

# MOBILIZING FOR POLICY CHANGE

Edited by Andrea Krizsán



WOMEN'S MOVEMENTS  
IN CENTRAL AND EASTERN EUROPEAN  
DOMESTIC VIOLENCE POLICY STRUGGLES

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Andrea Krizsan

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# WOMEN'S MOVEMENTS CHALLENGING GENDER-BASED VIOLENCE IN COUNTRIES OF CENTRAL AND EASTERN EUROPE

*Andrea Krizsan and Raluca Popa*

## **1. Introduction**

Domestic violence, one of the most prevalent forms of gender-based violence, is a policy field where spectacular progress took place worldwide in the last decades. Importantly the issue was put on the policy agenda across different regions and countries almost invariably by women's movements (Htun and Weldon 2012). Awareness of domestic violence as a policy issue which needs state intervention has also showed spectacular progress in the last decade or so in most countries of Central and Eastern Europe. Yet, considerable variety emerges in the achieved policy outputs and the extent to which these outputs are gender equality sensitive and serve the interests of women victims/survivors (Krizsan and Popa 2014). This volume asks how this variation can be connected to women's movements in the region. Is women's rights advocacy and autonomous women's organizing an equally important component of progress in countries of this region?

The literature on women's movements in the region has widely discussed their weakness and dependency on foreign donors, in the context of transition to democracy. Weak capacity to mobilize as well as to generate policy change, vulnerability to the influence of foreign donor agendas, as

well as the wide refusal of the feminist label because of its association with the communist project, were among the reasons for skepticism. The very existence and potential of women's movements was sometimes questioned (McBride and Mazur 2010, Stetson and Mazur 1995, Jaquette and Wolchik 1998, Rueschemeyer 1993, Einhorn 1993). Even though major progress in policies advancing women's rights took place in the first two decades after the transition, two main caveats were attached to this progress. On the one hand, the newly adopted policies were attributed to international influence coming from global and regional human rights instruments as well as conditionality linked to European Union accession, rather than women's rights activism and women's movements' mobilization (Avdeyeva 2007, Miroiu 2004). On the other hand, research has shown that many policies were adopted for window-dressing purposes, their implementation failed, was limited or oppositional to the initial gender equality intents, thus, ultimately minimizing their potential for gender transformation. Indeed, gender policies remained largely disconnected from domestic realities and domestic women's rights advocacy.

While these trends may apply in general terms to post-communist countries, recent research has challenged the idea of regional homogeneity and is increasingly pointing to diversity in terms of gender equality policy processes and their outputs across the different countries of the region (Krizsan et al. 2010). In some countries of the region there is a staggering lack of gender equality progress, while other countries are definitely faring better, adopting better policies, having more participatory policy processes and as a result are better at implementing gender policies. Furthermore, some gender policy issues are discussed more than others, and some bring more gender equality progress than others. Some gendered issues are discussed in more gendered ways, others in either non-gendered or outright hostile ways. The significant variation between countries points to the crucial influence of domestic factors on gender policy change: most importantly for this volume the significance of domestic women's movements and their interactions with domestic structures.

This volume aims to contribute to the debate on gender policy change in Central and Eastern Europe by placing the emphasis on the

importance and relevance of domestic policy dynamics, and primarily domestic women's rights advocacy vis-a-vis the state for understanding gender equality policy change in various countries of the region. It aims to challenge the general understanding about the weakness and lack of capacity of women's groups for successfully advocating for policy change, and to highlight various domestic dynamics in different countries that have led to gender equality sensitive change and success. Our starting point in the volume is that diverse women's movements exist in the region, and that they are the main protagonists of policy change in this field in multiple and differently efficient ways.

The common definition of a **women's movement** used in this volume is grounded in Mario Diani's definition of a social movement (1992). In Diani's conceptualization, three components define a social movement: being "a network of informal interaction between a plurality of individuals, groups and/or organizations"; "engaged in political or cultural conflict"; "on the basis of a shared collective identity" (1992: 3). We see women's movements operate in the context of gendered opportunity structures, or **gendered structures**, including institutions, discourses, actors that together define a playing field which may be more or less favorable to promoting women's rights and a wider gender equality agenda.

The volume focuses on one particular policy field: anti-domestic violence policy processes. This is a gender policy field, in which women's rights advocates have been almost continuously present in all countries of the region and in which significant policy change was generated. Furthermore, domestic violence is a difficult yet fascinating issue for capturing gender equality progress and understanding the different meanings that are used for gender equality. It is a policy field that originates from women's rights advocacy but it is claimed by several competing approaches. Domestic violence can be read as a gender inequality problem, but it can also be read as a family problem, an individual rights and integrity problem, a child protection problem or even an alcoholism related problem. These approaches are more or less oppositional to the gender inequality reading of domestic violence. Struggles between women's movements, states and other oppositional actors imply the contestation between these approaches, and are an ideal arena in

which gendered meanings specific to the various national contexts emerge. Often gender equality is marginalized as an explanatory framework for domestic violence, other times it is heavily contested, yet other times it is tamed to make it more compatible with competing interpretations. The place of gender inequality in the struggles around passing domestic violence policies is an open empirical question. Inserting gender inequality driven problem definitions and solutions in what is ultimately adopted as a policy is a hard-fought struggle for women's movements, with some success. Thus, domestic violence, more so than other gender equality arenas, is a field where movements and their choice of advocacy agendas in interaction with the discursive and political contexts shaping those struggles play a crucial role. International influence may generate a need for policy reform, but what is ultimately adopted and how the adopted policies are implemented is determined by domestic policy struggles.

The volume aims to look at women's movement advocacy for domestic violence policy change in several countries of the Central and Eastern Europe. It seeks to understand variation across the region rather than to assume homogeneity: understanding how women's movements' mobilization and their influence are diverging in this specific policy field. We look at one specific policy issue: domestic violence, an issue that has witnessed dramatic reforms in most countries of the region, and has been on the agenda of practically all women's movements. Looking at domestic violence might not allow us to generalize about women's movement advocacy, but will certainly allow for understanding mechanisms of influencing policy making in the region to integrate gender perspectives into policy outputs. This analysis is meant to contribute to understanding key factors that contribute to successful advocacy for gender equal policy reforms or ultimately block its success. Case studies in the volume cover four countries: Bulgaria, Croatia, Poland and Romania.

The volume is not a rigorous comparative exercise, but rather allows authors to work with related yet different arguments about their respective studies. All they have in common is a research puzzle about how the gender equality perspective is channeled into domestic violence policy reforms through advocacy efforts of women's movements, why and how this may

succeed or fail in the different countries. The ultimate objective of the volume is not only to understand differences and similarities between movements and mobilization in the four countries, but to also look for applicability of mainstream gender and politics and social movement concepts, and look out for specificities of women's movements and mobilization for women's rights in countries of the CEE region. The volume is meant to pave the way for developing comprehensive explanatory models for policy success of women's movements in the region and for more systematic comparison between countries of the region. Starting from this analysis on women's movement mobilization around one specific issue, more research would be needed to improve understanding policy issue specificity in advocating for policy change in different gender equality policy areas.

## **2. Gendering domestic violence policy - outputs compared**

Studies in the volume discuss domestic violence policy processes in four countries of East and Central Europe: Bulgaria, Croatia, Poland and Romania. Though all of these countries adopted domestic violence policies throughout the last decade, there are important differences in the ways in which their policies link domestic violence to gender equality, and how they articulate meanings of gender equality (Lombardo, Meier and Verloo 2010). While women's movements were key actors in putting domestic violence on the policy agenda of these countries, the extent to which domestic violence is constructed as a women's and a gendered problem varies significantly across the countries. This process of gendering domestic violence is at the core of women's movement struggles across the four countries. This section discusses policy outputs: differences in linking domestic violence to gender equality and women's rights that emerges across the four countries.

A variety of approaches are suggested by the literature and policy evaluations for measuring and comparing domestic violence policy outcomes (Htun and Weldon 2012, Johnson and Brunell 2006, COE 2014). The scope and capacity of these measures to capture variation that is relevant from the point of view of women victims of domestic violence in CEE varies importantly. Generally evaluations focus primarily on adoption

of laws and policies, some also on availability of shelters, awareness raising campaigns and training for relevant providers.

One aspect, however, remains largely neglected in these approaches: the extent to which the framing of these policies and the meanings articulated in them relate the problem and its solutions to gender inequality and women's rights, how much they allow for gendered explanations, and how they articulate the understanding of gender inequality. Thus, often while policies and laws are adopted they do not address the gendered roots of the problem, and do not intervene in the problem in ways that are favorable to structural transformation needed to promote the rights of women victims. While the adoption of policies is certainly an important aspect of policy outputs, the way these policies and interventions frame the problem ultimately defines whether these policies are beneficial for victims of gender inequality or not, whether they only treat symptoms or also address the roots of the problem. For a variety of reasons states are cooperative in adopting policies, but reluctance and consequently differences emerge in the meanings the adopted policies take when implemented and the extent to which these meanings are inclusive of gender inequality.

Our premise in the analysis is to go beyond previous comparative violence policy research that links policy success to adoption of policies only. We argue that in order to assess domestic violence policy outcomes from a gender equality perspective one has to go beyond adoption of policies and disentangle how gender equality is framed in those policies, and what are the policy processes in which adoption and implementation is embedded.

In order to assess the relationship between policy outputs and gender equality in comparison between countries of the CEE region, we use a two pronged approach: one which includes both the governance of gender and the gender of governance (Ferree and Gamson 2003), where the governance of gender refers to the extent to which policies promote the autonomy of women, and the gender of governance refers to the extent to which policy processes give authority to women and women's rights advocates. In line with Ferree and Gamson (2003), McBride and Mazur (2010), Krizsan and Popa (2014), we argue that the gender equality component of policy outputs has both substantive elements captured by the content of laws and policies,

and procedural elements captured by the ways in which policy procedures incorporate representatives of women's interests.

Thus, we first analyze the adoption of policies and their framing, whether resonant or not with gender equality norms. Second, we analyze the empowerment of women's groups to participate in domestic violence policy processes from agenda setting to implementation and evaluation.

First, meanings of gender equality are particularly controversial in the policy field of domestic violence. While the issue has for long been a flagship for women's movements, domestic violence policy interventions are often neutral or even oppositional to gender equality priorities. Domestic violence policies, even when embedded in gender equality norms, often use gender neutral framing that is inclusive of other categories of victims, beyond women. However, such gender neutral framing, while inclusive, may be vulnerable to co-optation by policy frames and interests that are not in line or even oppositional to gender equality considerations. The risk of such co-optation in the post-adoption process is particularly high in countries which have less general gender equality awareness or have shorter histories in dealing with gender equality policies. States in the CEE region often adopt policies that are more or less in line with international norms for window dressing purposes, policies that may meet the letter of the international norms but not their spirit. Analyzing the framing of these policies besides marking their mere adoption is an important additional component for understanding policy outputs in the CEE context.

