption of such a law.¹⁷ AWHZ in particular has led the way since the mid-1980s, participating in the process of amending the Family Law (1998) and Criminal Code (1998, 2000, 2003) and helping to create the Law on Protection from Violence in the Family (2003).¹⁸ The latter would have not been possible without the activists of AWHZ and B.a.B.e. who prepared the first draft of the law and submitted it in July 2002 to the Ministry of Justice, Penal Code Administration, and Criminal Regulations Department. However, even the strongest NGOs need allies in the government to initiate legislative changes. Not only the Social Democrat-led government (2000–2003), but also the conservative HDZ-led government (2003–) proved to be fairly receptive to the NGOs' work. Jadranka Kosor (HDZ), the Deputy Prime Minister and Minister of Family, Veterans' Affairs and Intergenerational Solidarity, has been especially supportive of efforts to combat domestic violence.¹⁹ In 2002, almost simultaneously to the creation of the NGO-run working group aimed at drafting the law, an official governmental task force was entrusted with the elaboration of the corresponding bill. Interestingly, one of the AWHZ lawyers, Ljubica Matijević-Vrsaljko, was appointed the head of this task force. Notwithstanding, AWHZ and Matijević-Vrsaljko failed to rally support for certain important points, and they particularly objected to the provision in the draft stipulating that domestic violence should be treated as a misdemeanor rather than a criminal offence (Benčić and Bego 2007: 139). For this reason, AWHZ, B.a.B.e. and other NGOs started lobbying for amendments to the law immediately after its passage.²⁰

In contrast to Slovenia and Croatia, Bulgaria and Bosnia-Herzegovina had not introduced any protective measures for victims of domestic violence before the enactment of special laws dealing with this issue.

Unlike the other three countries, Bulgaria failed to address domestic violence in its Criminal Code, which made the need for a special law even more urgent. The path to success was long and arduous, however. The driving force behind the law in Bulgaria was Genoveva Tisheva and her colleagues at BGRF. Long before the legislative process began, Tisheva and Minnesota Advocates had worked in partnership to push for legal reform on domestic violence (Thomas 2005: 3). Beginning with the Conference on Legal Strategies to Confront Domestic Violence in 1997, Minnesota Advocates consulted with BGRF in drafting the new civil order for protection law. As Cheryl Thomas so aptly puts it:

Minnesota's history and experience with the creation and enforcement of civil order for protection laws was a source of information and guidance to the Bulgarian advocates as they worked on their own landmark law. BGRF and Minnesota Advocates exchanged many drafts of the proposed law over many months (Thomas 2005: 4).

In 2000 the draft law was at a point where it could be presented to the Ministry of Justice with the assistance of the American Bar Association. However, the Ministry refused the proposal. There was no political support for such a law at that time.

Based on this experience, BGRF decided to generate more publicity for the domestic violence bill by inviting Minnesota Advocates to present their experience with a similar law to parliamentarians, journalists,

17 The criminalisation of family violence in the Criminal Code can also be attributed to persistent lobbying of these (and some other) NGOs.

18 AWHZ's activists also actively participated in the task force for the creation of National Strategy against Domestic Violence and accompanying Protocol of Action in Domestic Violence Cases. Besides Neva Tölle from AWHZ, several other activists participated in the task force, namely Sadika Zvirkić, from *Korak*, Marijana Zrinka Jegrišek from *SOS hotline/Women Help Now* and Sanja Sarnavka from *B.a.B.e.* Cf.: Benčić and Bego 2007, p. 139.

19 Besides Jadranka Kosor and her State Secretary Zdenka Ninic, there are also other female politicians (MPs) who have made a stand for the fight against domestic violence. To mention just some of them: Durdja Adlesic (HSL), Zeljka Antunovic (SDP), Snjezana Biga-Friganovic (SPD), etc.

