

Turning commitments into action:

Conclusions and recommendations to implement the OSCE commitments on preventing and combating violence against women and girls



REPORT

In 2020, the OSCE Gender Issues Programme conducted three sub-regional expert meetings (for Central Asia and Mongolia, Eastern Europe and South East Europe¹) to take stock of progress related to OSCE commitments on preventing and combating violence against women and girls (VAWG)². Regional issue briefings and meeting reports were drafted for each event, and these documents summarise achievements, challenges, lessons learned and recommendations for future actions.

A concluding event, consisting of an OSCE-wide expert meeting and plenary session, open to OSCE delegations and OSCE staff, was held on 27 January 2021 in order to synthesize the key messages from each of the sub-regional meetings and to formulate recommendations that are relevant to the participating States, to OSCE executive structures, to civil society organisations as well as

for international organisations working in the field of eliminating VAWG. The OSCE-wide meeting was attended by 51 participants (90 per cent female). The preceding three sub-regional expert meetings brought together over 160 experts (90 per cent female).

This report compiles the key conclusions from the previous meetings, highlighting the common priority issues for the OSCE region. Recommendations, both general and directed to the OSCE, are included. The report follows the structure of the sub-regional meetings themselves, focusing on legislation, the law enforcement and justice sector responses to VAWG, support for and the provision of services to survivors of VAWG, and several cross-dimensional and emerging issues. A compendium of additional resources on VAWG supplements this report.

Forms of VAWG:

According to an OSCE-led survey, a large proportion of women experienced some form of violence during their lifetimes- ranging from 60% (psychological violence committed by an intimate partner) to 10% (stalking) of women respondents. Areas of progress that were highlighted during the sub-regional meetings primarily concerned responses to domestic violence. This is to be expected as the aforementioned survey suggests that violence committed by a current or former intimate partner is the most commonly reported form of VAWG. Expert participants highlighted the fact that other forms of violence, including sexual violence and rape, sexual harassment, stalking, human trafficking, early and forced marriage, female genital mutilation and technology-related VAWG are still inadequately addressed in the legal and justice systems, and, likewise, specialised services for victims are also underdeveloped.

¹ The meetings included experts from the following participating States: Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, Turkmenistan and Uzbekistan; Belarus, Georgia, the Republic of Moldova, the Russian Federation and Ukraine; Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia. The OSCE Mission in Kosovo was also represented.

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

LEGISLATION, LAW ENFORCEMENT AND THE JUSTICE SYSTEM RESPONSE

The first session of each sub-regional meeting focused on critical barriers that prevent victims of VAWG from pursuing justice.

Across the sub-regions, participating States have been strengthening the **legislative base** to address VAWG, most significantly through the adoption of dedicated laws on VAWG (a recent example is Uzbekistan's 2019 Law on the Protection of Women from Harassment and Violence). In parallel, efforts are underway to harmonize national criminal law with stand-alone laws on VAWG, and in South East Europe and Eastern Europe, with the standards set forth in the Council of Europe Convention on preventing and combating violence against women and domestic violence (the **Istanbul Convention**). Still, the experts identified persistent gaps in legislation, such as the fact that some forms of VAWG are not adequately defined (e.g. psychological violence in domestic violence cases) or criminal laws do not conform to international standards (e.g. when the criminalization of rape is not based on lack of consent).

There is increasing **specialization** within law enforcement, prosecutor's offices and the judiciary. Such specialization takes the form of dedicated units (as in the Albanian state police), departments (as in the Georgian Ministry of Internal Affairs) and specially-trained staff (in Mongolia each police station has a dedicated officer; in Tajikistan there are currently 18 such officers, all of whom are women). The introduction of internal instructions is contributing to the professionalization and

standardization of the response to domestic violence. For instance, law enforcement in both North Macedonia and Serbia have adopted rulebooks and protocols that address the safety of victims in domestic violence cases.

The large majority of countries represented in the sub-regional meetings have introduced **protection order mechanisms**, and this is an important legal tool that offers victims protection while not requiring them to uproot their lives. At the same time, shortcomings in implementation were pointed out in terms of the limited capacity to effectively monitor perpetrators' behaviour and the lack of interaction between protection order and risk assessment processes.

