

OSCE sub-regional expert meeting on eliminating violence against women and girls



REPORT

In 2020, the OSCE Gender Issues Programme conducted a series of sub-regional expert meetings¹ in order to take stock of progress towards fulfilment of OSCE commitments on preventing and combating violence against women and girls (VAWG).²

The meetings focused on two central themes:

- (1) the justice system response to VAWG and**
- (2) services and support provided to survivors of violence.**

The aim of each meeting was to exchange information and to identify areas of progress as well as persistent challenges. The experts' views and recommendations will ultimately contribute to shaping initiatives within the OSCE's multi-year WIN- Women and Men Innovating and Networking for Gender Equality programme and also to overall organizational strategic planning to address the elimination of VAWG across the OSCE region.

Due to the timing of the meetings, many experts shared information about experiences of addressing VAWG during lockdown and quarantine periods taken to contain the spread of the novel coronavirus (COVID-19). Observations from the health pandemic proved to be relevant not only to emergency and crisis situations but also as lessons learned for improving the general response to VAWG.

The third sub-regional meeting (held online, **30 November 2020**) brought together 63 participants from five participating States: **Albania, Bosnia and Herzegovina (BiH), Montenegro, North Macedonia, Serbia** as well as from the OSCE Mission in **Kosovo**. The experts represented civil society, academia, State institutions, law enforcement and the justice sectors, OSCE structures (the Secretariat and field offices) and international organization partners (UN Women, UNFPA).

¹ For Central Asia and Mongolia, Eastern Europe and South East Europe.

² The key commitments are contained in OSCE Ministerial Council decisions on Preventing and Combating Violence Against Women from 2005, 2014 and 2018.

SESSION 1:

LAW ENFORCEMENT, JUSTICE SYSTEM RESPONSE TO VIOLENCE AGAINST WOMEN AND GIRLS

All of the participating States included in the meeting are members of the Council of Europe and have ratified the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). Ratification has had an important impact in the South Eastern Europe region as it had accelerated the process of bringing national law and policy in line with the four pillars of the **Istanbul Convention** (prevention, protection, prosecution and co-ordinated policies).

Experts characterised their relevant national legal frameworks on VAWG as comprehensive. The adoption of **stand-alone laws** have, *inter alia*, established frameworks for a coordinated and integrated response, ensured the allocation of state funds for combating VAWG and created new protection measures for victims. Specific laws (such as laws on legal aid in Montenegro and BiH) further expand victims' rights.



Providing an appropriate response through a national policy on violence against women is needed, and it is a basic element of democratic and transparent rule of law.

- Ministry of Labour and Social Policy representative

Each country is in a different stage of harmonizing criminal law with the Istanbul Convention through **legal amendments**. For example, new crimes have been recognised (such as stalking) and police investigative powers have been increased (in Serbia, for example). Some important aspects of criminal law have yet to be brought in line with international standards, most notably concerning sexual violence and rape (which is still defined as an act of force, rather than lack of consent) and the recognition of aggravating circumstances in VAWG cases. Some

forms of VAWG, such as early marriage, femicide and cyber violence, receive too little attention from either the criminal justice or social protection sectors.

All of the participating States taking part in the meeting have functioning mechanisms to place temporary restrictions on perpetrators of domestic violence, generally **emergency barring orders** issued by the police and/or **protection orders** issued by courts. The experts agreed protection orders have played a role in increasing victim protection and such orders tend to have an impact on changing perpetrators' behaviour. In Albania, the introduction of protection orders signalled a new approach of requiring the perpetrator to leave the home rather than the victim. According to an Albanian law enforcement representative, after they issue a protection order, the police refer 80% of cases to the prosecutors office.

Specialisation of law enforcement (in the form of dedicated police or prosecutorial units, for instance) and the adoption of **internal protocols and instructions** (as in North Macedonia, for example) have helped to increase a standardised and professional response to VAWG.

However, the participants of the meeting noted that a number of shortcomings in the implementation of law and policy create barriers for victims accessing justice. In some countries there are gaps and weak points in **referral mechanisms** that mean the relevant professionals are not necessarily working cooperatively. In other instances, referral mechanisms at the local level (incorporating the police, municipal government and others) are said to work effectively.

