***Strengthening the implementation of domestic violence laws and policies***

Human Rights Initiative Portfolio Review

February 13, 2015

This portfolio review will assess the Human Rights Initiative’s (HRI) efforts to support the women’s rights movement in Eastern Europe and Eurasia to strengthen implementation of domestic violence laws. This portfolio was launched in 2007 and was in place with adjustments until 2014 when we began to tie off support for this work and transition towards a global portfolio with a focus on women who face multiple forms of discrimination. This portfolio review offers a unique opportunity to analyze HRI’s significant investment in implementation of domestic violence laws in Eastern Europe and Eurasia. Connected to this portfolio over the past eight years we made 118 grants in 19 countries spending $8,057,000. While for this portfolio review we provided a list of the 27 grants made in 2013-2014 in 13 countries, many of the reflections below will draw on experiences from the entire period.

**Context**

While over the past two decades there has been significant progress in most countries of Europe and Eurasia in establishing a legal framework intended to address domestic violence, implementation at the national level has been very slow. This is due both to the fact that some of the initial laws were weak and needed to be strengthened and more importantly to a lack of political will by national governments to implement the laws. While governments adopted laws under pressure from international and regional institutions and due to local lobbying by women’s rights groups, they had largely failed to commit the energy and resources needed to effectively implement these laws. This lack of political will is in turn fueled by pervasive public attitudes on the role of women in society that result in the rights concerns of women being taken less seriously even in fundamental rights areas like violence. Examples of the failure of governments to implement domestic violence protections has included in some cases no funding allocated for victim support services, no systemic training for police and other professionals, no changes in procedures followed by authorities, only very limited sensitizing of judges, and very little investment in prevention initiatives. Most states also did not undertake systemic data collection on domestic violence, and did not track data to enable assessment of the implementation of policy measures.

Although women’s movements were generally weak, small grassroots initiatives emerged throughout the region around the subject of domestic violence, which was considered to be a top priority among activists. These groups were working directly with victims of violence and had a strong understanding of what was needed to support victims as well as reduce violence. These groups played a key role in putting domestic violence on the agenda with their governments in advocating for the first laws and policies. Typically these women’s right groups grew out of grassroots, volunteer efforts focusing on social and psychological support for victims and most did not even have a lawyer on staff. The few groups that did offer legal aid did not engage in strategic litigation, as their focus was on serving individual victims rather than on systemic reform. In the mid-2000s, there were practically no court cases on domestic violence neither in local courts, nor at the European Court for Human Rights (ECtHR), although laws on domestic violence were in place in 17 countries of Eastern Europe and Eurasia already. Nevertheless, through their work with clients, women’s rights groups could clearly see the broad lack of progress in the protection of victims and many started to take on advocacy to push for implementation and to try to have more systemic impact on the issue.

**Our ambitions**

In this context, we believed that the engagement of local women’s rights groups would be critical to improving implementation. Our theory of change was that through the support of key national women’s rights groups we could strengthen the implementation of domestic violence laws and policies. We believed that these groups could be supported to test new laws in the courts and to undertake rigorous monitoring and advocacy work to push for implementation.

We believed that HRI funding would both enable grassroots groups to develop into more professional organizations, and that in particular, these groups would have increased capacity to undertake litigation and advocacy aimed at policy change as well as a greater ability to systematically monitor implementation of domestic violence laws. We believed that the data on gaps in implementation would provide a good basis for advocacy as well as for informing the public. Our strategy included supporting a few international organizations to work in collaboration with local groups to build their capacity to carry out domestic violence litigation and monitoring work and to contribute to regional and national standard setting in this field. We envisioned supporting key women’s rights groups in up to 15 countries where domestic violence laws were recently adopted or were about to be introduced. We were also hoping that among the groups we supported, some regional centers for excellence would emerge. In addition, we expected to contribute to establishing standard-setting strategic litigation at the ECtHR and other key forums and at national-level courts. Last but not least, we were hoping that by supporting domestic violence groups that tended to be the engines of the small women’s movements, we could contribute to the gradual strengthening of the movements themselves.

**Our place**

In undertaking this portfolio of work HRI became the lead funder of advocacy to implement domestic violence laws in Eastern Europe and Eurasia. National governments have not funded advocacy work in this area, and EU level support for this work has been very limited. Core funding from private donors for domestic violence groups in Europe has also been limited and in decline. Several foundations have left the region in recent years. A couple of foundations, including the OAK Foundation and the Sigrid Rausing Trust, only provide such support in a select number of countries. Mama Cash and the Global Fund for Women have provided general support to women’s rights groups, however, the grants awarded tended to be small. Embassies have also supported small-scale women’s rights projects. Within OSF, HRI has been the primary funder of this work. Other OSF entities, both geographic and thematic working in Eastern Europe and Eurasia, have not prioritized this work although have at times provided limited support, including co-funding some of the groups we supported.

In terms of key players with expertise in promoting the implementation of domestic violence laws, Advocates for Human Rights (AHR), a Minnesota-based NGO has focused on promoting domestic violence legal reform in Europe and Eurasia since the early 1990s. AHR produced the first human rights reports on the topic in at least ten countries of the region. As a part of this portfolio we funded AHR to produce joint reports with local groups and to hold regional workshops that focused on skills development for local activists. This has included the use of court monitoring and the preparation of strong monitoring reports to demonstrate the gaps in implementation of domestic violence laws and policies. Interights, a London-based strategic litigation group, was among the first in Europe to test the ECtHR on women’s rights cases. We supported Interights in taking strategic women’s rights cases from Eastern Europe to the ECtHR and in building the litigation capacities of local advocates across the region.

The focus of our funding was on grassroots women’s rights groups that were committed to increasing state accountability, had shown leadership in advocating for better rights protection for victims of domestic violence, and enjoyed credibility in the small women’s rights movements in the region. These groups were led by first-generation women’s rights leaders, visionary feminists, who organized a handful of activists to strategize on how to best address ongoing problems of systemic violence.

**Successes and innovations**

*Women’s rights groups empowered to play lead role in advocacy for implementation of domestic violence laws*

With HRI support, grantees developed their advocacy skills and capacity while retaining their original service provision work. The litigation and monitoring work of women’s rights groups across the region improved significantly, as well as their ability to undertake legal advocacy. Most of HRI’s grantees that were part of this portfolio now offer legal aid and engage in litigation in domestic courts, with a significant portion also taking strategic cases to the ECtHR and to the CEDAW Committee. Many groups improved their monitoring skills and are now able to produce meaningful reports for domestic audiences and for international bodies. A number of groups undertook court monitoring to assess how the courts respond to domestic violence cases. The findings from this monitoring were used to undertake strategic advocacy aimed at improving the response of courts to domestic violence cases. Some groups also succeeded in getting sensitivity training on gender-based violence integrated into the training curricula for judges. This enhanced legal advocacy work can at least partially be attributed to HRI’s support to groups to contract or hire lawyers as well as our investment in their capacity through regional capacity-building programs, litigation surgeries, and trainings. Similarly, HRI support enabled the groups to prepare comprehensive monitoring reports on the implementation of domestic violence laws. These monitoring reports remedied the often complete lack of data on domestic violence and/or the state response to the phenomenon. NGOs typically used the data to shape public awareness and to lobby the authorities for improving state response, as well as to inform treaty bodies about gaps in implementation.

For example, in about five years from what was originally a shelter for victims of gender-based violence without significant legal work, the St. Petersburg Shelter Center developed into a real advocacy organization with two talented lawyers able to litigate in domestic and international courts. Our grants to the organization enabled them to hire lawyers for the first time and to launch their litigation work. We also funded their lawyers’ participation in a regional capacity-building program on international litigation avenues, following which they started to develop cases on sexual violence and domestic violence. Today one of these lawyers provides training for others from Russia and Eurasia, in cooperation with HRI’s other Russian grantee, the ANNA Center, which we funded to produce the first monitoring report on violence against women in Russia as well as its dissemination in Russia. On the basis of the data, ANNA Center prepared a strong shadow report for the CEDAW Committee that included data from the Russian Ministry of Interior which estimated that approximately 14,000 women die annually as a result of domestic violence and demonstrating that the state has done very little to protect victims. The CEDAW Committee issued a strongly-worded set of concluding recommendations regarding the lack of protection for victims of domestic violence, following which the government created a working group to design the country’s first law on domestic violence. ANNA Center was asked to lead the work and we have supported the organization in undertaking this role. The draft law is currently awaiting debate in the Duma.

*Increased strategic litigation capacity and centers of excellence in the region*

The Women’s Human Rights Training Institute (WHRTI) is a regional training program launched a decade ago with HRI support by the Bulgarian Gender Research Foundation (BGRF) and its partners in order to remedy the lack of strategic litigation capacity of women’s rights groups. Through our funding and operational support to the WHRTI we have been able to support the creation of a network of more than 100 lawyers from 21 countries of Europe and Eurasia who were trained to undertake domestic violence litigation including strategic impact litigation that holds governments accountable for implementation of laws. Many graduates of this training institute have launched cases in domestic courts as well as at the ECtHR and under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Several graduates of the program created new NGOs to advance women’s rights and a number of women’s rights groups in the region are now led by WHRTI graduates. Most trained lawyers are part of a strong network and continue to work together years after their participation in the program. WHRTI produced the first generation of women’s rights lawyers in the region and a new generation of women’s rights activists. Several lawyers from this network became acknowledged experts in their subject areas. In addition, BGRF has become a regional center for excellence on women’s rights litigation and monitoring work and has supported women’s rights groups in other countries in developing their skills.

Although HRI’s role was primarily grant-making, HRI staff took part in some operational-level work, especially at times when strategic decisions had to be made that had implications beyond the actual program grant. For example in reviewing the first few cycles of the training one gap that was clear to BGRF and us was that applicants from Central Asia and Russia were underrepresented. This was largely due to a language barrier resulting from the fact that the program was conducted in English which meant that it was not assessable to many young lawyers from Eurasia. Although BGRF was interested in developing a Russian-language program, our role was to identify an organization that would enjoy strong credibility among Russian lawyers, ensure knowledge transfer between BGRF and the other organization, manage expectations from all partners, and facilitate the development and launch of the Russian training program without that becoming overly donor-driven. Following about two years of process work, the Russian-speaking training program was launched under the leadership of ANNA Center with the full support of BGRF.

*Progress in the implementation of domestic violence legislation*

HRI funding and other support has enabled our grantees to play a lead role in achieving significant improvements in the implementation of domestic violence legislation. Grantees have often focused on the implementation of restraining orders, e.g., this has been a priority in Albania, Azerbaijan, Bulgaria, Georgia, Hungary and Poland. For example in Albania the Human Rights and Democracy Center (HRDC) challenged the failure of authorities in the Tropoja district to apply restraining orders. HRDC first completed a monitoring report on how courts and police fail to use the tool, which was followed by workshops with various authorities to discuss the law and its implementation. In parallel, the group offered legal aid and representation to victims. Eventually several restraining orders were issued and the follow-up monitoring documented improvements in the work of the authorities.

Many groups achieved improvements in implementation of the law by training authorities and by introducing protocols for implementation. For instance, NaNE Association developed a strong working relationship with the Budapest police leadership and worked out a protocol for police work in domestic violence cases. Beyond working with police, grantees in this portfolio also engaged local prosecutors and judges. Sensitizing these authorities was often even more challenging than working with the police given their general reluctance to be trained by civil society activists. When faced with resistance groups responded by undertaking court monitoring projects, documenting problems in the way courts handled domestic violence cases. These types of projects in Bulgaria and Hungary have had a positive impact on the handling of domestic violence cases. With the help of UN Women, our grantee in Kazakhstan, Podrugi, arranged a training for prosecutors after it became clear that despite the passage of domestic violence legislation prosecutors were reluctant to use the law. As a result of this training the group reported that the willingness of prosecutors to charge perpetrators using the law, has improved considerably. In many countries grantees worked with social service providers like child protection agencies and with schools and health professionals to improve their responses to domestic violence. This included engaging these key stakeholders in reporting cases of domestic violence, in supporting victims, as well as in prevention efforts. Furthermore, HRI grantees in some cases managed to improve coordination among various authorities by introducing models for regular consultation and reflection to improve the system’s overall response to domestic violence. Examples of countries where this type of coordinated approach has been successfully initiated by our grantees include Albania, Bulgaria, Poland and Kazakhstan.

As a result of the monitoring and advocacy work by HRI grantees, several countries have improved their initially weak laws and policies on domestic violence including Ukraine, Bulgaria, Hungary, Latvia and Romania. For instance, in Ukraine, references to the victim’s “provocative behavior” were removed from the law following the advocacy work of HRI grantee Western Ukrainian Women’s Center Perspectiva. Also, Latvia and Hungary have recently introduced restraining orders largely due to the pressure that the women’s rights groups Marta Center and NaNE Association have exercised through their production of various monitoring reports, litigation work and public mobilizing efforts.

Furthermore, some progress on state funding for services has been achieved due to the strong advocacy work of HRI grantees. For example, two HRI grantees in Bulgaria managed to get a budget line introduced into the law for the first time in the region to cover domestic violence services. Women’s Rights Center Poland managed to ensure that a significant portion of its service provision work is funded by local governments in Warsaw, Wroclaw, and Gdansk. The Georgian government has approved budget provisions for domestic violence albeit was not able to fully implement these due to the financial crisis. Under pressure from women’s rights groups and international organizations, a number of countries in the region have opened up state-funded hotlines, shelters or crisis centers for victims. This has been an important achievement even if the number of available places in shelters remains too small and only addresses a fraction of the overall need.

*Standard-setting cases at the ECtHR and elsewhere*

At the ECtHR there is now a significant caseload on domestic violence, including several groundbreaking victories that were achieved by HRI grantees. For instance, the Bulgarian Gender Research Foundation secured the first victory from Eastern Europe in 2008 in *Bevacqua and S. v. Bulgaria*, in which the Court described domestic violence as a public matter. A year later, Andrea Coomber, an Interights lawyer, through a third-party intervention contributed to the case *Opuz v. Turkey* in which the Court for the first time outlined the state’s positive obligations regarding the protection of victims of domestic violence and argued that domestic violence is a manifestation of gender-based discrimination. Today this case is being referenced across Europe in domestic violence cases. Other grantees from Russia, Lithuania, Moldova, Croatia, Slovakia and Hungary have also secured victories in cases at the ECtHR. Some grantees were able to build up momentum for change based on these victories. For instance, in Bulgaria our grantees used ECtHR decisions effectively in their advocacy efforts to improve the domestic violence law. Other regional and international advocacy avenues used by HRI grantees to pressure their governments included the European Social Charter, the European Court of Justice, the Optional Protocol under CEDAW, and the special inquiry procedure under CEDAW. For instance, we have been confidentially informed that Open Line from Kyrgyzstan has launched a special inquiry procedure under CEDAW against Kyrgyzstan for its systemic failure to stop bride kidnapping.

*Growing public awareness about domestic violence*

Our funding has strengthened the voice of small women’s rights groups. When breakthroughs have taken place in public awareness regarding domestic violence, the impact of women’s rights groups has often been clear. For instance, over the past two years in Hungary there is a visible shift in the public response to violence against women. A number of scandals evoked very strong media coverage and strong public disapproval, e.g. an MP brutally beat his wife and fabricated a story about how she fell over their blind dog hurting herself. The public response was so overwhelming that – although he did not resign – he left his party’s parliamentary group. Ten years ago NaNE would have been the only voice expressing concerns over an elected politician beating his wife. While in this case NaNE Association wrote the first statements, many people not associated with the women’s movement expressed very strong disapproval. NaNE’s work over the past decade to sensitize journalists – who until recently termed domestic violence murders as “love-overprotection” apologetically – contributed to these changes. Similar progress in media coverage and public response to domestic violence took place in several countries. Most of our grants covered modest communications work and contributed to these shifts.

**Failures, disappointments and lessons learned**

*Insufficient progress in countries where there was a strong backlash and where awareness-raising and capacity-building needs were greater*

Our strategy in implementing this portfolio was built on the similarities we saw across the large post-socialist region. These included a generally favorable context for domestic violence related legal reform and the similar set of needs in terms of skills development that we saw among women’s rights groups. While our strategy was effective in bringing about changes in implementation in countries where the generally favorable political climate lasted for 10-15 years, it has been less effective in countries with shorter windows of opportunity or where there was a stronger backlash. In particular, in Russia, Armenia, Azerbaijan and parts of Central Asia, progress has been slow, even though NGOs did manage to put domestic violence on the public agenda and initial policies and laws have been introduced in several of these countries. While the key reasons for the slow progress are primarily social and political, our grant-making approach should be examined to understand what we could have done differently.

Firstly, it took us longer to identify grantees in these countries than in other parts of the region which gave us less time to support their capacity development. Between 2007 and 2009 the bulk of HRI’s grant-making took place in countries where women’s rights groups with advocacy potential were already known to HRI staff or were easy to identify. In the 2010 review of our strategy we emphasized the need to adjust our work to the needs of sub-regions. For example, we agreed to be more proactive in identifying potential NGOs in Central Asia and we worked together with researchers and other donors in order to do so. As a result, in 2010 we started to fund women’s rights groups in Kazakhstan, Kyrgyzstan, Tajikistan, Mongolia and Azerbaijan. However, if we had developed proactive strategies for identifying promising women’s rights groups earlier, we could have started funding relationships sooner and might have been able to have more impact in these countries.

Secondly, we have only been partially successful in adjusting our capacity-building work to the particular needs of groups in more challenging parts of the region. In some cases it has taken longer to adjust a tool than we anticipated. For instance, the development and launch of the Russian version of the capacity-building training for lawyers has taken almost two years. The first training started in 2013 and was well received, but will take time to demonstrate impact. Furthermore, although we encouraged our international partners to work with our key local partners in Eurasia, in some cases they struggled with responding to the needs of groups in these countries. For instance, while Interights worked well on strategic cases with women’s rights groups from Central Europe and South-East Europe, most of whom have had some exposure to strategic litigation; it was unable to develop cases with women’s rights groups in the South Caucasus and Russia who did not have prior history doing litigation. We were convinced that this was because Interights did not have a strategy for its capacity-building work and we encouraged it to develop one. This eventually took place in 2013 and as a result Interights has started to have promising collaborations in Russia. Nevertheless, the process of working with Interights to develop a strategy has taken a long time, thus retrospectively, the question emerges whether we should have acknowledged that Interights was not going to work effectively with partners in these countries and taken a different approach to providing support to local groups. Other, more tailor-made capacity-building methods, such as individual consultancies or collaboration with AHR or BGRF on a specific monitoring project or training for police/ prosecution, have worked generally well and could have been expanded as an alternative approach.

Thirdly, although we provided more assistance to the grantees in some countries, we did not go beyond the logic of investing in one or two key groups committed to undertaking advocacy towards the implementation of domestic violence laws. In light of the recent attacks we have seen on gender equality in Russia, Armenia and other countries, broader strategies including supporting groups to do public education work were needed. We are concerned that even if Russian women’s rights lawyers take strong cases of domestic violence to the courts, and manage to pass a law on domestic violence, if the backlash on gender equality continues in Russia, these policies may have limited impact. While a backlash against women’s rights has unfolded in other countries including Poland, Slovakia and Hungary, and this may have impact on women’s reproductive rights, it is less likely to lead to significant regression in the area of domestic violence where laws, policies, and systems are now in place and more or less functional. If the backlash happens prior to the institutionalization of these, as is the case in Russia and Armenia, it may lead to continued state inaction on domestic violence.

*Limited cooperation with mainstream human rights groups to work on domestic violence*

With a few exceptions, mainstream human rights groups in Eastern Europe and Eurasia do not work on domestic violence, although their litigation and monitoring skills and familiarity with regional and international human rights treaties are generally superior to women’s rights groups. Our 2007 strategy envisioned strengthening their engagement in the field by raising the matter in conversations with them and by facilitating discussions between women’s rights groups and human rights groups hoping that joint projects would emerge. Our conversations with mainstream groups, however, often times indicated a resistance to and a lack of understanding of domestic violence as a human rights issue. Additionally women’s rights groups were often territorial and feared others becoming involved. This included sometimes sending mixed messages to human rights groups. On the one hand they expressed concern about the lack of interest from mainstream groups, however, when some of these groups engaged on the topic, women’s rights groups were quick to point out their incompetence. Thus in the 2010 review of our strategy we decided not to pursue this objective. Retrospectively, we probably gave up too easily and missed an opportunity to assist in the integration of women’s rights groups into the broader human rights discourse. In pursuance of this goal we could have considered other tools. For example, a call for join project proposals, or the organizing of convenings that brought human rights and women’s rights groups together, or fellowships/exchanges that build relationships and strengthen collaboration. Such efforts might have been particularly helpful in some of the most challenging countries like Russia.

*Trust-building between us and our grantees was too slow and there was a need for deeper engagements upfront*

With most of our women’s rights grantees we have maintained regular communications typically over email, occasional phone calls and less frequently through in-person meetings (usually annually). More intensive relationship-building work, especially frequent face-to-face meetings in the beginning of these relationships would have been helpful in shortening the prolonged trust-building period. In our experience the majority of women’s rights grantees have preferred to keep their distance from us and other donors. This has included a reluctance to disclose weaknesses or failures out of concern these could be used against the organization. Many have considered questions or requests for information as an intrusion into their work and as a misuse of donors’ power. These typically small and radical feminist organizations were used to operating in rather hostile environments thus many were quick to interpret questions or comments defensively. These groups are also extremely sensitive about power given the emphasis feminism places on deconstructing power and hierarchy. Thus with many grantees a long trust-building process was required prior to engaging in deeper conversations and in self-reflection. Once the trust-building had taken place, many groups became gradually more open and even invited discussion. However, some of our efforts may have been more impactful if we had spent more time on this upfront.

*Difficulties of transitioning from small grassroots service provision groups to being able to undertake legal advocacy work*

While a small number of women’s rights groups HRI supported did develop their strategic advocacy capacity very rapidly, the majority of our grantees changed slowly and had difficulty articulating strategies that would result in systemic reform. We believe this had to do partly with the history and identify of these groups as serving victims of violence, and partly with the fact that these groups often felt locked into service provision focused given that states remained largely reluctant to provide or fund essential services for victims. In fact, some analysts argue that it was a deliberate strategy for states to rely on unpaid or very poorly remunerated NGO services in this field. As a result, many of our grantees grappled with balancing immediate demands from clients for continued service provision with the need to devote some resources to strategic efforts that could have more systemic impact. In our approach to working with the groups we acknowledged these challenges and recognized that development of strategic advocacy would be slow and require long term, multi-year investments. This approach has paid off and in most cases the groups we invested in can now carry out the kind of strategic advocacy we hoped they would be capable of, even though many of them continue to struggle with overload and burnout issues as a result of the underfunding from state actors and continued pressure to sustain services.

Additionally, many women’s rights groups did not know how to use their advocacy work to empower their clients in efforts to build public awareness and support. So for example, the focus was often on protecting their clients’ identity and security, which while undoubtedly important, at times caused them to be overly protective of the clients. This made strategic litigation as well as media representation a challenge. Often their media strategy was built on banning media access to clients completely. Even recovering victims who wanted to share their stories were dissuaded from talking to the media. It took years for women’s rights groups to learn to shift this approach and instead to prepare victims for working with journalists and for working with the authorities that minimize the risk while allowing the strategic cases to reach the courts and the public to get to know the stories of survival and recovery.

*Domestic violence advocacy did not result in strong women’s rights movements*

Even though our women’s rights strategy did not have an explicit movement-building component, we were hoping that by funding core women’s rights groups we would indirectly contribute to the overall growth of the women’s rights movements. Although the women’s rights groups we supported have become visible and in many cases have improved public awareness of the problem of domestic violence, this has not resulted in bigger women’s movements or necessarily in a greater capacity to mobilize the public. The size of the women’s rights movements in the countries where we supported this work did not change considerably in terms of the number of activists prepared to take action or the number of active supporters. For example, only about twenty people attended a recent demonstration to protest violence against women in Yerevan, and these numbers are not dissimilar to what we see in other countries. Women’s rights groups typically did not have conscious movement-building strategies, and our funding did not prioritize this work either. Although there are social and historical reasons behind the lack of massive women’s movements, arguably, conscious movement-building strategies would have been useful. The absence of strong women’s rights movements in the region means that not only will it continue to be difficult to sustain strong government support for committing the resources needed to implement domestic violence laws, but it will also be hard to push back against other efforts to undermine women’s rights, particularly in controversial areas like reproductive rights. If donors want to contribute to movement building, this needs to be integrated into the grant-making strategy from the start with recognition that support for this part of the work will require the development of new skills the same way as legal advocacy requires new skills.

**APPENDIX**

**Grants Addressing Domestic Violence, 2013-2014**

Total amount: $ 2,361,530