Despite areas of progress, there was consensus in all of the sub-regional meetings that the greatest obstacles to justice for victims of VAWG concern the **lack of gender-sensitive and victim-centred approaches** in investigation, prosecution and adjudication processes. With the exception of protection orders, specialized safeguards (which could include dedicated victim advocates, evidentiary rules that allow for video testimony and heightened security measures in courtrooms) are underdeveloped. Thus, victims receive little support from the criminal justice sector during legal proceedings. This situation leads to **secondary victimisation** and victims' exposure to risks of repeated, and potentially, fatal violence by the accused.



Domestic violence, criminal justice and civil law:

The importance of a criminal justice response to domestic violence was reiterated in the meetings. Concern was expressed over a trend towards treating some forms of domestic violence as misdemeanours or administrative offences. At the same time, experts pointed out that existing sanctions (that range from fines to imprisonment) are often inadequate in terms of deterrence and justice for victims. Although civil law can provide victims with much more control in the pursuit of justice, civil remedies for victims of VAWG, such as compensation, are underdeveloped and underused. And there is very limited coordination between criminal and civil law proceedings that include elements of VAWG (particularly concerning divorce and child custody where there is a history of domestic violence).

A number of experts noted that victim protection is compromised due to insufficient access to free legal aid. In some countries, legal aid guarantees apply only to victims of specific forms of VAWG, or only to minors. In general, there is insufficient specialised assistance to meet the needs of all victims who require it. Very often, State-supported legal aid lawyers have not been specially trained in VAWG, and lawyers working for women's non-governmental organisations (NGOs) tend to operate in parallel to public legal aid programs. In many countries, NGOs provide **legal aid** for free and are not compensated by the State for these services.

Gender stereotypes continue to have a profound influence over whether victims are able to access justice, as police, prosecutors and judges often act



A lot of women and girl survivors go to court to testify against perpetrators of violence, but if they don't have proper protection within criminal procedure, they are left alone... without support ... So they do not testify and usually prosecutors drop the cases. This is the pattern in the region.

- **Alexandra Petric, United Women Banja Luka, Bosnia and Herzegovina**

on personal bias. Experts pointed to the need for continuous professional training to build capacity to implement existing laws with a victim-centred approach, to increase multi-agency coordination, especially in detecting and managing risk, and to transform attitudes and beliefs towards VAWG.



Interventions with perpetrators:

Perpetrator programs are nascent in the sub-regions and are rarely mandatory, as a condition of a protection order or sentencing, for instance. Experts raised questions about whether existing programs conform to standards of practice, take a uniform approach to assessing risk, operate in cooperation with women's services and are sufficiently grounded in personal responsibility and behaviour change.

Recommendations:

- Criminal law and criminal procedure law should be harmonised with international standards, such as contained in the Istanbul Convention and CEDAW Recommendations 19, 35 and 33, as well as the EU Victims' Rights Directive. All forms of VAWG, including emerging forms, should be criminalised, and relevant criminal and civil legislation should be gender-sensitive.
- Specialised units/specialists should be established within the law enforcement and justice sectors; in addition, standardised instructions and risk assessment methodologies, with common criteria, should be developed and implemented by all relevant sectors and covering all forms of VAWG.
- Alternative sanctions for perpetrators of domestic violence should be evaluated and adopted in order to end impunity; programmes for perpetrators, that are mandatory and additional to criminal and other penalties should be expanded.
- Specialised mechanisms for the support and protection of victims of VAWG during legal proceedings should be expanded in line with international standards.³ In particular, efforts should be made to increase the eligibility of all victims of VAWG to primary and secondary legal aid⁴, in criminal and civil proceedings, and to develop specialisation among legal aid lawyers.
- Continuous training should be provided to law enforcement, prosecutors and the judiciary on how to implement victim-centred approaches; such training should be integrated into regular professional education and involve multi-sectoral collaboration. Transformative approaches are needed to instil gender-sensitive responses among relevant professionals of the law enforcement and justice sectors and to counteract the influence of gender stereotypes.

³ For instance, the EU Directive on establishing minimum standards on the rights, support and protection of victims of crime.