Many experts drew attention to the **lack of professional gender-sensitive support** for victims who are involved in legal proceedings, which makes it far less likely that victims will approach the law enforcement or justice systems in the first place. Lack of support refers to issues such as the lack of security measures in courtrooms (enabling perpetrators to threaten or intimidate victims), lack of procedures to protect victims from secondary victimisation as well as limited specialized psychological support or assistance to help victims navigate the legal processes. It was noted that in Serbia, victims of domestic violence are entitled to free legal aid, but the same is not true for victims of other forms of VAWG. Generally, civil society organisations are playing a key role in supporting victims in legal proceedings. The limited support for victims of VAWG in the justice system points to a general **lack of gender sensitive judicial processes**.

A common problem, highlighted by the majority of the experts, is the fact that many law enforcement and justice professionals lack familiarity with the relevant laws and often **do not understand the specific dynamics of VAWG**. Examples were given of how police, prosecutors and judges tend to approach cases of domestic violence as isolated incidents, failing to recognise the history of abuse. In cases of divorce, for example, this leads to encouraging family reunification even when violence is present. Related concerns are the **limited capacity for investigation** of VAWG cases. For instance, when police do not conduct rigorous evidence collection, cases do not go forward.

While there are many examples of training programs (e.g. training for police in Serbia and for judges and prosecutors in Albania and Montenegro), experts also highlighted the necessity of **mandatory gender-sensitive training** especially for prosecutors and judges. Educational programs have tended to focus more on the police than on prosecutors and judges. Other gaps in training include the need for both highly specialised courses to address the issues noted above as well as joint multi-disciplinary training, also involving civil society organizations, to enhance cooperation.

The topic of the influence of **personal bias and gender stereotypes** on legal proceedings was raised several times. Experts provided examples of how law enforcement and the judiciary still often view domestic violence as a private affair, and prejudices can result in secondary victimisation. The experts expressed the opinion that in general justice systems fail to treat VAWG cases with sufficient seriousness. For example, some mentioned that domestic violence cases are usually classified as misdemeanours, without criminal charges. In other cases, punishment for domestic violence is lenient, often in the form of monetary fines that experts contend are **ineffective sanctions**.

There is a clear pattern of **attrition in VAWG cases** that compromises victims' access to justice. Where case monitoring has been conducted, it has indicated low prosecution rates. For example, in Serbia, in 60 percent of domestic violence cases, criminal charges are dropped. In BiH, 70 percent of VAWG cases end in plea bargaining, meaning that there are no trials, sentences are generally lower, and victims cannot claim damages or compensation. Overreliance on victim testimony, which victims may be unwilling to give, and the tendency not to collect other forms of evidence is one of the reasons for this pattern.

SESSION 2:

SERVICES AND SUPPORT FOR SURVIVORS OF GENDER-BASED VIOLENCE³

The participating States provide support services to survivors of VAWG through dedicated telephone hotlines that offer basic counselling and support on a 24/7 basis, centres, shelters and safe houses that provide survivors with at least psychological, medical and legal assistance, as well as the possibility of temporary shelter. Most such centres are oriented towards assisting domestic violence victims, but there are also promising practices in the sub-region of **specialised centers** that provide comprehensive support to victims of sexual violence (e.g. in Albania and North Macedonia).

In several countries, the State-run hotlines, centres and safe houses operate in parallel with those managed by **civil society organisations** (CSOs). Several experts noted that these two systems are often not well integrated, and also that victims more often contact specialised CSO services than national telephone line or local law enforcement. While CSOs provide a large share of services to survivors of VAWG, ranging from psychological and legal counselling to financial, educational and housing support, they remain highly dependent on external donor funding and are often not recognized for the expertise they have acquired over decades of work in the field.



It is important to work with victims and consider the different mentalities, the different cultural behaviours, the different contexts so that services are not just accessible but also acceptable.

- UNFPA representative

Experts pointed out the many **unmet needs** of survivors of VAWG, in terms of the limited availability of shelter spaces, as well as the lack of **long-term and comprehensive support** that would help survivors to become independent and empowered. General services do not always meet the needs of particular groups of survivors, which can include Roma women and girls, women and girls with disabilities or living in rural areas and others. The marginalisation of many Roma women and girls,

as well as the lack of culturally and linguistically appropriate services was mentioned. It was proposed that these challenges could be addressed by employing qualified Roma people as social workers and other first responders.