20 During this process AWHZ distributed policy recommendations to various institutions. Neva Tölle, director of the AWHZ, was regularly invited to sessions of relevant parliamentary committees. During the last amendments to the Law on Protection from Violence in the Family, Sanja Bencic from B.a.B.e was the only NGO representative in the working group that elaborated the amendments to the law. Cf.: Benčić and Bego 2007, p. 139.

judges, government representatives, etc. (Thomas 2005: 1). In the course of this campaign Bulgarian parliamentarian Marina Dikova took notice of BGRF's initiative and offered her assistance in the legislative process. She established an ad-hoc working group consisting of three parliamentarians and three NGO representatives. They proposed a slimmed-down version of the original draft²¹ in order to enhance its chances for adoption. Dikova lobbied hard in her party for the law.²² Genoveva Tisheva describes this effort as follows:

*This was a difficult process. Even the people in Marina's party and in the parliament were not convinced [by] the new instrument. Everybody was against the violence in families, but nobody wanted to take harsh measures – infringement on human rights!*²³

Dikova's initial attempt to get the bill through the relevant parliamentary committee failed. But then she managed to win over the Minister of Justice. Within two weeks the Minister convened a task force to finalise the existing bill. The bill was introduced in the Parliament in June 2003 and adopted rather laggingly in March 2005.²⁴

Bosnia-Herzegovina did not have a strong feminist movement to draw on before the war. However, the massive inflow of foreign aid after the war created quite a vivid NGO landscape in Bosnia, with women's organisations particularly preferred by international donors. These newly created NGOs were the driving force behind the initiative to adopt a law on domestic violence in Bosnia. After the criminalisation of family violence in the Criminal Codes of Republika Srpska (2000) and the Federation of Bosnia-Herzegovina (2003), Bosnia adopted a far-reaching law on gender equality that addressed gender-based violence (!) as well, including (sexual) harassment, which was the first reference to EU anti-discrimination policy in a Bosnian law. The Gender Equality Act contains a comprehensive catalogue of sanctions for the offence of gender-based violence, including imprisonment of up to five years. This law was jointly drafted by NGOs, IGOs²⁵, bilateral donors (Finland), local gender equality bodies and state institutions. However, the Gender Equality Act did not stipulate any protective measures for survivors of gender-based violence, which induced women's NGOs to continue to demand a civil order for protection law.

A countrywide NGO network, the so-called *Safe Network*, which consists of 33 NGOs working in the field of domestic violence, started the initiative for the adoption of a Law on Protection from Violence in the Family.²⁶ The inspiration for the law emanated from concrete problems in their work with women survivors of domestic violence. There were a lot of cases that could not be solved within the existing legal framework. At that time, the executive director of the government Gender Centre of the Federation BiH (GC FBiH) was Samra Filipovic-Hadziabdic, who was sympathetic towards the cause and helped the law to gain momentum. In other words, NGOs initiated the law, and the GC FBiH organised the law-making process, since the NGOs were not strong enough to do so. The GC FBiH invited some NGOs to contribute to the process by participating in working groups, providing content, etc. Unlike other initiatives, where the International Community played a decisive role, the adoption of the Protection against Family Violence Act was a local initiative, inspired and launched by home-grown NGOs.

21 Several provisions were removed: funding for victim services, criminalisation of violation of protection order, criminalisation of violence in homosexual relationships, etc.

22 Marina Dikova was member of the then ruling party, *National Movement Simeon II*, founded in 2001 by Simeon II Sachsen-Coburg-Gotha.

23 Interview with Genoveva Tisheva, recorded in February 2008.

24 At the moment, we do not have a satisfying explanation for this long period of time between the introduction of the bill and its adoption.

25 The most important International Governmental Organisation (IGO) in this process was the UN Office of the High Commissioner for Human Rights (OHCHR).

26 Basically, the moving power behind this initiative was the 12 strongest NGOs in the Network, organised in the so-called Counselling Body.

The legislative process in the other Bosnian entity,²⁷ Republika Srpska (RS), began first as a joint process with the Federation of Bosnia-Herzegovina (FBiH) with the objective of adopting one law for the whole country. However, after a while it was decided to enact two separate laws. The NGOs in RS²⁸ had been lobbying for such a law ever since the criminalisation of family violence in 2000. However, even after the state institutions (Gender Centre of RS, Ministry of Justice) embraced the initiative, only one NGO representative was allowed to participate in the consultations. RS authorities generally showed little interest in welcoming the NGOs' proposals. Given this reluctant stance, the support of two dedicated female politicians was crucial for the success of the whole process. Nada Tesanovic, the Deputy President of the RS Assembly, and Ivka Ristic, the president of the Parliamentary Committee for Gender Equality in the RS Assembly, both members of the ruling party in RS, maintained good contacts to women's NGOs, providing them with access to important documents and information on parliamentary procedure.²⁹

3. Concluding Remarks

In all four countries the driving forces behind the governance of domestic violence were civil society organisations, or, more precisely, women's organisations. Our short analysis of the governance process has revealed some general, cross-national patterns:

First and foremost, the influence of women's NGOs was significant in all phases of the governance process, being the strongest in the agenda-setting phase and somewhat weaker in the policy formulation/institutionalisation phase, primarily due to the increasing engagement of state institutions. Non-state actors were able to mobilise significant resources and induce the state to take action in the field of domestic violence prevention.