⁴ Primary legal aid refers to the provision of general legal advice and information, while secondary legal aid would also include representation in court. For more information, see the European Institute for Gender Equality (EIGE): <https://eige.europa.eu/gender-based-violence/methods-and-tools/croatia/free-legal-aid>

SERVICES AND SUPPORT FOR SURVIVORS OF GENDER-BASED VIOLENCE⁵

Among the participating States represented in the expert meetings, the majority provide support to victims of VAWG through dedicated telephone helplines, specialised centres and shelters or safe houses. In most cases, publically-supported centres operate alongside specialised non-governmental women's centres. A persistent issue in the three sub-regions is the inadequacy of existing services to meet the needs of all victims. When compared to standards for service-provision, no country has established the required number of **non-residential VAWG specialist centres** (in terms of the total number available bed/family spaces per population⁶). Furthermore, support services tend to be centralised in cities, meaning that women and girls from rural and remote areas, as well as in conflict-affected regions, are often isolated from assistance. There are very few centres dedicated to supporting survivors of sexual violence and rape, but good practices in this area are found in Albania and North Macedonia.

Experts recalled the need for a greater focus on **intersectionality in the provision of services**. Some groups of women and girls experiencing VAWG, are underserved by existing programs, such as elderly women, women and girls with disabilities, migrant women and women from national minority groups. An expert from Kazakhstan noted that there have been improvements in increasing the accessibility of services to survivors of VAWG who have disabilities, but at the same time there is a need to build the capacities of service providers, as well as law enforcement and legal sector

professionals, to work with beneficiaries who have disabilities. An expert noted that in Serbia for many Roma women and girls who are survivors of VAWG, marginalisation and the lack of culturally and linguistically appropriate services mean that they seldom receive assistance. However, the situation could be improved if more Roma professionals were recruited to work in supporting professions. There is a particular need to develop youth-centred and youth-friendly services that also consider differences in abilities and access that young women and girls have to services.



An intersectional framework [should be] used when it comes to implementing policies because there is no one way of experiencing gender-based violence. It is important to take into account the victims and their different abilities to access and utilise certain services.

- Jenay Randall, Young Feminist Europe

A key challenge, recalled by the experts, is the lack of **comprehensive services**, and especially **rehabilitative support**. There is limited funding for and capacity among service-providers to cover both urgent assistance and also to address the long-term needs of survivors of VAWG, such as for education and training, employment support and affordable housing. Such support is needed to empower survivors and to assist them to break the cycle of violence and ultimately become independent.



Availability of specialist support services:

According to an assessment by the Women Against Violence Europe (WAVE) network of 18 European countries (non-EU members), 79% of needed beds in women's shelters are missing (almost 26 000 beds). An additional 2 000 non-residential specialist centres and 1 600 rape crisis centres would have to be established to meet minimum standards (as outlined by the Council of Europe).

⁵ 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.

⁶ See WAVE, Country Report 2019 Statistical Factsheet, 2019.

Efforts to improve **multi-level coordination and referrals** can be seen in each of the countries taking part in the meetings. For example, Albania has an extensive national referral mechanism for domestic violence cases that operates through multi-disciplinary teams. Montenegro and Bosnia and Herzegovina also have systems to coordinate inter-disciplinary work on victim protection that include representatives of law enforcement, the judiciary, health care, social services and CSOs. In both Kyrgyzstan (specifically Bishkek) and Ukraine, the use of mobile brigades (consisting of multi-disciplinary teams) has improved outreach to survivors and people at risk for VAWG. Experts drew attention to the importance of engaging professionals from multiple sectors in **early detection and intervention** in VAWG cases, particularly social workers, primary healthcare providers and educators, who may be in contact with survivors long before the criminal justice system.

A number of experts pointed to the development of **standard operating procedures** (SOPs) to systematize the response of various groups, very often in the service and healthcare sectors (in both Georgia and the Republic of Moldova, SOPs for healthcare professionals have been introduced). Still, there is a need to increase coordination between law enforcement, the justice sector and service providers, at minimum, in order to improve risk assessment and risk management processes,

increase victim safety and reduce recidivism. There are opportunities to build on synergies between interventions on trafficking in human beings and other forms of VAWG. For instance, in Central Asia rehabilitation programmes for trafficking victims include educational and employment support to assist in reintegration. In the Republic of Moldova, for example, the national referral mechanism for trafficking in human beings has been extended to victims/survivors of domestic violence.

A common theme of the meetings was the fact that the specialised expertise of civil society organisations that provide vital services often goes unrecognised, as seen in the fact that women's centres rely heavily on external donor funding and receive very little **financial support** from the State.