Secondly, in addition to understanding framing of adopted policies and their resonance with gender equality, the inclusiveness of domestic violence policy processes towards women's rights advocates is another key component of gendered policy outputs. The standing of women's groups in processes of policy development, implementation and monitoring, and not just agenda setting importantly contributes to whether domestic violence policy outputs are gender equal or not. This is important not only because inclusive policy processes contribute to gender equality resonant framing but also because of their contribution to democratic empowerment. Having women's rights advocates around the table when domestic violence policies are implemented shows that the policy is seen as a women's problem.

Domestic violence policies are socially transformative interventions which have to operate in the context of state bureaucracies and societies that are often hostile to gender transformation of societies. Inclusive policy processes secure the attention to women's rights throughout, and act as a guarantee for maintaining victim focused implementation (Yancey Martin 2007, Krizsan and Popa 2014, McBride and Mazur 2010). Inclusion of victim's rights advocates along different stages of the policy process is key to securing gendered meanings of domestic violence policies, failure to include them will risk marginalization of the gender equality approach from the policies. Such risks are even higher in the context of CEE societies where the level of awareness of violence against women and the need for gender transformation is well below the European average (FRA 2014).

Bringing the two components together: gender equality driven domestic violence policy progress therefore means, first, that policies were adopted, and that their framing is resonant with gender equality concerns; second, that women's rights advocates were part of the process of developing changes and remain stakeholders in implementing them.

Along these lines, we compare the four countries based on a dual conceptual framework in which one element focuses on framing of policy content and another element focuses on empowerment through inclusive policy processes. Our criteria for frame analysis come from earlier work by Krizsan and Popa (2014) which discusses a typology of policy frames on domestic violence and the meanings of gender equality that they operate with. We particularly differentiate between structural gender equality frames, frames that resonate with gender equality norms but do not explicitly discuss it in relation to the problem definition and the policy solutions provided, and frames contesting a gender equality based understanding of domestic violence (Krizsan and Popa 2014). By structural gender equality frames we mean frames that embed the problem definition of domestic violence and solutions given to it in a structural understanding of gender inequality as both a cause and an effect of domestic violence. Frames resonant with gender equality, which we also call individual rights frames, discuss domestic violence as an individual dependency problem, to be addressed in each individual rights violation case, but without looking

at wider transformative implications. Individual rights frame addresses the problem in ways that are resonant with gender equality, but targets only its symptoms, without spelling out and addressing the root, social structural causes of the problem (Krizsan and Popa 2014).

We complement the frame analysis with criteria for evaluating inclusion of women's rights advocates at different stages of the policy process, from agenda setting, through policy adoption, to policy implementation. Inclusion of women's organizations in policy processes takes place if their opinions are considered in the process on their own merits and they are supported by the state to participate in the process, that is, if co-governance emerges (Fung 2006). Social movement research points to the importance of discussing influence of social movements on policy making. Soule and King (2006) show how social movement impact is most probable in the agenda setting stages, while it becomes more "expensive" in political terms and, thus, less likely in stages of adoption, implementation and monitoring. Importantly in the context of our research inclusion beyond the agenda setting stage becomes key to gendering of domestic violence policies. Substantive inclusion beyond agenda setting to these later stages of the policy process is a precondition of gendering domestic violence policy. It is the combination of gender equality resonant framing of adopted policies and of an inclusive policy process which together secures gender equality sensitive outcomes in domestic violence policy processes.

Some important findings emerge from a comparative analysis of domestic violence policy outputs in the four CEE countries (Table 1). The framing of adopted documents presents a remarkable absence of addressing gender inequality, or even women's rights and interests. All of them, Bulgaria, Croatia, Poland and Romania adopt specific domestic violence laws in the mid-2000s. None of the adopted laws link domestic violence in any explicit or even implicit way to gender inequality. The Bulgarian, Croatian and Polish laws frame domestic violence as an individual rights problem in the context of which women are not named as disproportionately victimized. As discussed above, the individual rights approach is resonant in most of its components with a gender equality framing of domestic violence: it is a tamed version of a gender equality approach, which is marked by the

conspicuous absence of structural gender inequality explanations, together with the absence of any structural transformative interventions. While maybe more acceptable for consensus in the policy making arena, at the same time, the individualist focus of this framing makes it vulnerable to being co-opted throughout the different stages of the policy process by approaches that challenge the primacy of a gender inequality explanation. As an exception, the Romanian law as initially adopted in 2003 frames domestic violence in family protection terms, which focuses on protecting the family rather than its individual victimized members. This approach is opposed to gender equality framing in its focus on family integrity rather than the integrity of its individual members. In Romania only later, with the 2012 amendments, is this oppositional approach ameliorated to integrate elements of an individual rights framing. The analysis of the laws points to the importance of the national context and of implementation in order to identify whether the adopted laws that are, at face value, neutral to gender equality considerations, might nevertheless take on gendered meanings in the context.

More remarkable differences emerge if looking at the implementation documents. While Poland's domestic violence implementation strategy, similarly to the Polish law, is framed in individual right terms with no reference to women's rights and gender inequality, and Romania's 2005 implementation strategy is also framed similarly to the Romanian law in family protection terms, the Croatian, and to some extent the Bulgarian, strategies engage in implicit terms with gender inequality and women's rights.

Important variation can also be seen in how policy processes engage women's groups. In Bulgaria women's groups co-govern the process from agenda setting through policy development and adoption. Implementation also formally becomes inclusive since the 2010 recognition of the role played by women's rights advocates through their statutory state funding. In Croatia similar pattern of co-governance occurs until 2010: women's groups and women's rights advocates play a substantive role in agenda setting, policy development, monitoring and implementation, recognized also through state funding for these organizations since 2009. The Croatian

political shift in 2010 challenges this pattern of co-governance and the standing and authority of women's rights advocates, marginalizing them in processes of monitoring and implementation including state funding. In Poland women's rights advocates play a role in agenda setting but they are marginalized throughout policy adoption, and sidelined in implementation. Improvement emerges in more recent times with the institutionalization of women's rights advocacy in the country. In Romania women's groups are consistently part of agenda setting, while they are marginalized or even neglected in policy adoption, monitoring and implementation stages. No traces of co-governance emerge: even if they are invited to the consultation table their positions are largely disregarded and consequently, they have little standing in the implementation processes.

Overall looking at how gender equality is captured by domestic violence policies through the combination of policy framing and policy process, shows important differences between the four countries. In Bulgaria and Croatia while legal texts are framing domestic violence as an individual rights problem, implementation documents and inclusive policy processes – including co-governed implementation processes – make gender equality and women's rights a component of the policy. Meanwhile importantly, as Ivancheva's chapter shows in this volume, the Bulgarian framing, including that of women's organizations uses a tamed approach to gender equality: structural, transformative elements are tactfully put aside in order to facilitate smooth cooperation with the state. In Croatia a much more radically gendered approach is used by at least some parts of the women's movement, often to criticize the government. With the 2010 governmental change this leads to marginalization of women's groups from the policy process and ultimately also to marginalization of gender equality as a fundamental part of domestic violence policy.

In Poland we see policies framed in individual right terms. However, unlike in Croatia and Bulgaria, in the absence of co-governance these policies are captured by meanings inconsistent with gender inequality: family protection, child protection or anti-alcoholism. Domestic violence is not seen as a gender equality problem in Poland. Given the limited standing given to women's rights groups at stages of the policy process

beyond agenda setting, the gender neutral meaning of the policy is coopted. Ultimately domestic violence policy is understood and implemented in conjunction with anti-alcoholism policy, to address child abuse and family protection, but not women's rights. More recent patterns of institutionalizing women's rights advocacy through the Women's Congress, and increasing participation of women's groups in local level implementation processes open up the possibility to shift previously dominant domestic violence policy approaches towards more gender equality resonant approaches. This illustrates the importance of inclusive governance for gendering policy outputs. In Romania recent reforms initiated by women's groups amend the initial framing of the law that was oppositional to gender equality. Yet, far from co-governing, women's organizations remain external to the policy process, involved largely in agenda setting but not beyond that. If looking at framing and process complementarily, gender equality issues continue to remain marginal to domestic violence policy in Romania as well.

**Table 1: Gendering of policy outcomes in domestic violence policies in 4 countries of Central and Eastern Europe**

	Content		Policy process		
	Domestic violence law and its framing	Implementation strategy and its framing	Agenda setting	Policy adoption	Implementation / monitoring
<b>Bulgaria</b>	2005 law and 2009 amendment: gender indifferent (individual rights)	2007-2008: implicit gender equality	Gendered	Gendered	Role and funding given to women's organizations
<b>Croatia</b>	2003 law and 2010 amendment: gender indifferent (individual rights)	2005-2008; 2008-2010; 2011-2015: implicit gender equality	Gendered	Gendered	Role and funding given to women's organizations
<b>Poland</b>	2005 law and 2010 amendment: gender indifferent (individual rights)	2006-2016: gender indifferent (individual rights)	Gendered	Highly controversial with strong standing given to voices contesting gender	Primary role and funding given to actors contesting gender equality (family protection, anti-alcoholism)
<b>Romania</b>	2003 law: contesting gender (family protection frame) 2010 amendment: gender indifferent (individual rights)	2005-2007: contesting gender 2013-2017: individual rights; children's rights	Gendered	Strong standing to voices contesting gender, very limited pro-gender equality voice Gendered after 2010	Role and funding given to actors contesting gender equality (family protection)

### **3. Women's movement mobilization compared: a model of critical institutionalization**

Studies in the volume aim to contribute to understanding patterns of influence and ultimately success or failure of women's movements in countries of the region in pursuing gender equal change in the field of anti-domestic violence policies. Analysis in the studies revolves around a set of factors that characterize women's movements in relation to opportunity structures prevalent in the context in which they act. These factors include the capacity of movements to mobilize and advocate for change, strategies and alliances of movements in their advocacy, and framing and voice used by movements; all of these discussed in interaction with gendered political and discursive opportunity factors in place in their context of mobilization.

This section proposes a normative model for understanding women's movement influence: the model of critical institutionalization. This model is based on the combined understanding of the above three factors. Instead of taking any of these factors separately, it proposes their combined importance and proposes that movements that are critically institutionalized stand best chances to pursue progressive and sustainable policy change in this realm of gender equality policy. This theoretical framework of analysis places the tension between institutionalization and autonomy of women's movements at its core. Rather than opting for one or the other, critical institutionalization proposes the need to see institutionalization and autonomy as complementary. It proposes that the dual model of critical institutionalization that reconciles autonomy and institutionalization is a better approach for understanding influence of movement activity on policy making, than models that prioritize either of them separately.

We develop the model of critical institutionalization to explain how women's movements influence policy change. Critical institutionalization captures an interaction between movements and states that allows for both insider tactics and alliances, as well as keeping a critical stance and a capacity to step out and protest at difficult times. We argue that the extent to which movements formalize channels of accessing the state, while remaining critical of state approaches at important points of policy

decision-making, affects the meanings of gender equality that are captured in resulting domestic violence policy outputs.

Specific constellations of movement capacity, strategies and alliances used, and framing, all of them in interaction with political and discursive opportunity structures are indicators for critical institutionalization. We operationalize influence and institutionalization through the lens of three sets of factors: women's movement resources and capacity, movement strategies including forming alliances, and finding voice. We propose that these three main components and their combination into more or less critically institutionalized patterns of action will explain women's movements' influence on policies, and contribute to understanding why some countries have more progressive and others have less progressive and women friendly domestic violence policy reforms.