Progress has been made in **multi-level coordination** to improve protection of survivors, but it was also noted that mechanisms for coordination are not always consistent across countries, or do not function effectively at all levels. Therefore, they need to be both expanded and strengthened. **Standard operating procedures** (SOPs) are being used to systematise responses. However, SOPs tend to be limited to single institutions. Experts mentioned that further systematisation and standardisation of services is needed across sectors. This would also improve multi-sectoral cooperation in such areas as **risk assessment and management** as well as in safety planning in DV cases. Better coordination around the identification of VAWG would also enhance early intervention and prevention.

Perpetrator programmes are also an element of VAWG prevention, and their use is expanding in South East Europe, as in other sub-regions. Albania provided an example of such a programme that is offered to perpetrators of domestic violence through self-referrals, mandated by courts or part of probation agreements. Work with perpetrators is based on standard protocols, and victim safety remains in focus. The programme conducts risk assessments, works in cooperation with women's counselling services and conducts follow up with individuals. Rates of recidivism are low for those who complete the programme.



[Perpetrator programmes] give them a chance to accept what they have done, to work on themselves and to change something so that domestic violence will not happen again. ... Domestic violence is learned behaviour.

- CSO representative

³ This type of support and protection services for women cover different forms, including for example women's resource centres, rape crisis centres, women's safe spaces, 'one-stop-shops' and women's emergency shelters.

CROSS-CUTTING ISSUES

The OSCE-led survey on violence against women provides comparative data for the sub-region as a whole and establishes important baseline information. At the national level, progress has been made in **data-collection** through improved record-keeping by relevant institutions and ministries as well as through surveys. In Albania, an online database to register VAWG cases has been created that allows for case tracking. Similar efforts to establish case management and tracking systems are also underway in BiH.

The links between **civilian access to firearms and domestic violence** crimes have increasingly been explored and addressed in South Eastern Europe.

IMPACTS OF COVID-19

The experts provided information about the impacts of the COVID-19 pandemic on VAWG. There was agreement that the pandemic, and lockdown measures, have **increased the risks for domestic violence** by confining family members together during times of high stress and fuelled by increased alcohol consumption. CSOs, including those that operate hotlines, noted that they received more reports of domestic violence as compared to the previous year, although this pattern was not necessary the same regarding calls to the police. Service-providing organisations mentioned the difficulties of operating during the pandemic, especially in outreach to specific groups, such as Roma women and elderly women (and also men who are involved in perpetrator programmes). Survivors' need for support has increased and, at the same time, the pandemic has exacerbated some forms of VAWG, such as cyber violence.

Several examples of responses to the pandemic include ensuring that telephone hotlines continued to operate on a 24/7 basis, the creation of new channels for outreach (e.g. mobile apps) and moving services to online platforms. There were dedicated awareness-raising campaigns on the services that were still available, including

Research, conducted by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) indicates that firearms are used in almost half of all killings of women by their partners in this region, but the prior misuse of firearms is almost never reported in registered criminal complaints of domestic violence. While progress has been made in the regulation of small arms (civilian firearm possession) in the sub-region, laws are not always effectively implemented nor do they adequately address the complexity of domestic violence cases.

shelter services that in some countries had to be expanded to meet demands. Still, many services to survivors ceased to operate, such as employment programmes, or were not accessible to those without internet access. It was noted that the number of men self-referring to hotlines connected to perpetrator programmes increased as a result of social media campaigns on self-control and non-violence.

Several CSOs explained that they neither planned nor budgeted for the new work demands. Their efforts under lockdown conditions were generally not financed by local authorities but from one-time emergency support from donors.

The pandemic has **exposed pre-existing gaps** in the systems that were in place to prevent and combat VAWG and provide assistance to survivors. The indirect impacts of the pandemic are also important. For example, many State-run services were temporarily stopped, including social services and court proceedings. One expert mentioned that processes to amend criminal law have slowed, and others noted that in general progress that had been made before the pandemic has been lost.