Women-run shelters ... have to be experts on all phases of the exit from violence- social, psychological and legal- ... and we have been the ones who experienced the first need for multi-agency efforts and are very often the ones who coordinate it, if not formally than in fact... The multi-agency approach has actually been a core model for women-run NGOs. It is an efficient way to work against violence against women in all its aspects.

- **Marcella Pirone, President, Women Against Violence Europe (WAVE)**

Recommendations:

- An intersectional approach is needed in order to expand services that can address the diverse and differing needs of victims/survivors of VAWG of different ages (elderly women as well as adolescents and girls), and including but not limited to survivors with disabilities and survivors from minority groups. Services for particular groups of survivors could be improved with greater participation of beneficiary groups in service design and delivery.
- Special efforts are needed to expand existing services to women and girls in rural and remote areas and in conflict-affected areas.
- Gaps in specialised service provision, such as for survivors of sexual violence and human trafficking, must be addressed. Capacity should be increased so that service providers can offer comprehensive support that encompasses long-term rehabilitation (at minimum education, training, employment and housing assistance) and empowerment for all survivors of VAWG.
- Coordination among relevant professionals, including service providers, law enforcement and justice sector actors, should be improved, for instance through the use of multi-agency task forces or standard operating procedures that systematise referral and risk assessment processes.
- States should provide financial support for services for survivors of VAWG, covering not only State-run centres but also non-governmental women's centres. States should work in partnership with NGOs and allocate funding or contract them for the provision of VAWG services, including legal aid.

CROSS-DIMENSIONAL AND EMERGING ISSUES

The issue of shortcomings in **data collection** concerning VAWG was common in all the sub-regional meetings. Not all of the countries have conducted national surveys on VAWG to determine prevalence. The 2019 OSCE-led Survey on Violence Against Women is an example of an effort to compile comparable data for South Eastern Europe and Eastern Europe (which can also be compared to the results of a similar survey conducted among EU member states).

There are several good practices at the national level in terms of improving the collection of administrative data. For example, Mongolia has introduced an e-GBV (gender-based violence) database maintained by the police. Still, common weak areas in the sub-regions include the fact that administrative data is not necessarily based on standardised indicators (e.g. data about the relationship between a perpetrator and victim may not be recorded). This is an area in which the European Institute for Gender Equality (EIGE) has expertise, specifically on developing a set of indicators for data-collection on intimate partner violence and rape to be used by the police and justice sectors. Among the participating States represented in the meetings, it is often the case that databases are maintained by separate ministries/institutions and not harmonised. The

use of unified databases, at the central level, would allow for improved case tracking and analysis as well as the consolidation of information about perpetrators. While the Istanbul Convention requires data-collection and analysis, it also specifies that personal data must be stored and used in accordance with data protection standards. Experts from Ukraine, which is establishing a unified state registry of domestic violence cases, raised concerns about the potential that the system will include non-anonymous personal data.

Experts expressed a need for greater **research and monitoring**. Observations suggest, for example, that the increased use of protection orders by the police is not necessarily followed by an increase in prosecutions or adjudications (and sentencing as opposed to plea bargaining). Dedicated analysis could help to assess not only the effectiveness of protection order mechanisms but also to identify the reasons that cases drop out at various points along the justice chain.

Particularly for the South Eastern Europe sub-region, where firearms are used in almost half of all killings of women by their partners, there is a need to improve the regulation of **civilian access to firearms** in the context of prevention and risk management in domestic violence cases.



Femicide reviews:

The collection and analysis of data on gender-related killings of women (femicides) is a specific kind of monitoring that is developing but not yet widespread among participating States. One good practice from Georgia was presented. The Public Defender has set up a dedicated femicide watch that reviews judicial decisions and issues regular reports. Femicide watches, observatories and homicide review panels are an important means of identifying failings in the criminal justice system. The findings can then be used to inform risk assessment and safety planning processes in future.

Costing exercises to estimate the economic implications of VAWG have been conducted in several countries in each of the sub-regions represented in the meetings⁷. Such research indicates that VAWG is an enormous drain on public resources, but the losses are often invisible. In addition to direct losses that can be quantified through expenditures (for policing, judicial processes, social services and healthcare, for example), one of the greatest areas of economic loss resulting from VAWG is in the loss of productivity of survivors themselves (covering absenteeism and reduced output). Losses can also be characterized as intergenerational. Economic costing is an important tool to inform government decision-making on the allocation of funds as well as a means to more accurately quantify the actual resource requirements for service provision so that proper investments can be made into this sector.