We first develop a conceptual framework for capturing the policy influence of women's movements that aims to integrate the specificity of the CEE context into mainstream gender and politics, and social movement research, and, thus, make a step towards understanding applicability and limitations of concepts developed for the Western post-industrialized context. Second, we develop an operationalization for our model of policy influence through three components: organizational structure and capacity of movements, strategies and alliances used by movements in their advocacy, and voice and framing.

### ***3.1. Conceptualizing women's movements' influence***

How to compare and measure women's movements influence on public policy? Outcomes of social movements are conceptualized to have different components: mobilization components, cultural components as well as policy and political components, all of which may be linked together (Staggenborg 1995: 341). In this volume we are specifically interested in the political and policy outcomes of women's movements, and their capacity to gender the policy process and its outputs. To understand the policy outputs of women's movements, we build on social movement literature, and feminist comparative policy literature. We are seeking a conceptual

framework that is fine-tuned to the specific field of domestic violence, and also reflects on the specifics of the Central and Eastern European context.

Social movements are responses to grievances and discontent with aspects of public affairs. But grievances are not sufficient to generate mobilization. Different other factors are seen by the literature to feed into successful mobilization. Some argue that resources mobilization is needed. McCarthy and Zald's (1977) entrepreneurial approach to resource mobilization theory emphasizes economic and organizational resources. Resources can be seen to include beyond financial resources also human, moral, organizational and cultural resources (Giugni 1999). Others (McAdam, Tarrow and Tilly 2001, Giugni and Passy 1998) place the emphasis on the importance of political processes and particularly on political alliances. The relevance of strategic alliances in understanding movement outcomes is also highlighted (Amenta et al. 1994, Cress and Snow 2000, Van Dyke and McCammon 2010, Staggenborg 2010). Yet others emphasize the importance of discursive strategies, framing and identity formation as the crucial factors in understanding outcomes (Snow and Benford 1988, Benford and Snow 2000, Ferree 2003, McCammon et al. 2007, Ferree 2009).

Irvine (2013) proposes a combination of these different elements to account for successful women's movements. In her view movement-building rests on four components: creating capacity, forming alliances, finding voice, and acting politically. Creating capacity is connected to material, human and organizational resources, including leadership, networks and alliances. Forming alliances with other movements, political parties, trade unions or other insider actors is the second of Irvine's success dimensions. In other work, Irvine (2012) indicates how closer ties with insider allies can become an asset for movements. Her third dimension, finding voice, refers to the capacity to mobilize through building collective identities, as well as capacity to frame claims in ways that resonate with discursive contexts. Finally, acting politically refers to the choice of political strategies used in mobilization. She shows (2012) the remarkable importance of movements using disruptive protest strategies or insider alliance tactics, in Serbia compared to Croatia. According to Irvine, investing in these four

components provides a framework, which leads to successful and influential women's movements, to women's empowerment (2013).

In his quest to understand movement impact over time, in the study of US civil rights movement's influence on poverty programs in the second half of the 1960s, Andrews (2001) develops four models for linking movement activity to policy outputs: two "action-reaction", the "access influence", and the "movement infrastructure" models. He argues that it is the "movement infrastructure" model that achieves the most far reaching policy influence over time. Three factors account for a movement's impact: resources and capacities of movements, the influence mechanisms used, and their political alliances. Within the first model, that of "disruptive action-reaction", movements achieve gains by major disruptive mass protests that are threatening to the elite. The second model, "action-reaction through persuasion", is based on movement protests generating support from sympathetic third parties, possibly insiders to the policy process, who then act as mediators of movement claims. Both models, Andrews argues (2001: 75), result in movements having indirect influence on the policy process, and little or no say beyond agenda setting. Andrews' third model, termed "access-influence", sees "routine access to the polity through institutionalized tactics" as the determinant to movement efficacy (2001: 75). In terms of organizational capacity and leadership, this model implies professionalization, bureaucratization, and centralization of movement organizations. The primary influence mechanism used is bargaining, along with tools such as lobbying, litigation or electoral politics and coalitions. The fourth model, termed 'movement infrastructure', combines advantages of the previous ones. It implies infrastructure, meaning "diverse leaders and a complex leadership structure, multiple organizations, informal ties that cross geographic and social boundaries, and a resource base that draws substantially on contributions from their members for both labor and money" (Andrews 2001: 76). It is this complexity and flexibility to pursue both insider and outsider strategies that are seen to provide a key to longer term and sustainable policy influence for movements and, thus, make the 'movement infrastructure' model Andrews' preferred one.

The literature on women's movements' outputs particularly in the field of policies on violence against women also discusses at length the impact of insider *versus* outsider strategies. The results of a major comparative project on state feminism in Western post-industrialized countries (Research Network on Gender Politics and the State, RNGS) show the importance of institutionalization in securing progressive policy outputs. McBride and Mazur (2010) conceptualize movements and their influence on policymaking along two aspects: activism and institutionalization. They define institutionalization as "the degree of presence of individuals and organizations with links to the women's movement in legislatures, bureaucracy, political parties, unions interests groups or academia" (2010: 34). In the same RNGS volume, Outshoorn (2010) also discusses the importance of formal *versus* informal organizations, and shows that formal organizations, which in fact bring women's movements closer to interest groups, may be more successful in having a policy influence. She also shows that institutionalization and negotiated communication rather than strong activism are predictors for success. Some literature sees activism moving inside the state. Australian feminist scholars in particular highlight the role of femocrats as individual actors representing women's interests within the state (Bereni and Revillard 2011). In the context of Central and Eastern Europe, some authors go as far as to point to the continuity between state and movements (Spehar 2007, 2013).

In contrast to these findings about the importance of movement institutionalization for influencing policy making, other research has found that autonomy is the determining factor in achieving progressive policy outcomes. In their recent study on anti-violence policy changes around the world, Htun and Weldon (2012) find the strength and autonomy of women's organizations' crucial in determining outcomes. They measure strength through an integrated analysis of organizations, protests and public support. They define autonomy as independence from the state, political parties or trade unions. Autonomous women's organizations are those acting independently and not as auxiliaries to other public policy actors. They conclude that strong and autonomous women's organizations are the single most important factor in bringing about transformative policy change in

the realm of violence against women globally, though it's important to note that they see these autonomous movements in cooperation with women's policy agencies and women members of parliaments.

The autonomy/institutionalization debate has been particularly central in discussions about mobilization around violence against women policies. Definitions of collective identity in the women's movements against violence, choices about organizational forms, and positioning in relation to the state have been centrally debated in terms of autonomy. In the field of violence against women, where service provision becomes a key element for women's movement's involvement in the policy process, co-optation and depoliticization of movements were repeatedly marked as threats (Matthews 1994, Kelly 2005, Krizsan, Paantjens and Lamoen 2006, Bumiller 2008). Paths of autonomous organizing have been followed by movement 'pioneers' in responding to violence against women in many places, such as the US, the UK, the Netherlands, but also Yugoslavia (Dobnikar and Pamukovic 2009, Jalusic and Dedic 2007). However, all of these movements shifted toward some level of institutionalization, seeking cooperation and funding from the state, in order to respond to the demand for use of their services from women victims (Matthews 1994, Roggeband 2007). Latecomers to the field were more open to cooperation with state and less insistent on autonomy (Roggeband 2007, 2012, Elman 2003). Overall, institutionalization seems inevitable in this field for policy progress. Elman (2003) and Roggeband (2007, 2012), and even Weldon in her earlier work (2002a, 2002b) see institutionalized mobilization strategies as viable and indeed more successful alternatives to autonomous mobilization paths. Elman (2003) also argues that movements with stronger organizational capacity have better chances for achieving violence policy progress. At the same time, institutionalized movement organizations were shown to be more vulnerable to co-optation of their agendas as well as state budget restructuring (Elman 2003).

The autonomy/ institutionalization debate is central for our conceptual framework of understanding the policy influence of women's movements against violence, but we do not see it in exclusive terms. With all the caveats attached, in terms of the risks of co-optation or depoliticization of movement

claims, we are prompted to ask: does institutionalization exclude autonomy? Matthews' (1994) analysis of conceptions of autonomy in the context of rape movements points to the need to understand autonomy dually: at the practical as well as at the ideological level. She argues that while autonomy is critical for pursuing transformative feminist objectives, providing alternatives to state action is not the only way to achieve autonomy. Instead she proposes a more complex understanding, which is based on a critical engagement with the state that is recognizably the main provider of resources for addressing violence against women, including domestic violence (1994). Matthews further notes the discrepancy between a more radical understanding of autonomy at the ideological level *versus* a more engaging approach towards the state at the practical, institutional and resource level (1994). Her suggestion is institutionalization, while keeping a critical standpoint and remaining autonomous on another level. More recently, Arnold and Ake (2013) overcome the tension between autonomy and institutionalization by pointing to the complexity of different streams of activism within women's movement and their various stances in achieving autonomy.

We retain Matthews' notion of **critical institutionalization** as preferable for successful women's movements against violence and further elaborate it as a mechanism of movement influence on policy, providing details for what it implies at each level: organizational capacities and resources, including funding; strategies and alliances, as well as framing collective identity and policy issues. A critical institutionalization mechanism of influence is congruent with Andrew's movement infrastructure model. The duality of institutionalized mechanism of influence implying more formalized organizational and leadership structures, and sustainable alliances with insider actors, along with more critical movement mechanisms geared towards protest to check and balance state tendency to co-opt and de-gender gendered objectives once they enter the state machinery is a model that best integrates lessons from previous research on success of women's movements. Along these lines, we propose the model of critical institutionalization as a benchmark for analyzing and comparing women's movement influence in domestic violence policy reforms across different countries. The model is at the crossroads of institutionalization and critical approach.

Reasoning along the components of successful movements offered by Irvine (2013), we see *resources and capacity of women's movements*, their *strategies and alliance formation patterns* and *paths of finding voice*, to work in interaction with each other in defining different paths of influence for pursuing desired policy outputs. We propose that the interaction between the three factors will explain success, rather than any of the three factors taken separately. Along with Andrews (2001) and Matthews (1994), but also resonating with Outshoorn (2010) and McBride and Mazur (2010) we propose that mobilizations that are critically institutionalized are more successful in pursuing gendered domestic violence policy change, than movements that are diverging from this model either by adhering to a radical version of autonomy from the state, or by pursuing uncritical institutionalization patterns.

We define the critical approach in our model closely linked to Diani's (1992) second criteria for the existence of social movements: engagement in political and cultural conflict, in challenging the *status quo*. A critical approach for women's movements will mean a critical and cautious engagement with the state and the use of protest as form of action, if the state is diverting from women's movement objectives. In organizational terms, it implies elements like a tendency towards collectivist and democratic organizing (Ferree and Yancey Martin 1995) and awareness and work towards keeping a direct link to women victims. At an ideological level, it implies that ideas about autonomy from the state are articulated at least in parts of the movement's identity. A critical approach can be achieved through a variety of strategies and positions, not all of which depend on the existence of autonomous organizational forms of the women's movement. Critical approach and institutionalization will rarely combine into a critically institutionalized influence mechanism within the same organization, but will often be represented within the movement by different organizations or different activist cohorts (Whittier 1997) standing for the two positions and complementing each other's activities in more or less conscious ways. Tensions and debates within the movement may be articulated along these lines, though overcome by successful movements in crucial mobilization times.