Information about Kosovo⁴:

Experts provided information about significant developments related to the law enforcement and justice sector responses, access to justice and support for survivors. In September 2020, the National Assembly of Kosovo amended the Constitution to give direct effect to the Istanbul Convention. A law on violence against women and domestic violence has been drafted, based inter alia on evidence gathered through the OSCE-led survey on violence against women and an analysis of shelters. Challenges include the fact that Kosovo does not have a central coordinating body, and in order to implement the new law once passed, bylaws and SOPs will also need to be developed.

The OSCE supports mandatory basic and specialized training for the police, for judges (in collaboration with the Academy for Justice) and for newly-graduated lawyers. However, multi-sectoral training that would improve the system of referrals, especially between civil and criminal judges, is lacking. It is also important to instil gender-sensitive approaches to evidence collection and the prosecution of domestic violence cases, including among forensic experts.

A 24-hour telephone hotline operates in Kosovo, but during the COVID-19 pandemic, it was assessed that it was not providing effective services. Based on further analysis, its operation has since been improved.

Kosovo introduced a unified data-collection system in 2019 that allows for case tracking. Several stakeholders (police, prosecutors, judiciary) have been trained in the use of the database, but further technical and human resources must be dedicated to make the system fully functional.

Recommendations:

The experts made a number of recommendations concerning critical areas. They are grouped in the following action areas:

The law enforcement and justice systems

- Further efforts are needed to bring national legislation in line with the Istanbul Convention, covering all forms of VAWG. Particular attention should be given to the treatment of sexual violence and rape in and criminal and criminal procedural law.
- Organisational and professional specialisation within law enforcement, prosecutors offices and the courts/judges on all forms of VAWG should be further enhanced with the aim of increasing support for survivors throughout legal proceedings.
- In order to address weaknesses in the implementation of the law, internal instructions and guidelines on the handling of VAWG cases should be developed and adopted. Such guidance should cover technical aspects of investigation and evidence-collection, proactive prosecution tactics and case management.
- Training programmes should be expanded and provided to all relevant professional groups (i.e. police, social workers, prosecutors, judges and lawyers). Training programmes should include mandatory sessions that aim to improve the general understanding of VAWG, specialised training for professionals and also multi-disciplinary training to enhance cooperation, especially around risk assessment, safety planning and referral mechanisms.

⁴ All references to Kosovo, whether to the territory, its institutions, or population, in the text should be understood in full compliance with United Nations Security Council Resolution 1244.

Service providers and support for survivors

- Sufficient and sustainable State funds should be allocated to all centres that assist survivors of VAWG in order to enable them to provide comprehensive and long-term rehabilitation to their beneficiaries.
- There is a need to expand existing services, and support centres, to meet the needs of survivors of VAWG, especially survivors of rape and sexual violence, as well as those who are in minority groups (e.g. Roma women and girls, women and girls with disabilities as well as others). Improving the responsiveness of social services could be achieved through diversifying the staff and recruiting specialists who represent specific communities.
- Special attention should be given to developing models for multi-agency coordination, especially around risk assessment and safety planning, that include service-providers and the law enforcement and justice sectors. SOPs should be implemented to standardise the responses of all relevant professionals in cases of VAWG.
- Programmes for perpetrators should be expanded and offered on a voluntary as well as mandatory basis, working in close cooperation with services for survivors. Such programmes can be part of larger early intervention and prevention approaches and can also be used along with criminal, or other, sanctions.

Cross-cutting issues

- Further efforts are needed to improve data collection and to develop database for case monitoring. Administrative records should be integrated into single databases and should also be regularly analysed.
- A follow-up expert session dedicated to monitoring compliance with the Istanbul Convention conducted by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) should be organised for South East Europe. The purpose of the meeting could be contextualise findings for the region and to support participating States in submitting national reports as well as implementing GREVIO findings.
- In the context of the COVID-19 pandemic and post-COVID recovery, good practices that were adopted during the crisis should be evaluated and continued. Additional measures may be needed to ensure that all survivors of VAWG have access to comprehensive protection and support as the emergency continues and afterwards.
- Inter-regional practical exchanges between professionals should be used to share experiences and to disseminate good practices between participating States.

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