In all four cases, there was a political 'window of opportunity' that was conducive to the adoption of laws on domestic violence. In Slovenia, the legislative process could only be resumed after the dismissal of the conservative Minister for Labour, Family and Social Affairs, Janez Drobnic. The semi-authoritarian government of Croatia's Franjo Tudjman prevented any serious engagement on domestic violence. It was not until the change of government in 2000 that the state showed more responsiveness to NGO demands. In the Bosnian entity Republika Srpska, the new SNSD-led government boosted two women politicians onto the political scene who openly supported NGO endeavours for passing a special law on protection from family violence. In 2001, an unprecedented number of women were elected to the Bulgarian parliament.³⁰ One of them, Marina Dikova, strongly supported the cause of Bulgarian women's NGOs, and lobbied hard for the adoption of the Act on Domestic Violence.

Consequently, even the strongest NGOs would not have been able to reach the institutionalisation phase of the governance process without responsive state authorities or at least allies in the political system. Political allies proved to be especially decisive in shifting from the agenda-setting to the institutionalisation phase. Female politicians/parliamentarians provided access to the political system for NGOs, which was crucial for the initiation and in the end also for the success of the legislative process.

NGOs managed to motivate the state to enact certain laws, but they did not succeed in achieving some of their more substantive goals. The most obvious failure is the name of the special laws in the region: not

27 The Dayton Peace Agreement set down the constitutional framework establishing Bosnia and Herzegovina as a state consisting of two entities, namely the Serb-dominated Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), mainly populated by Croats and Bosnian Muslims (Bosniaks).

28 Above all the United Women and Helsinki Citizens' Assembly from Banja Luka.

29 This political support is also crucial for the further development of the legal framework in Republika Srpska. For instance, the Law on Protection from Family Violence is currently being amended. The chance that the amendments proposed by the NGOs will pass is rather high, primarily due to the support of Nada Tesanovic and Ivka Ristic.

30 The 39th National Assembly had the highest share of women ever: approx. 27 percent. Furthermore, 36.5% of the NDSV's seats in parliament were given to women. The National Movement Simeon the Second (NDSV), founded by former King Simeon of Bulgaria, won the majority of votes in the 2001 elections (43%).

a single one contains any reference to women or gender. In the best-case scenario, the law contains 'domestic violence' in the title (as in Bulgaria), but as a rule, 'violence in the family' is as close as it gets. This speaks volumes about the underlying intentions of the legislature. There has never been sufficient political support for laws tackling exclusively gender-based violence or violence against women. In some cases, the authorities even decided to characterise acts of domestic violence solely as a misdemeanour act rather than as a criminal offence (Croatia and Republika Srpska), which sends a clear signal with respect to the significance ascribed to domestic violence.

Because the EU introduced anti-discrimination standards to the new or acceding member states, we originally assumed that the EU accession process could have been relevant for the governance of domestic violence. Yet the EU's effect turned out to be very limited. The adoption and especially the implementation of anti-discrimination legislation, let alone in the area of domestic violence, had been neither carefully monitored nor an issue of priority at any stage during the accession talks. Even in the countries that were already members of the EU (Slovenia and Bulgaria) at the time, the direct influence of the EU on the governance of domestic violence appears to have been next to none. However, some indirect influences surely exist. First, the EU has facilitated general openness of the political system towards non-state actors, enabling direct and indirect participation of women's NGOs in the legislative process.

Second, the EU has served as a 'metaphor' that was often employed by NGOs in order to convince state authorities to accept this or that international standard. And third, the EU has financed women's organisations and their work. Just to mention one case: the EU provided initial funds for the establishment of the first women's refuge in Republika Srpska. Especially in Bosnia-Herzegovina and Bulgaria, the impact of external actors can hardly be overstated. Without foreign support there would hardly be any of these engaged women's organisations actually making a difference.

And last but not least: the existence of an indigenous feminist movement appears to be a strong predictor for success throughout the governance process. Besides that, strong feminist activism is also crucial for the sustainability of legislative efforts. Only laws that are actually applied really matter. NGO-run monitoring of law implementation is therefore essential for the overall impact of the law. And in the end, that is what matters most.

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