A critical approach without institutionalization is not likely to result in policy change, while an institutionalization mechanism without a critical approach is likely to indicate a strong insider drive for change (femocrats or women MPs), but with limited cooperation with movement organizations, as well as a heightened risk of co-optation of movement objectives.

We define institutionalization to imply engagement with different parts of the state as a partner in promoting social change. Reforming the state in its approach to violence against women becomes part of the project here. Institutionalization implies bureaucratic, hierarchical and centralized organizational forms with clear structures of representation and leadership, and professionalization of staff in higher echelons of the organization, all of which facilitate cooperation with state actors. Institutionalized strategies include lobbying, litigation and consulting the state (including participation in formal consultation processes) and are based on strong, sustainable alliances with insiders to the state. An institutionalized framing strategy implies resonance with mainstream discursive opportunities and framing claims along these lines.

The idea of critical institutionalization resonates well with the context in which women's activism takes place in Central and Eastern European context. We prefer to speak of a critical approach, rather than autonomy as such, because of the limited history of autonomous forms of organization within the women's movements in the region of Central and Eastern Europe. The autonomy versus institutionalization debate takes somewhat different direction in post-communist countries as compared to most old democracies. In the absence of strong traditions of civic organizing in the region (Howard 2002), and a long tradition of paternalist states, the autonomy strategy had limited place in the activity of civil society actors in general, and women movement actors in particular. States in the region were long seen as primary supporters along with international actors. While no systematic study is available on autonomy claims in the region, earlier secondary literature warrants caution in overemphasizing its importance. Another caveat that should be added to understanding the autonomy versus institutionalization debate in the region is the heightened importance of

international actors. Foreign and transnational donors play crucial roles in shaping movement agendas and mobilization in the CEE context (Roth 2007, Johnson 2009, Irvine, 2012, 2013). The autonomy *versus* institutionalization dilemma should not only be discussed vis-a-vis the state and different related actors, but also in relation to international actors. This aspect of the discussion adds important elements to understanding women's mobilization in the countries of Central and Eastern Europe.

Along the cautious use of the autonomy concept in the Central and Eastern European women's movement context it is also important to note that the nature of civic activism that prevails in the region (Tarrow and Petrova 2007) seems to be much more favorable to institutionalized patterns of action than autonomous civic organizing. Participatory civic activism is relatively weaker in the region, while transactional activism, meaning relationally defined activism where the state is one of the partners, more pronounced (Tarrow and Petrova 2007). Institutionalized forms of activism may much better fit women's movements than autonomous organizing in the region.

Importantly, critical institutionalization as a model of women's movements' influence on state policies and response to violence against women should be seen in interaction with structural factors, that is political opportunity structures, gendered structures and discursive opportunity structures prevalent in a specific context. The extent to which movements are able to achieve influence through critical institutionalization also depends on whether or not the structural elements act as constraints or as enabling factors: whether the playing field set by institutional and discursive contextual elements is favorable or oppositional to gender equality progress. Gendered structures refer to patterns of institutionalization of gender equality within states, such as women's policy agencies, women in parliament and femocrats in decision making positions, or institutionalization of opposition to gender equality, such as strong state – church relations, but also include discursive structures, master frames and public discourses that are favorable or oppositional to gender equality progress. Strong pro-gender equality structures and weak opposition to gender equality enable

the critical institutionalization mechanism of influence. At the same time, gender hostile states and the existence of strong veto actors and oppositional discourses pressure women's movement actors to assume the role of critical outsiders, in the absence of channels of influencing the state. We may also see pathways to policy change that are driven by femocrats who choose to distance themselves from the women's movements, particularly in the presence of strong opposition to gender equality. The particular configurations of state actors and state mechanisms in Central and Eastern Europe will shape in important ways the particular articulations of influence that we call 'critical institutionalization'. We explain these elements in the next section, and discuss some of the assumptions in the literature, which appear unlikely in the context of Central and Eastern Europe.

We propose an elaboration and operationalization of 'critical institutionalization' as a mechanism of policy influence through three interconnected explanatory factors. The three factors are (1) resources and capacity of women's movements, (2) strategies of movements including political alliances and (3) finding voice including framing collective identity and framing domestic violence. Each of the three factors varies on a continuum from fully critical to fully institutionalized. At the extreme ends of this continuum, we can imagine autonomous movements without any relationship with the state and little influence on it, or fully co-opted movements that no longer have the capacity to challenge oppressive structures. The empirical case studies in the volume are, of course, variations along this continuum with almost no examples of the extreme possibilities of the model, other than probably Croatia between 1992 and 2000, when feminists were seen as enemies of the state, and hence placed in a 'fully critical' position.

The three factors combine to show the extent of critical institutionalization and thereby indicate women's movement influence on domestic violence policy processes. The combined influence of these factors has the potential to explain policy outputs, in interaction with different gendered opportunity structures prevalent in the specific contexts in which women's movement mobilization takes place.

### ***3.2. Three component factors for critical institutionalization***

How to operationalize the three sets of factors that emerge as crucial components for understanding women's movements' policy influence: capacity and resources, strategies and alliances, and finding voice.

**Women's movement capacity and resources.** We operationalize women's movement resources to include organization and leadership, human resources and financial resources. In organizational terms the importance of the *number, size, type and spread of organizations engaging with the domestic violence policy process and the extent, regularity and nature of their networking* emerge as crucial components. Ad hoc coalitions in moments of mobilization should be considered just as much as persistent feminist networks. Strategic alliances between movement actors can become crucial for influencing policy making, particularly in a context like that of Central and Eastern European, where the weakness of civil society and specifically women's groups has been argued (Howard 2002, Roth 2007). Yet, importantly, violence against women is one of the gender inequality fields which received sustained and substantial attention from relatively wide range of women's groups across the region (Fabian 2010, Johnson 2006). While not systematically documented, variation in size and density of coalitions in different countries of the region is noted in more recent work (Krizsan and Popa 2014, Krizsan and Zentai 2012, Spehar 2007).

*Leadership of organizations and human and expert resources* available to them are an important addition to organizational structures in shaping the strength and efficiency of movements. The strategic skills and expert knowledge to access the state and gain legitimacy are particularly important factors when assessing women's movements' capacity to influence state responses. Norm entrepreneurs (Sunstein 1996) or policy entrepreneurs are individuals with exceptional leadership capacities and social ties, and a genuine desire to significantly change the status quo (Mintrom and Norman 2009). Policy entrepreneurs may be key to seizing opportunities for change, to brokering civil society coalitions, or movement alliances with other non-state as well as with state actors (Drayton 2006), and to initiating and negotiating change. Research found a crucial role for organizational

structures and policy entrepreneurs in processes of incorporation of movement claims into policy: leaders' choices, organizational structures and ideology can influence success or failure (Clemens 1993, Rohlinger 2002, Downey 2006). Besides leadership skills, *expert resources and social networks of movement activists*, particularly as shaped by a history of migration between inside and outside the state, play an important role in shaping movement claims, gaining legitimacy and developing alliances. Expert resources are not only shaped by the social capital of activists, but may also be shaped by *input from transnational activists*. Transnational activists along with international actors may bring important input to movement resources: both financial and expert resources.

A third element important element in assessing capacity and resources of women's movements are financial resources and particularly the *existence of funding for core organizations engaged in the domestic violence policy process, its sources and continuity*. Main donors in the region are international and transnational organizations including the United Nations Population Fund (UNFPA), UN Trust Fund to End Violence against Women, the European Union, Open Society Institute, Kvinna till Kvinna, USAID, Westminster Foundation, Dutch government funding, on the one hand, and state and local government funding on the other hand. The availability of state funding may be a particularly important indicator of institutionalization of movement organizations. Continuity and sustainability of funding rather than amounts of one time grants may play a key role.

Organizationally, institutionalization (Andrews 2001, Outshoorn 2010, Matthews 1994) implies lucid leadership structures, bureaucratized, often hierarchical organizational forms, and clear allocation of tasks for communication, lobbying and other, as opposed to non-hierarchical forms typical for autonomous women's organizations. In human resource and leadership terms, institutionalization implies that activists' career paths often alternate positions inside and outside the state, thus, realizing what Banaszak (2010) calls the "inside outside" nature of feminist activism. In her 2010 book on US feminism, Banaszak argues that no sharp line can be drawn between feminists inside and outside the state: actors can be in both sides and they do not necessarily change their radicalism. The importance

of this inside outside nature of women's activism is particularly relevant when aiming to explain policy outputs. Institutionalized movements will benefit from good connections of their activists to government officials, parliamentarians or other insider actors, thus, facilitating the agency of insider allies in promoting women's movement claims, and the feminist objective at stake into a project (Walby 2009). Yet importantly it is argued that femocrats who come from the movement have double accountability: both to the movement and to the state and this may lead to objectives that are not necessarily resonant with movement objectives (Bereni and Revillard 2011). Femocrats in states that are not friendly to gender equality will surely have difficulties in following objectives that are continuous with women's movement objectives.

Dependency on financial resources from the state is a much discussed topic in the autonomy/institutionalization debate connected to violence against women interventions (Matthews 1994, Bumiller 2008, Elman 2003). Institutionalization is often linked to access to state funding for women's movement organizations for providing services. Advocates for autonomy warn about the risks connected to such funding, particularly about the inevitability of cooptation of women's movement objectives and the ensuing bureaucratization and project orientation of movement activities. In the CEE region importance and impact of funding on mobilization of women's groups as well as their agenda setting emerge as pertinent issues that may seriously influence policy outputs and bring other autonomy considerations to the forefront (Roth 2007, Johnson 2009, Helms 2014). External/international funding becomes particularly important in the absence of regular, sustained state funding and a tradition of charity and voluntary work. In the precarious financial context of the region donors can become particularly influential in agenda setting. Withdrawal of their funding and the project-based character of funding have been directly influential on patterns and strength of mobilization or the subsequent policy changes (Roth 2007, Johnson 2009). Withdrawal of funding could have negative impacts in terms of a weakening women's rights activism, but could also be leading in the longer term to positive dynamics of mobilization with potential to overcome project based mentality.

In short, the critical institutionalization model of women's movement influence implies formalized or informally networked women's movements including organizations with institutional structures having the capacity to engage with state actors as well as organizations having the capacity to mobilize for protest. In terms of leadership it will require strong leadership and capacity to bring together a unified voice in moments of mobilization. Activists with inside-outsider career paths and social networks open to cooperation with insider actors, and having a legitimate voice in that context are crucial to this model, just as much as activists with experience in street protests and other forms of critical actions, as well as volunteers who can sustain the movement even in times of more limited funds. Funding is also a crucial element of the model: sustainability of funding, ideally shared between state and non-state sources is important for organizational continuity, for maintaining women's movement activism and a critical stance over time.