The **impacts of the COVID-19 pandemic** on the incidence of VAWG and on the provision of support to victims and survivors was a theme that cut across each of the sub-regional meetings and the OSCE-wide meeting. In most participating States, there were reports of an increase in the number of contacts from survivors seeking help, primarily to hotlines run by women's centres and secondarily to the police, as women were cut off from contact with regular support systems. The pandemic exposed a number of weaknesses in terms of lack of systems to coordinate the response to VAWG under new conditions, and the de-prioritizing of many key services as "non-essential." Experts described how civil society organizations proved to be resilient and flexible in responding to the new conditions, moving key services to online and distance formats. There were also examples of the authorities supporting new solutions to increase outreach to survivors (for example through mobile apps, extending the operation of hotlines and working locally with at-risk families), often cooperating with women's organizations.

A key take-away from discussions about the COVID-19 pandemic was the importance of ensuring that post-COVID austerity measures do not result in defunding for critical services, which also means ensuring support for women's NGOs. Economic costing is also relevant in this context, as it demonstrates that if States do not invest in the prevention of VAWG, the recovery from economic crises brought about by COVID-19 will be undermined due to productivity losses.

Experts raised the topic of **backlash and resistance** to the introduction of laws on VAWG (and on ratification of the Istanbul Convention) as a potential challenge to further progress, especially in the context of post-COVID recovery. Strong women's movements can be an important force to ensure that there is not regression on political commitments. Women's civil society organizations also have an important role to play in monitoring policy-making and analysing implementation of laws. Because of their central focus on the complex needs of survivors of VAWG, women's NGOs have unique insights into whether multiple systems are working effectively in practice.



Gender equality policies need to be properly funded and promoted. The returns on this investment will be manifested through higher welfare and standards of living for future generations.

- Liliana Palihocivi, Special Representative of the OSCE Chairperson-in-Office on Gender

⁷ Such research has been conducted in Kyrgyzstan (2012) and Mongolia (2020), Republic of Moldova (2016) and Ukraine (2017), and Bosnia and Herzegovina (2019) [Also, Kosovo in 2012]. Comparative studies have also been carried out in a number of EU countries.

Recommendations:

- There is a need to develop a unified data-collection methodology for VAWG in order to assess prevalence and measure trends. In addition, standardised indicators should be introduced to improve the collection of administrative data. Data should be consolidated into unified databases at the national level, in conformity with data protection and confidentiality standards. Data should also be analysed and published at regular intervals.
- Monitoring and analysis of the implementation of laws on VAWG should be conducted to identify barriers to justice and causes of attrition. In particular, assessments of the effectiveness of protection orders and perpetrator programs should be supported.
- Follow-up expert sessions should be conducted, such as one dedicated to introducing specific methodologies for case tracking/monitoring (noted for Central Asia) and for submitting information to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on compliance with the Istanbul Convention (noted for South Eastern Europe).
- Targeted analysis of the economic costs of VAWG should be conducted in specific countries of the sub-regions. Such research projects should be accompanied by experience exchange on how to use the findings of the analysis to lobby for adequate investment into prevention and service provision. A dedicated expert meeting on the topic for the OSCE region should be organized.
- Post COVID-19 recovery responses in the OSCE region should ensure the continuity of support for survivors of VAWG, and service provision should not be reduced as part of austerity measures. Gender responsive budgeting exercises can be a tool to prioritise essential services for women and girls.
- Support should be provided to strengthen women's NGOs and women's activism around VAWG so that they can continue to advocate for further reform and prevent backsliding on commitments. Regular expert meetings and networking events where good practices can be shared should be promoted.
- Continual investment should be made into education, starting from work with youth, to address deeply-rooted gender stereotypes held by much of society that prevent survivors from ever seeking assistance or justice (for instance, common notions that domestic violence is "merely a family matter").
- Coordination and information sharing between interventions on VAWG, especially domestic violence, and other programmatic areas, such as on combating trafficking in human beings, the management of small arms and light weapons, and economic empowerment, should be strengthened and mutual learning and sharing of good practices promoted.

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This publication is part of the OSCE Secretariat WIN Project (Women and Men Innovating and Networking for Gender Equality).

The WIN project is implemented with support from the following donors:

