

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.

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 second sub-regional meeting (held online, **5 November 2020**) brought together 34 participants (90 per cent female) from five participating States: **Belarus, Georgia, the Republic of Moldova** (Moldova), **the Russian Federation** (Russia) and **Ukraine**. The experts represented civil society, 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

Three of the participating States included in the expert meeting have either ratified (Georgia) or signed (Moldova and Ukraine) the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). In these countries, the process of harmonising national legislation with the standards of the Istanbul Convention has brought about changes in the law, for example, amendments to the law on domestic violence that increased protection for victims (Moldova) and criminal code amendments that redefined sexual violence and rape to cover any sexual act performed without the person's consent (Ukraine).

The experts noted that the majority of participating States included in the meeting have similar legal bases. Most of the countries have **stand-alone laws** on VAWG or on domestic violence. Belarus and Russia are exceptions in that VAWG is addressed under general criminal law and/or administrative law. All but one of the participating States has mechanisms that place temporary restrictions on perpetrators of domestic violence, in the form of **emergency barring orders** issued by the police and/or **protection orders** issued by courts. While highlighting the important role played by protection order mechanisms, experts also expressed concern over weaknesses in implementation. Analysis in Moldova indicates that since the mechanism was introduced, police have been issuing more protection orders each year. However, in half of the cases, the perpetrator violates the order within the first ten days. In Belarus, the protection order mechanism is not sensitive to the specifics of gender-based violence; such orders can only be issued after at least two incidents of domestic violence are reported to the police within the same year.

The participants provided several examples of areas in which the laws themselves, or legal procedures, **lack sensitivity to the gendered nature and specifics of VAWG**, which hinders victims' access to justice. These examples include the classification of domestic violence as crimes of private prosecution, amendments to criminal law that reclassified some forms of domestic violence as administrative offenses, and the fact that criminal proceedings tend not to inform civil processes (e.g. in cases of divorce in which there is a history of domestic violence). There are also lacunae in the law, such as non-recognition of the offense of stalking.

The issue of **alternative sanctions** in domestic violence cases was an area of interest, particularly concerning the violation of protection orders. A positive development, in both Georgia and Moldova, is the introduction of electronic monitoring of perpetrators (through electronic bracelets), which is expected to increase the safety of victims and also improve the police response to protection order violations. Other commonly-used sanctions include monetary fines and mandatory community work. The increasing availability of **programmes for perpetrators** of domestic violence is an important development in the sub-region. For instance, in Moldova, when a protection order is issued, the perpetrator is obliged to take part in such a programme. Still, the experts noted several shortcomings that limit the effectiveness of direct work with perpetrators. For example, analysis in Ukraine has shown that judges rarely require perpetrators to attend such programmes, the police do not have the authority to compel perpetrators to attend, and there is also limited capacity to offer such programmes. In Russia, perpetrator programmes are run by civil society organisations (CSOs), one in collaboration with the penitentiary service.

Promising work has been done to create **specialisation** within the law enforcement and justice systems. For instance, in Georgia a special department of the Ministry of Internal Affairs on human rights protection and quality monitoring has a mandate to oversee the investigation of particular cases (including, inter alia, domestic violence, violence against women, crimes committed on the basis of discrimination and human trafficking). In addition to its monitoring function, the department has issued guidelines and protocols for investigations, prepared legal amendments and conducted training for police officers. Georgian experts pointed out that the involvement of the special department has improved the quality of investigations into VAWG cases. Building on this practice, it was suggested that there is a need for further specialisation among prosecutors and judges. In Belarus, the National Plan for Gender Equality 2021-2025 includes an objective to establish a national interagency resource centre on domestic violence within the training academy of the Ministry of Internal Affairs. A civil society expert noted that due to recent events in the country, however, their cooperation with the police has been suspended and information about developments within the ministry to address VAWG is very limited.



Biases and stereotypes still influence how the laws are applied. We can have perfect laws, bylaws and instructions, but if there is a lack of understanding of the problem [of VAWG] and the seriousness of the problem, there is a lack of capacity to use the law properly. And ensuring women's access to justice will not be effective.

- CSO representative

Training programmes are the most common method used to increase the knowledge and capacity of law enforcement and legal professionals to respond to cases of VAWG. Of the relevant professional groups, training has mainly been

focused on law enforcement, for active police officers, as well as police trainees (Belarus), police telephone emergency services (Ukraine) and probation officers (Moldova).

The experts all noted that training has had positive effects, while also acknowledging that better monitoring is needed in order to assess the extent to which the quality of assistance to victims improves after training.