Importantly, movement capacity and resources will have an impact on the influence mechanisms used, on alliances made, and will shape both the collective identity of movements and the resonance or radicalism of movement voice *vis-a-vis* the prevalent discursive context. At the same time resources will partly be determined by strategies and alliances of the movement as well as their collective identification with respect to the autonomy-institutionalization dilemma.

**Strategies and Alliances.** Having discussed the 'WHO' of movement mobilization, we now turn to 'HOW' movements act to influence policies, how they exert their influence. Mechanisms of influence to consider include repertoires of action and alliance building strategies. The literature differentiates between mechanisms of influence that are disruptive and those that are persuasive, including lobbying and negotiation (Andrews 2001, McAdam and Su 2002). Htun and Weldon (2012) argue that in the context of women's organizing less obtrusive strategies are used more often than disruption. In the CEE context, given the size and appeal of women's movements, threat strategies, that is disruptive mass mobilization for feminist objectives, are very unlikely. Persuasive strategies constitute the vast majority of women's movement instruments. On the more disruptive

or critical end, the repertoire includes signaling protests and protests that achieve influence mediated by public opinion shift (McAdam and Su 2002). Modes of signaling specific to women's organizing in the realm of violence include tribunals and other events meant to bring witness, raise awareness and share information with the public and policy makers (Keck and Sikkink 1998). Lobbying, litigation, petitioning and networking (Htun and Weldon 2012) are mechanisms of influence that are closer to the institutionalized end of the spectrum. Consultancy work and political representation work in government structures are more formalized mechanisms of influence that are indicative of institutionalization and are widely used by women's rights advocates.

While the importance of insider allies has also been emphasized in general social movement literature (Amenta et al. 1994, Cress and Snow 2000, Soule and King 2006), emphasis on the importance of alliances has been particularly prominent in the gender and politics literature. Certain allies emerged in this literature as strategically important for the success of women's movements. The two most discussed allies of women's movements are women's policy agencies (Stetson and Mazur 1995, McBride and Mazur 2010) and women in parliament and other authoritative positions within the state (Dahlerup 2006). Political parties, particularly left wing parties and trade unions have also been important insider allies to women's movements in Western democracies. Such a niche has been proved in the case of welfare state development (Huber and Stephens 2001). Women's organizations within political parties and labor unions are specific forms of institutionalization, which have been driving gender policy progress almost invariably across developed countries (Ferree et al. 2002, Kittilson 2011). Interaction between these allies, or women's cooperation constellations (Holli 2008) has also been pointed to as specific to women's rights advocacy. Many authors argue for the importance of triangle or advocacy coalition frameworks in which movements, agencies and women in legislature act in more or less co-equal coalitions to bring about policy change (eg. Weldon 2002 a,b, Mazur 2002, McBride and Mazur 2010). Named as alliances within triangles of empowerment (Vargas and Wieringa 1998), velvet triangles (Woodward 2004) or feminist advocacy coalitions (Keck

and Sikkink 1998), such cooperative patterns usually include women's movement organizations, feminist experts, women's policy agencies and women in parliaments in some combination. The permeability of the three sides of the triangle has been argued. The more these boundaries are permeable, the more likely that feminists can have an insider influence on policy-making. Walby's (2009) notion of gender projects is meant to capture the continuity between actors inside and outside the state, in pursuing gender policy change. Alliances may be seen to vary from short term single issue ones to long term cooperation models (Van Dyke and McCammon 2010). Strong, well-coordinated alliances speaking with unitary voice can have much stronger impact than the presence of divergent voices about the same policy issue. Anti-violence alliances often include only women's groups (Townsend-Bell 2011), but strategic coalitions with mainstream human rights groups, or even conservative groups are also not exceptional in the field of violence (Mazur 2002). Non feminist allies within the state may also be important. Mazur (2002) argues that policy success tends to overlap with the presence of non-feminist allies in key decision making positions, mostly men (2002). Members of left wing parties and trade unions are traditional allies for feminist actors (Stetson and Mazur 1995, Holli 2008). More or less formalized relations with them can facilitate success of movement claims (Mazur 2002, McBride and Mazur 2010).

The question whether such formalized relations exist in the CEE region, or whether alliances with left parties and trade unions are rather incidental will be discussed in chapters of the book. In these countries given the absence of large feminist constituencies, and unlikely disruptive mass protests concerning women's rights, alliances with both insiders and outsiders are central elements of movement strategies. The importance of women in parliament has been emphasized in the CEE region (Matland and Montgomery 2003, Ruechmayer and Wolchik 2009, Forest 2011), though precariousness of representation has generally been shown in parliamentary, political party as well as executive representation. The applicability of the triangles of empowerment model has only been tested minimally for Central and Eastern Europe, though there are some analyses which argue for the importance of such alliances and for the mobility of

feminists between inside and outside the state in the context of this region as well (Spehar 2007, Krizsan and Zentai 2012). Institutionally the model may be applicable, though the commitment of institutional actors in these CEE triangles to feminist ideas, and the feminist character of alliances between movements and institutions may often be questioned.

Implications of the model of critical institutionalization in terms of strategies and alliances are obvious. Use of multiple influence mechanisms: lobbying, consulting and litigation on the institutionalized side, along with use of protest or petitions, in times when critical voice is needed, are central features. Alliances are the other central factor of the model: extensive, sustainable insider alliances with women's policy agencies, femocrats, or women parliamentarians, and even other allies, are key components in understanding success through the model of critical institutionalization. On the other side, forming ad-hoc coalitions with non feminist movement actors may often be the case, but such coalitions may result in lowering levels of demands to find consensus and as such, are at risk of co-optation. Critical understanding of such coalitions is a feature of critical institutionalization.

**Voice: Framing Collective Identity and Framing Domestic Violence.** Framing is important to understanding institutionalization in two ways. First, framing the collective identity of the movement in relation to the state, defines institutionalization strategies and the openness of movement actors to cooperation with state and other actors. Movement autonomy claims stand at one end of the spectrum, while cooperation with the state and co-governance claims stand at the other end. Movements use framing strategies to create and mobilize constituencies by shaping collective identities (Hobson and Lindholm 1997). Literature notes the constituency building effects of hostile discursive opportunities, or their impact on alliance formation (Meyer and Staggenborg 1996, Van Dyke and McCammon 2010), implying that hostile opportunity structures might push movements towards autonomy claims, while friendly structures might favor a movement identity that is based on cooperation with the state.

Second, framing of domestic violence by movement actors is an expression or an indicator of movement institutionalization: the resonance of movement frames (Ferree 2003) on domestic violence with discursive

structures shape the mechanism of policy influence in important ways. Resonance and radicalism (Ferree 2003) are framing strategies that express standpoints about institutionalization or autonomy. Movements use framing to make political claims, build coalitions and seek alliances with other actors, including with mainstream state and non-state actors. In doing so movements construct or frame realities based on certain normative criteria (Snow and Benford 1988, Bacchi 1999), and through these frames they challenge the status quo and engage in political and cultural conflicts (Diani 1992). By framing claims movements shape the understanding of the social problem they aim to challenge, but also engage with and influence the frames of their opponents.

Framing is an important mobilization strategy. Movements engage through framing with public policy discourses, influence framing of adopted policies but also framing of opponents. Different ways of framing an issue may bring different policy outputs. Resonance with mainstream ideas may prove to be more successful while radicalism could be marginalizing (Ferree 2003). Framing used by mobilization actors is interacting with discursive opportunity structures. Favorable discursive structures can facilitate mobilization (Ferree and Hess 2000, Ferree et al. 2002, Soule and Olzak 2004), but at the same time movement framing can also influence discursive structures in the longer run (Hobson and Lindholm 1997), and produce structures that are more favorable to formulating further gender equality claims.

Degendering, meaning the loss of gender transformative content, has been discussed in the field of domestic violence in relation to the ambivalent success in turning movement claims into public policies (Krizsan and Popa 2014, Krizsan et al. 2006). Differences in the radicalism of different women's movement claims have also been noted. Use of only implicitly gendered framing strategies may facilitate tapping in with mainstream public policy concerns such as human rights protection, crime prevention or human dignity and bodily integrity related concerns (Krizsan, Paantjens and van Lamoen 2006) but may also open up opportunities for co-optation. Co-optation of feminist ideas, meaning the de-gendering of objectives

once they are included in mainstream policy-making and the shift in their meaning towards other dominant priorities has been discussed as one of the pitfalls of institutionalization in gender policy (Stratigaki 2005, McBride and Mazur 2010) and specifically for policies on violence against women (Krizsan, Paantjens and van Lamoen 2006, Bumiller 2008). While resonant framing of claims might be a key to successful policy influence, the critical resistance to cooptation is an important additional component of women's movement successful mechanisms of policy influence.

Along these lines, case studies in the volume look, one the one hand, at framing of autonomy as captured by movement identity. On the other hand, they use the analysis of movement claims to look for alignment and resonance (Snow and Benford 1988) with mainstream public policy frames and investigate strategic framing, as attempts to reach out for consensus with state and related actors. They look for resonance or alignment between movement claims and state frames for understanding autonomy from the state or institutionalized relations with state actors. Similarly relationship between movement claims and influential transnational frames could be relevant for understanding aspects of autonomy and institutionalization.

Critical institutionalization has a number of implications for how movements find their voice. Collective identity within this model will be formulated to integrate domestic violence as a women's rights problem, as a common issue for the movement actors. In addition collective identity will also have an institutionalized logic, which is open for partnership with the state, though has a cautious, and if needed critical stance towards the state.

In terms of issue framing, movements pursuing a critical institutionalization mechanism of policy influence will have to find a delicate balance between framing domestic violence to resonate with the mainstream and maintaining women victims at the center of policy interventions. Seizing windows of discursive opportunity (negative or positive) while framing domestic violence in terms located somewhere on the continuum from gendered to degendered policy frames on domestic violence (Krizsan and Popa 2014) will characterize critical institutionalization.

Framing used by women's movement organizations therefore can have direct impact on policy outputs, via movement claims, but also has an indirect impact by attracting resources, or feeding into strategies, coalition and alliance formation patterns or relationships vis-a-vis the state or international actors.

#### **4. Chapters of the volume**

Chapters of the volume present country studies of women's movement mobilization for domestic violence policy change in different countries of Central and Eastern Europe. They look at mobilization and policy changes across time starting from the early 2000s up until current changes. Country studies do not follow a strict comparative logic. While they take up the main puzzles and ideas of critical institutionalization they engage with it in different often critical ways. At the same time, the country studies, while they point to the complexity of mobilization success, they show the relevance of different components of the model in the different country contexts. By discussing patterns of mobilization, success and failure, the country studies nevertheless open up the possibility to look at these different women's movements and their strategies in a loose comparative manner and hopefully point the way towards the possibility for more rigorous comparative research on women's movement mobilization in the Central and Eastern European region.

Mariya Ivancheva's chapter analyzes Bulgaria's mobilization for domestic violence policy reforms throughout the 2000s. She links the success that a group of movement entrepreneurs had in achieving the desired changes to strong institutionalization patterns and a strategic downplaying of radical feminist elements in their framing of domestic violence. She argues that successful policy reforms happen in Bulgaria at the expense of depoliticization and a total absence of a feminist component from this policy field.

Sanja Kajinic's chapter links movement success to generational diversity within the movement. Her analysis shows how different generations or different 'waves' of Croatian feminists, all part of the movement, engage

differently with the state in promoting domestic violence policy reforms, and how such diversity secures their success consistently for over a decade. Meanwhile her analysis of recent backsliding points to the importance of considering structural factors and particularly the importance of state openness versus conservative closure towards cooperation with women's movement activists when explaining change or failure.

Dominika Gruziel's chapter compares different waves of Polish mobilization across time. She shows how changes in political opportunity structures and gendered state structures in conjunction with distinctive institutionalization of the women's movement contribute to the improvement of movement outputs across time.

Raluca Popa's chapter on women's movement mobilization in Romania is yet another story of change which shows how the maturing and diversifying women's movement moves from modest agenda setting successes to more substantive and sustainable policy changes.

The final chapter of the volume highlights ideas for a further research agenda aimed at comparative analysis of policy advocacy work of women's movements in the region.

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**"THE SPIRIT OF THE LAW":  
MOBILIZING AND/OR PROFESSIONALIZING  
THE WOMEN'S MOVEMENT  
IN POST-SOCIALIST BULGARIA**

*Mariya P Ivancheva*

The chapter explores the women's movement against domestic violence in Bulgaria since the fall of state socialism. To a large extent, it exemplifies the wider post-socialist women's movement in the country. Using interviews with members of the movement as well as state and political actors involved, I present the struggle to promote legislation and services against domestic violence. I examine the movement's roots and routes vis-a-vis the history of the feminist and women's movement in Bulgaria. I also pay attention to the contemporary conjuncture: with relatively limited opposition and relatively high success within the domestic violence agenda, but with no significant mobilization on other women's and feminist issues.

Mobilization against domestic violence offers an interesting angle to observe this process. Domestic violence has been one of the main pillars for the development of the post-socialist women's movement. Arguably it is an issue where success, policy and legislative impact has been most visible, best monitored and documented and where the persistent mobilization of civil society organizations has achieved a perpetual follow-up. It touches the core of the long-term fight against symbolic, physical, and structural violence. Yet, adopted by and adapted to a liberal and cultural feminist field, in Bulgaria it has been presented as an individual or social problem, and not as an economic or gender-based one. Bulgaria has become a pioneering post-

socialist country where the movement against domestic violence achieved policy impact, and one of the few EU countries with a separate law against domestic violence (EUCPN). However, in terms of policy success, this pioneering position does not necessarily translate into the presence of a strong feminist movement and women's empowerment in Bulgaria.

This can be explained through the history of the women's movement in Bulgaria. Women's groups were both strong and mobilized in the interwar period and between 1944 and 1989 (Zetkin 1977; Ghodsee 2012). In the latter period, the centralized state apparatus patronized the woman's movement. Important labor and reproductive rights were gained by women and there were advocacy groups that defended their implementation (Sharkova 2011). Yet the continuous subordination to the state structures in a society that was y patriarchal and politically repressive, did not allow for grassroots mobilization to flourish. When the abrupt change of regime came in 1989, the closure of all state institutions dealing with these issues eliminated all the main structures of the women's movement. In this conjuncture, the movement against domestic violence evolved without historical precedence: learning happened not through intergenerational knowledge transmission, but through the development of links with organizations from other parts of the world (Ivancheva 2014).

The argument in this chapter is that that while the movement against domestic violence in Bulgaria has been among the most successful ones in the region in terms of lobbying and legislation, it has stifled the development of a strong feminist movement. In an increasingly professionalized field, it has accumulated recognition and developed a strong influence on policy-level, including a general claim on professional and administrative codes (Bourdieu 1994). Due to its increased proximity with state power, the professional field which emerged from the movement has managed to press for legislation, but also to supply funding for victims of domestic violence. Yet, beyond single-issue campaigns, it has remained mostly silent. The movement remains articulated in a vocabulary that avers feminist frames of mobilization and action. However, its members have remained closeted feminists who mostly use non-feminist frames to speak to power-holders (Carroll 1984; Mendes 2011).

After some theoretical considerations, clarifying concepts defining the key dichotomies of social movements and the state, autonomy and institutionalization, the chapter presents the case study. Following a review of the three factors that capture critical institutionalization (Krizsan and Popa 2015), the chapter examines the interaction between social movements and the state through the lens of organizational capacities of the movement, their strategies and alliances.

### **1. Institutionalization: between critical and political**

This chapter follows the critical institutionalization approach, which explores:

*[t]he duality of institutionalized mechanism of influence implying more formalized organizational and leadership structures, and sustainable alliances with insider actors, along with more critical movement mechanisms to check and balance state tendency to co-opt and de-gender gendered objectives once they enter the state machinery... (Krizsan and Popa, 2015: 5)*

Critical institutionalization draws on works investigating the institutionalization of social movement to examine certain potentials of this process which have remained outside scholarly scrutiny (Mathews 1994; Andrews 2001; Banaszak 2010; Outshoorn 2010). According to Krizsan and Popa, "autonomy is in tension with the institutionalization of women's movement groups, but not necessarily in opposition to it" (2015: 5). In practical terms this means the reassessment of organizational aspects that are untypical for autonomous women's movements such as vertical and explicit leadership, division of labor, bureaucratization, and activist career paths that move in and out of the state apparatus. In theoretical terms, this approach challenges the idea that autonomy and independence from the state are valuable assets in themselves, but not in contextual and relational terms.

The centralization of the state institutions in socialist East Central Europe left little space for autonomous grassroots: a reality which translated

into a weak civil organizing following the end of socialism (Howard 2003). In the post-socialist era the state has become a central partner to the NGOs in their legislative reform objectives. And while at the beginning of the democratic transitions most funding came from international organizations, after the accession to the EU, the state has also become an important source of funding. A critical institutionalization approach helps reveal moments in which cooperation with the state - allowing for critique but avoiding permanent contention - has become an important strategy for the women's movement (Krizsan and Popa 2015: 13).

Krizsan and Popa (2015) provide a useful theoretical tool to contest the value of autonomy per se, and discover strategies of cooperation along the lines of strategic alliances, resources, and framing. Yet, while this allows us to assess the policy impact of movements, it offers less on the conditions of this collaboration in terms of its political content. The political line of action of states, movements and their vision of transformative social change are taken into account. While gendered or de-gendered frames remain a central point of concern, social movements' analyses of social and economic structures and what is to be done does not become the subject of critical scrutiny. In contrast, I pay attention to an additional aspect, described by Jill Irvine as "acting politically" (2013). I expand Irvine's use of the term beyond immediate disruptive and persuasive repertoires of contention. I speak of the political stance which the movement has taken in relation to its cause.

For Irvine, acting politically includes agenda setting, passing legislation, as well as the repertoires of action such as demonstrations, lobbying, and mobilizing supporters (Irvine 2013: 13). The difference between these is reduced to the dichotomy between acting in the government and acting in the streets: a civil society against a social movement model (Irvine 2013: 18 19). While Irvine takes into political repertoires in relation to the state, she fails to explore the concrete political content of their action and discourse. In order to use this concept in reference to the content and imagined political transformation through action, I expand it by drawing on debates concerning the depoliticization of the professionalized feminist movement. How does a specific choice of capacity, strategic alliance or

movement frame articulate a political claim? This means not only as a claim to politics, but also as an act of polarization and conflict with those opposition entities that threaten the movement (Schmitt 2007).

Domestic violence is a struggle in which advocacy and victim representation is more necessary than in other spheres of women empowerment. Given the lack of an articulated contemporary feminism (Kostova 1998; Kostadinova 2003), the movement against domestic violence can help us understand the advancements in and challenges to the Bulgarian women's movement. Although an economic downturn in itself does not cause domestic violence, it can exacerbate factors that contribute to domestic violence and reduce victims' ability to flee.

The link between individual and community level economic distress suggests that these two conditions combine or interact in important ways to influence the risk of intimate violence against women. Domestic violence becomes an economic and political issue whose origin lies in structural conditions which go far beyond the individual family.

The women's movement eclipsing of an economic analysis is a political choice with implications. It treats domestic violence as an individual problem, and shies away from the fact that most domestic violence is an expression of persisting gender inequality. It creates little expectation of intervention from NGOs, the state, or other actors beyond the level of individual cases. The research of and intervention on structural and social conditions of domestic violence represents an opposite political stance. Existing proof of the direct impact of the economy on domestic violence, and on the fact that most victims of domestic violence are women requires larger-scale societal and political intervention that goes beyond the individual family (Benson and Litton Fox, 2002, 2004; Lyon et al. 2008). In the same vein, empowerment and autonomy could be treated as part of the ongoing dichotomy between civil society and the state. They can also be seen in the sense that cooperation between established civil society actors and the state establishes a certain elite enclave and hegemony which is exclusive to broader constituencies, including those same beneficiaries of their cooperation (Chatterjee 2006). Within this conjuncture, the struggle for gender equality is a structural and political issue. Domestic violence, usually directed against women, is one

of the most brutal assaults on this struggle. At the same time, when it is translated into a struggle for individual rights per se, however, it becomes a battle against symptoms rather than against causes. Decoupling gender from class, race, and other intersecting markers of inequality, it stops being a struggle against the unequal position of women in an extremely unequal world. By contrast, it presents victims of domestic violence as individual bearers of human rights who are stripped from these same markets, and is a strategy that depoliticizes what is essentially a struggle against profound structural inequalities. How the movement acts on these two political axes allows me to not only be attentive to aspects of autonomy and institutionalization, but to move beyond the state/civil society dichotomy

Whilst highlighting the venues of cooperation between state and civil society actors, I seek to avoid the usual polarization between state and social movements as well as between autonomy and institutionalization. To do this, I follow the theoretical insights of authors who reject such fixed categories as “good” and “bad,” “sell-outs” and “morally noble” movements and organizations (Alvarez 1999, 2009; Roy 2011; Chollett 2011). Following their example, I offer a more nuanced picture of social movement autonomy in respect to the state. I understand autonomy not only as action against or around the state, but as a claim of discourse and practice which aim to redefine the field of concentration of complex power relations called “the state.” While the main success of the Bulgarian women’s movement has been in the introduction and monitoring of specific legislation, the women’s movement against domestic violence dwells neither on the formalism nor on the instrumentalism of the juridical field (Bourdieu 1987). As the chapter’s title suggests, it subverts both the absolute autonomy of juridical law, and its use as a reflection of the interests of dominant groups in an organic and grassroots approach to lawmaking.

To conceptualize the relation between state power and social movements, I discuss both terms in their interrelation. Regarding the state I use the definition of Bob Jessop (1990). In the tradition of Nicolas Poulantzas’s (2000) definition of the state as an arena of class struggle, Jessop (1990) characterizes it as “a more or less distinct ensemble of multifunctional institutions and organizations which have at best a partial, provisional

and unstable political identity and operational unity and which involve a complex over-determined dynamic” (Jessop 1990: 339, Poulantzas 2000). This understanding of the state nurtures an analysis of social movements as positioned against this complex power field and its agents. Following Mario Diani, I use the notion of social movement as “networks of informal interactions between a plurality of individuals, groups and/or organizations, engaged in political or cultural conflicts, on the basis of shared collective identities” (Diani 1992). This approach is further expanded by authors as Sonia Alvarez and Raka Ray who argue that feminist organizations can be characterized as expansive, polycentric, heterogeneous discursive fields of action, which form a social movement web of core activists and supporters (Alvarez 1999; 2009; Ray 1999). Here, the movement escapes a fixed definition but is defined through its fluidity and contested aspirations and understandings, which gain articulation within the feminist field (Alvarez 1999: 184-185).

I expand the definitions of the state and social movements using Pierre Bourdieu’s concept of the state as a field of concentration of different species of capital – coercive and economic, but also informational/cultural and symbolic capital (Bourdieu 1994: 4). Within this field, a new type of capital emerges which Bourdieu calls state capital (*capitale etatique*). This “enables the state to exercise power over the different fields and particular species of capital” (Bourdieu 1994: 4). Its holders have the decision-making power over the rates of conversion between different types of capital and their reproduction (Bourdieu 1994: 4-5). The accumulation of statist capital in the Bulgarian women’s movement has been one of the key aspects of its professionalization. In the establishment of a code of conduct and acceptable qualifications, an occupational closure, and a hierarchy between the knowledge authority of the movement and its broader constituency is required (Witz 1990; Cavanagh 2003). While the state did not impose its hierarchy on the movement, there was a rather symbiotic process – the movement negotiates with the state its own closure to a broader citizenry and those less professional parts of the NGO scene.

To understand the professionalization of the field of Bulgarian NGOs engaged in the struggle against domestic violence, it is helpful to draw

parallels between it and other feminized professional fields such as social work. Since its emergence as a profession in the early twentieth century, a number of intrinsic contradictions have remained within social work. Bulgarian women's NGOs working on domestic violence, were likewise initially positioned outside of the state apparatus and within the private and civil sphere. Social work became both a force for social development and emancipation and a form of social regulation and control. As a movement, it has remained subject to a dichotomy between radical and system-challenging practices and bureaucratic intervention. In parallel with the development of social work as a profession, the Bulgarian movement for protection against domestic violence, and thus the core of the women's movement, became part of a broader process. Entering the field of state administration, the movement has become part of a growing attempt of the state apparatus to provide workers, often in low-wage or precarious payment, to provide quick-fix solutions to difficult social problems and keep the status quo of the capitalist system, thereby pathologizing welfare recipients (Piven and Cloward 1983; Curran 2002).

While it has been engaged to benefit those in need, social work can be seen as an instrument to deal with the failure of state policy in public services. Undoubtedly, the great deal of responsibility has been placed on social work, criteria for the validation of knowledge and success in the field have remained rather vague (Askeland and Payne 2001). To ensure continuity, the field has professionalized its activity and subjected itself to scientific objectivity, thus denying its own autonomy (Abrams and Curran 2004: 432). This has also led to the bureaucratization of the field – which increasingly lacks face-to-face contact with beneficiaries – and the creation of a parallel 'para-professional' sector of unclassified and unqualified social workers (Healy and Meagher 2004). Having started as a profession that was historically related to women-led charity work, this field has been stigmatized and isolated in separate professional networks, whose members are mostly women (Abrams and Curran 2004: 429-431).

In the case of post-socialist Bulgaria, alongside the decay of state institutions such as the Comrade Courts which treated cases of domestic violence (Stoilova 2010: 28), intervention in this field was outsourced

to the women's self-organized groups and NGOs. The growing need of state support and funding resulted in the creation of a professional field which gradually become close to state power. In post-socialist Bulgaria, such proximity is not seen by core members of the movement as a loss of autonomy, rather, it is a matter of creating better positions and leverage vis-a-vis state power. However, this same approach has resulted in a hierarchy of professionalization, which has led to the out-casting of less professional organizations. They have become less and less eligible to receive funding, with the result that they barely survive the competition resulting in rather scarce resources. Ironically, this echoes a situation rather similar to the one in socialist Bulgaria whereby a number of femocrats have remained in close connection to the state, and are often able to exert their will on the latter (Sharkova 2011; Ghodsee 2004, 2012). Whilst being unable to address broader structural issues, they have been able to monitor and address legislative issues and thus help individual cases through litigation in courts (Sharkova 2011). At the same time, they have remained rather cut off from the grassroots. Adopting a top-down model of intervention, they have seen women not as subjects of empowerment, but rather as objects of service provision and aid.

This conjuncture conditions the always growing and unquestioned professionalization and domestication of feminism. This "closeted feminism" (Carroll 1984; Mendes 2011) achieves success on "social" issues of domestic violence, but eclipses women-centered issues as gender equality. It represents a post-feminism constructed and anticipated by patriarchal and capitalist ideologies, creating feminism's eventual illegitimacy and hence its redundancy to achieve hegemony (Mendes 2011). The framework of feminist action is still mostly unrecognized, and domestic violence is still seen as an individual problem and a social cause, on which small groups of professional NGOs work. To discuss this, I follow the model of critical institutionalization, which I find descriptively a very useful tool to disclose the different aspects of the women's movement in its relations to the state. Yet, to serve as a prescription, it has to take into consideration not only the bottom-up interaction of the movement vis-a-vis the state, it also needs to reflect on those aspects of the professionalization of the movement that leads

it to becoming part of the establishment. Thus, the model needs to reflect the increasing necessity of those NGOs which institutionalize in order to engage with their grassroots, but measure their success not only in terms of policy but also in terms of empowerment. Besides, there is an important focus on the mobilization potential of frames, the model takes for granted the liberal diagnostic and prognostic frame of those same movements it discusses. This does not allow it to evaluate the analytical basis of policy and intervention, and ensures that any policy impact is evaluated as positive without a real discussion of its outcomes.

## **2. Findings of the empirical study**

The story of the movement against domestic violence in Bulgaria portrays the post-1989 history of the women's movement in a nutshell. In the middle of the 1990s some women, mostly practitioners in psychology and law, developed an interest in the topic of domestic violence. While some entered this new terrain through the practice of social services, others were recruited through international forums, especially the Fourth World Conference on Women in Beijing 1995 (Tisheva 2005). A key impetus to the movements' organizing was made by the organization Minnesota Advocates for Human Rights (MAHR). Its members, Robin Phillips, Cheryl Thomas, Loretta Frederick, and Aviva Breen asked representatives of various Bulgarian NGOs they had met in Beijing, to help them prepare the report *Domestic Violence in Bulgaria* (1996). This project, titled "Combating Violence against Women through Research and Education" was funded by the United States Agency for International Development's program "Promoting Women in Development through Advocacy and Research" (PROWID). It was hosted by the Bulgarian Gender Research Foundation, BGRF: one of the first women's NGOs established as a result of the Beijing conference and the newly emergent concern and interest among both Bulgarian and foreign participants of this unexplored topic, (Tisheva 2005).

In the late 1990s and early 2000s, BGRF and several other organizations were engaged in projects that provided psychological and legal consulting, as well as shelter to victims of domestic violence. Initially

based in Sofia, their practices drew the attention of different women's organizations. Trained by the Sofia-based organizations, soon new NGOs and centers for psychological support of women victims of violence emerged in Plovdiv, Varna, Bourgas, Silistra, and Pernik (Tisheva 2005). While some organizations specialized in shelters and other – on awareness raising, the BGRF provided legal advice through a project called “Innovative strategies for combating violence against women in Bulgaria - a pilot scheme for legal aid and legal clinics,” sponsored in 1999-2002 by the Dutch Foundation Oxfam-NOVIB (Tisheva 2005). By the end of the 1990s it had become clear to practitioners that new legislation on domestic violence was needed. When, in 2001, many of the NGO gathered around a shared cause: the 16 Days against Gender Based Violence, they spoke of the need for legislation (Tisheva 2005).

While there was convergence around the necessity of a new law, the American Bar Association's office in Bulgaria provided a space where women lawyers could draft a bill, in which they consulted women from other NGOs who were working on the subject (Tisheva 2005). When the bill was ready, it coincided with an opportunity in the 2001 legislative election when 26% women entered Parliament (Kostadinova 2003). Human rights advocates from Bulgarian NGOs organized training programs with women MPs through the BGRF's project, “Bringing Gender Equality to the Agenda of the Bulgarian Parliament,” funded by the Westminster Foundation for Democracy. However, this strategy was not sufficient to attract the attention of women Parliamentarians to the issue of domestic violence. The participation of BGRF's lawyers Genoveva Tisheva and Daniela Gorbunova on national radio yielded results in an appeal to an ambitious young female MP – lawyer Marina Dikova (Tisheva 2005).

Utilizing networks among women lawyers in the Justice Ministry, a working group “for the elaboration of a draft law on rapid measures for the protection of victims of domestic violence” was formed. It included representatives of the Ministries of the Interior, of Labor and Social Policy, of Health, of Justice, the Sofia City Bar, the Chief Prosecutor's Office and members of NGOs. After a number of years of lobbying, the Law on Protection against Domestic Violence was passed in 2005 (Tisheva

2005). The Law was celebrated as a progressive piece of legislation by both national and international actors (IRBC 2006; AHR 2008). Bulgaria was undeniably one of the few countries in Europe to have introduced laws that were explicitly targeted for the protection against domestic violence. It defined domestic violence and acts of perpetration and installed the norm of an immediate procedure for a restrictive order against the latter. It allowed courts to order violent offenders out of the home (EUCPN). In addition, it required the establishment of the function of a National Coordinator on the Protection against Domestic Violence, based at the Ministry of Internal Affairs, and led to the creation of guidelines for police and legal professionals. Among legal professionals, the impact of the Law was discussed as encouraging and positive (AHR 2008: 1).

The state was the main opponent of women's NGOs and lawyers, but was also a partner in lobbying. Several significant pieces of legislation were adopted in the early 2000s which were the result of women's NGO lobbying: Law on Protection of the Child (2000), Law on Counter-Trafficking of People (2003), Law on Protection against Discrimination (2004), and Law on Protection against Domestic Violence (2005) (Stoykova 2007). An important shift in funding took place with the 2007 accession of Bulgaria into the European Union which resulted in the main sources of US and other international sponsorship to be withdrawn, meaning that many NGOs in Bulgaria became "seriously underfunded" (AHR, 2008: 54), with the principal sponsorship only coming from bureaucratic EU funds, administered through state agencies. As a result the reorientation of women's organizations toward state funding also, logically, changed.

At first, no state funding was provided for domestic-violence related services, but as lobbying continued, gradually some amendments were added to the Law. Since 2010 funding has been secured through the Ministry of Justice. A new system of legal instruments codifying the practice of state financing was orchestrated by diverse state institutions and NGOs. While Bulgarian NGO representatives in the 1990s were reluctant to interact with the state, it was hardly the socialist tradition that was guiding their reticence. Before the state became the main administrator of EU-funds, and sponsorship was secured, the funding which NGOs obtained was mostly

from sources outside of the central state. After EU accession the dependence on state sponsorship was unquestionable, but not unproblematic. For NGO actors, it stood not so much for limited autonomy, but for more bureaucracy and fewer financial means.