Common shortcomings related to the topic of professional training include the high staff turnover and the need for joint training programmes. Frequent staff rotation requires continual training, yet training efforts still tend to be ad hoc, with few examples of **institutionalised programmes** (in Georgia, training for police officers on VAWG is regular and offered both in-person and online; in Ukraine, the National Institute of Judges and the Academy of Prosecutors have both developed training courses on VAWG. In Belarus and Russia, NGOs provide most of the training for law enforcement). Experts from Moldova provided an example of a very effective **joint training programme** for judges, prosecutors and lawyers. They stressed that this approach is still very much needed to reinforce multi-agency work and ensure that relevant professionals have a common and unified approach to combating VAWG. At the same time, the importance of providing in-depth specialised training that targets a particular professional group was also noted.

The experts called for training with a **transformative element** in order to address the influence of **stereotypes and biases** on the part of law enforcement and judicial officers. Bias is manifested in attitudes that view VAWG cases as low priority and in actions to dissuade victims from making complaints or applying for protection orders (by police) or to push spouses to reconcile in domestic violence cases (by judges), for example. Training to sensitise relevant professionals, including lawyers, to the particular characteristics of VAWG is also needed.

SESSION 2:

SERVICES AND SUPPORT FOR SURVIVORS OF GENDER-BASED VIOLENCE³

The participating States provide support services to survivors of VAWG through telephone hotlines, crisis centres and accommodation for women escaping abuse. The range of services available across the sub-region includes psychological assistance, legal assistance (primary and secondary legal aid), medical services, employment assistance, support for children and programmes for perpetrators. There are good examples of cooperation between State-managed services, generally operated by local authorities, and **civil society organizations**.

Moldova offers an example of how such cooperation has been formalised through a **national coalition**, representing the majority of organisations providing services to victims of VAWG in the country (both public institutions and CSOs). In addition to service-provision, the coalition members undertake advocacy work at the local and central levels. The network structure allows for strategic initiatives around public policy as well as capacity-building for individual organisations and for the network as a whole.



Now we have multi-disciplinary teams working on the ground, but it is really important to bring the structures together under a common vision and a common programme regarding gender-based violence and human rights.

- CSO representative

Across the region, progress has been made in enhancing **multi-level coordination and cooperation**. In countries with dedicated legislation on VAWG, laws describe the responsible authorities

and may also specify that coordination is a principle that underpins prevention work. Experts in Moldova noted that multi-sectoral coordination works well at the central level, but effective local-level cooperation between the relevant stakeholders is still dependent on the presence of strong CSOs. Ukraine also provided an example of how on-the-ground cooperation, in this case the use of mobile multi-disciplinary teams, has helped to improve outreach to victims. A national referral mechanism on VAWG and domestic violence has been developed in Georgia and is awaiting government approval. In Belarus, a multi-sector response model on domestic violence covering law enforcement, health and social services has been piloted in one region.



When we talk about rehabilitation of victims of domestic violence, their employment is key. Victims are mostly women who are not economically independent, they do not have work experience or education or do not have the financial means to survive on their own. So economic independence is key for secondary prevention of violence.

- CSO representative

Standard operating procedures (SOPs) are in the process of development in several countries. In Moldova the Ministry of Health and women's non-governmental organisations jointly adapted SOPs for social and health services that have now become operational. Likewise, in Georgia, SOPs and medical forms for identification, documentation and referrals have been introduced for primary healthcare professionals.

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.

Key challenges that the experts mentioned concern the need for **comprehensive services**, and especially for **rehabilitative support**. There is limited funding for and capacity to provide both urgent assistance and to address the long-term needs of survivors of domestic violence, such as for transitional housing and employment. Specialised services for all survivors of VAWG, especially in cases of sexual violence, are also underdeveloped. **Early intervention** is critical for the prevention of violence. Experts from Georgia described how most victims of domestic violence contact the police when violence is already very serious and

that law enforcement tends to react only when a crime has been committed. Social workers could potentially play an important role in identifying risks for domestic violence and preventing its escalation, but this would require increasing financial and staff resources as well as the development of guidance and training for social workers.

A persistent issue for much of the sub-region is the lack of consistent and sufficient **financial support** for CSOs as service-providers.

CROSS-CUTTING ISSUES

Systems for comprehensive **data-collection** are being developed in the participating States. Experts mentioned initiatives to devise specific indicators on VAWG (Moldova) and to create a unified State registry on domestic violence cases (Ukraine) that will improve the provision of services and to assist in monitoring. In Belarus, there are plans to create a registry for domestic violence cases that will include information about child witnesses of violence (described in the National Plan for Gender Equality). At the same time, there is a need to harmonize databases across sectors (for instance, separate databases maintained by ministries of justice and ministries of health) and for regular

analysis of sex-disaggregated data. In the case of Ukraine, experts expressed concern that the planned single registry will potentially include non-anonymous personal data.

The topic of **backlash**, especially in the context of challenges made to the ratification of the Istanbul Convention, was raised as an issue for the sub-region. Resistance from conservative factions and religious institutions as well as a lack of support from the general public has complicated advocacy work, stalled legal reform and hampered cooperation between women's CSOs and the authorities.

IMPACTS OF COVID-19

The experts provided an overview of impacts of the COVID-19 pandemic on VAWG. During lockdown periods, service-providing organisations recorded an increase in contacts to hotlines, and a similar trend was verified by the police. It is thought that the incidence of domestic violence has increased, fuelled by isolating victims with perpetrators, women's loss of work, men who have returned from working abroad and increased stress. There was consensus during the meeting that the pandemic has **exposed pre-existing gaps** in the systems that were in place to prevent and combat VAWG while also making a latent problem much more evident to the wider public.

During the health crisis, the provision of services to victims of VAWG was significantly curtailed in all participating States. The challenges for CSOs during lockdowns concerned reaching beneficiaries in conditions of social distancing and ensuring the protection of service-providers themselves. An additional complication in countries in which most services are provided by CSOs, based on funding from donors, was the lack of flexibility to reallocate funds.

Experts from CSOs provided a number of examples of cooperation with the authorities to respond to the pandemic situation after emergency measures were put in place. Outreach to victims was ensured through such initiatives as the expansion of existing hotlines, the creation of a special mobile app and online campaigns (e.g. in Georgia,

Russia and Ukraine). Rapid needs assessments were conducted in both Moldova and Ukraine to determine how to allocate resources to those most in need. Experts from Moldova credited the existence of the national coalition with the ability to act quickly and effectively distribute aid. There were examples in several countries of local inter-agency rapid responses to assist families at risk for domestic violence. To meet the demand for safe temporary accommodation, some shelters increased the permissible length of stay (Georgia) or shelter spaces were created in hotels (Russia). Other innovations included the creation of a peer-to-peer survivors network for information-sharing (Georgia). Further documentation of such responses would be useful, as it may be possible to expand such initiatives, not only during any future lockdowns, but also to address long-standing shortfalls and barriers in access to services.

When discussing the pandemic situation, experts pointed out that many survivors of VAWG are still not being reached, and they would also require more comprehensive assistance than can be offered through distance/online consultations. These survivors include women who do not have smart phones or internet access, those who face language barriers (such as migrant women) as well as women who have additional vulnerabilities (for instance, they are illiterate, have many minor children, have mental health conditions, are elderly, etc.).

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

- For participating States that have ratified or signed the Istanbul Convention, legislation should be brought into compliance with the standards of the Convention. Particular attention should be given to the treatment of sexual violence and rape in national criminal law.
- For participating States that are not parties to the Istanbul Convention, criminal and civil legislation should be harmonised with international standards and good practices. An important step would be the adoption of specialised legislation on VAWG.
- National-level research and analysis should be conducted on the use of protection orders and perpetrator programmes in order to increase the effectiveness of sanctions for perpetrators of domestic violence.
- There is a need for organisational and professional specialisation within law enforcement, prosecutors offices and the courts/judges on all forms of VAWG, but especially concerning domestic violence and sexual violence.
- National governments and donors should support regular and sustained training programmes, with the aim of institutionalising such training. Targeted training is needed for relevant professional groups (i.e. judges, prosecutors and lawyers) in combination with multi-disciplinary training.
- Transformative training, and other programmes, should be developed to address bias and gender stereotyping and to change the mentality and attitudes of law enforcement and justice professionals towards VAWG.

Service providers and support for survivors

- State funding should be allocated to centres that assist survivors of VAWG in order to enable them to provide comprehensive and long-term rehabilitation to their beneficiaries.
- Special attention should be given to developing models for transitional accommodation and employment support to help survivors become economically independent once they leave violent partners and temporary shelters.
- Models for early intervention and prevention that engage with a wide range of professional groups, such as social workers and educators, should be developed.

Cross-cutting issues

- Data collection, research and analysis on VAWG should be improved in order to inform policy and legal changes. Administrative records should be integrated into single databases and should be regularly analysed.
- Support should be given to feminist organisations and women-led CSOs to advocate for needed reforms in the area of VAWG so that they can respond to challenges and backlash.
- 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.



Domestic violence is not an isolated phenomenon that affects just the victim and perpetrator, but it is a human rights violation that ruins families, individuals, societies and has a long-lasting effect on communities and entire societies.

- Representative of an international organization

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