Against this brief historical outline, from hereafter I add more detail on the women's movement and discuss its advantages and challenges as seen through the lens of the three aspects of critical institutionalization: organizing capacities, strategic alliances, and voice and framing.

### ***2.1. Organizing capacities and resources***

In this section I discuss the development of the organizing capacities of the movement against domestic violence. I focus on the size and spread of the organizations, their profile and activity, the leadership and expert capacities, and the funding to which they had and continue to have access (Krizsan and Popa 2015: 4-5). Based on the interviews with movement participants, I assess these not only in their present moment, but also in their change in periods of time and different stages of their development as a movement. What I show in this section is how the gradual geopolitical reorientation of post-socialist Bulgaria toward the reality of European integration, has also shifted significantly the funding sources for these NGOs fighting against domestic violence. The new resource concentration in the hands of the state has had two effects. On the one hand, it has pressed the whole movement to reorganize in respect of the state, looking for alternative venues of influence and cooperation. I argue that this has not meant the loss of independence and autonomy, but rather the accumulation of a certain statist capital and professionalization of the movement. Secondly, the process of professionalization has conditioned a shift of priorities of relevant NGOs and a corresponding division of labor and hierarchy within the field. Organizations who previously focused on service provision have now found greater leverage in the negotiation of funding and policy impact, followed up by organizations that are concentrated on legislation, litigation and lobbying. At the same time, those NGOs and groups which prioritize education and awareness raising have become found themselves increasingly vulnerable and underfunded.

The problem of funding has been crucial for organizations of the movement for domestic violence. In earlier times, the state was seen as a necessary, if not always a desired, partner in a long process of rapprochement. The initial opposition of civil society against the state after 1989 was eventually relaxed. The abundance of loosely accountable funding sources prior to the 2007 EU accession of Bulgaria in 2007 and the post-accession channeling of resources through the state accounts for the fact that the state was only gradually recognized as an ally by the movement. The scarcity of funding as well as the exhaustion of the energy of NGOs engaged in permanent funding reapplication stirred efforts to secure increased state funding through lobbying. This situation resulted in a new constellation of power among NGOs. The concern with finances has not resonated the same way across the network of NGOs fighting against domestic violence. The specialization of practices and the rapprochement with the state required a professionalization of the NGOs, expressed in the emergence of a division of labor and hierarchies between NGOs and their constituencies.

The sphere of service provision has been the most resource-consuming and remains highly valued among NGOs and state agents. Legislative and legal counseling NGOs have high symbolic value, and are seen as strategic support for the allocation of funding to the service-providing organizations. At the same time, awareness-raising and education have gradually been rendered irrelevant. Self-help groups and grassroots organizing practices, which were part of the struggle against domestic violence in different parts of the country, have either died without funding, or merged into local branches of larger NGOs. Other groups, like BGRF, continue with some awareness rising trainings, but this is not their central activity or source of income. Their ability to accumulate significant networks and state capital allowed them to master the expert vocabulary to efficiently approach power-holders (Bourdieu 1994). The level of professionalization now designates “deserving” from “undeserving” organizations. Promoted by NGOs and adopted by state agencies, it determines the gradual reduction of diversity of strategies and tactics within the movement, and limits them to the legal and service fields.

My meetings with women from the movement against domestic violence in Sofia all took place in their offices. Scattered around the center of the city, they were mostly in turn-of-the-century houses. My meeting with BGRF's Chair Genoveva Tisheva, for example, took me up the stairs of a cooperation building along the canal and into an ample space divided by old wooden furniture – a wardrobe and shelves stacked with files. Lawyer Daniela Gorbunova received me at her office: a ground-floor room in an old house next to the Court of Justice with an entrance that opened to the street; there was no secretary or receptionist to lead the way into the tidy room with abundant paperwork, old wooden furniture and an antiquated desktop PC. A similar air of better days gone by awaited me at the office of Stanimira Hadjimitova at the Gender Project for Bulgaria (GPB). Packed with two desks and a table it overlooked a noisy central street. In contrast, at the big renovated house of the main office of Animus Association, I was welcomed by a receptionist, taken to a waiting-room and received in the spacious quiet attic studio cabinet of Katya Krastanova.

Stanimira Hadjimitova received me while waiting for other members of the Alliance for Protection against Domestic Violence (hereafter “the Alliance”). In order to apply for funding, they needed to remove a member from their board of trustees who had a position on the funding committee in the Ministry of Justice. Stanimira Hadjimitova, a former engineer and specialist in foreign trade, had left this lucrative trade in the mid-1990s to dedicate herself to a career in the, then rising, Bulgarian NGO sector. A warm and frank woman, she jumped easily from topic to topic, being called on the phone, worried that her shoe was hurting too much to go home. “A taxi?” I suggested. Her knit brows told me that this was not a viable option. She always returned to the funding question. “We had better options before the accession of Bulgaria to the European Union. There were funds to apply from US foundations. Since they left, all our activity depends on the state. The state gives 40 percent advanced payment and 60 percent at deliverance, so co-funding is crucial.”

Stanimira Hadjimitova told me that before their office was spread over several rooms full of employees. Now, they could only hire some temporary

staff and were increasingly dependent on volunteers. “Small organizations as GPB are lingering. The bureaucracy won: they now have their sturdy monitoring and no full advance payment. To have an organization as the GPB you need to be self-sustained or to have income from other sources.” This was not the actions of the state bureaucracy alone. Strict accountancy requirements were introduced by most funding agencies in the 2000s in contrast to the much less strict accountability rules of the US grants in the 1990s, Hadjimitova explained. She described briefly the last projects of GPB, mostly co-financed by organizations such as the Open Society Institute and UNICEF. At the time of our interview, Hadjimitova had just submitted an application for state funding. “A crucial application,” she told me in an email asking to postpone the meeting until after the deadline.

GPB – one of the founding members of the Alliance – does not only specialize in domestic violence. It is also engaged in awareness rising, education, and promotion of gender equality. In the past they made campaigns, commissioned research and movies on gender-related issues, including domestic violence. They initiated the Alliance in 2008, Hadjimitova explained, as a platform for smaller organizations to defend their rights and interests together. “They force you into this subject position,” she complained, the grievance directed against the Bulgarian state. “So the Alliance is a more representative, umbrella organization, which can act as a whole and thus have a better leverage before media, state representatives, funding bodies.” While Hadjimitova spoke passionately about issues of gender equality, her preoccupation with the NGOs subsistence was clear: GPB’s engagement in the struggle for gender equality as opposed to legal issues and services, had resulted in it being marginalized. For Hadjimitova the Alliance was a bulwark against marginalization. She has become its main public figure, responding to requests to its shared email.

From the view point of those NGOs focused on lobbying, legislation and litigation, funding functioned as means to ends. For Daniela Gorbunova and Genoveva Tisheva –lawyers from BGRF – joining the Alliance was not a matter of NGO survival, or loss of autonomy. Both saw it as a logical development. “In 2003 officials from Brussels came to consult the Bulgarian Parliament on the Bill on Domestic Violence. They asked us: ‘How much

money do you get from the state to do all this consulting?,” Daniela Gorbunova recalled. At that point she had consulted women victims for free for eight years. “We realized we never got anything from the state... in our post-socialist environment, we thought the only thing we could ask the state for, was... nothing!” She laughed at their “naiveté.” While in the 1990s and 2000s legal NGOs had sponsors such as NOVIB, later on the baton was passed to the state. Brussels was an argument. “This could not happen in the Law from 2005,” Tisheva recalled, “but we managed to push it through after through lobbying.”

A rather different structural position was taken by the representative of Animus Association – one of the first two organizations together with Center Nadia to provide a full range of services for victims. Katya Krastanova told me that unlike most other organizations in the field, Animus was a large organization. It expanded from a phone line and a crisis center into a shelter, a huge family consultancy, anti-trafficking initiatives, and a lobbying body. Its activities nowadays cover anti-trafficking, family therapy, and domestic violence. For Animus, state funding was always a priority – a matter of a long-lasting struggle “In the 1990s we received a house from the Sofia municipality. It needed 16,000 USD to be repaired and we fundraised to get a new house.” Animus had grown as an organization and while every little change of legislation and funding resonates in every part and activity of the NGO, it still lives on its annual grant application. Krastanova said: “We have to support these facilities, lobby, and apply for funding. State funding is not against our autonomy! We gain autonomy. Having funding secured by the state allows our people not to be engaged in filling in applications all the time, but to concentrate on lobbying.”

Krastanova also spoke of the division of labor in the movement with matter-of-factness. In the beginning many small provincial organizations were active in domestic violence, but gradually the NGOs who were working “in a more professional manner” remained and the countryside ones disappeared or merged into branches of bigger NGOs such as BGRF’s branch in Haskovo. Krastanova spoke of the process as a natural selection: unless an organization had the capacity of Animus, it could either professionalize and specialize or decline. Krastanova saw the Alliance as

helping such small organizations. She recognized the central role of Genoveva Tisheva not as a leader of the movement but as a key figure in legislation. Lobbying Animus did itself, but on issues of priority for their complex set of institutions. Last but not least, for Krastanova the field of NGOs and struggle to end domestic violence had gone beyond campaigning and awareness rising. Referring to a campaign which Hadjimitova mentioned as crucial for GBP, Krastanova said, “We had all these campaigns: bikes, t-shirts, documentaries. Now it’s time to focus on services.”

The process of application and selection for state funding from the Ministry of Justice helps understand how professionalization deepened the division of labor and hierarchies among Bulgarian women’s NGOs. The reasons for rejecting certain applications, which Yanko Kovachev who coordinates the funding selection at Ministry gave me, were composed in consultation with women NGOs. They disqualified organizations with no formal registration. On issues like domestic violence Kovachev reasoned “NGOs need to be prepared and experienced.” The NGOs that can be funded are mostly those which service the rehabilitation of victims. Administrative and financial staff, travels abroad, campaigns, conferences and any non-service-oriented activity risk being cut off. In the document Kovachev showed me, the eighteen successful organizations were not named, but among those which did not pass, there was only one organization that was not from the country side.

Twenty-five NGOs competed in that year and out of them eighteen got funding, six did not, and one remained disqualified. “Some organizations are bigger, more recognized, with better developed capacities... well, recognized in the sense that they come from the usual ring of organizations which we all know,” Kovachev explained. The unsuccessful projects had a “lack of” something or were “vague,” with “no clear” focus or did not provide a sufficient description of the partner NGO. “These are mostly unprofessional, with no experience in writing grant applications,” Kovachev said. The only older organization, which did not receive funding, was Center Nadia. This was an NGO formerly with similar capacities to Animus; however it had lost some of its activists as Gorbunova, and did not enter the Alliance. “They want to benefit without putting work in” a

few of my informants told me. The specific objections to Center Nadia's project were not apparent, except that "the partner NGO of all funding-eligible activities had withdrawn." Genoveva Tisheva assured me that all organizations from the Alliance received funding in 2012.

This professionalization of the movement is a rather ironic, though not unexpected, development. It illustrates the increased division of labor - and thus, hierarchization - between the NGOs. It allows us to understand to what extent the state is a desired partner and the extent to which autonomy proves to be an irrelevant objective for the movement. It also can explain the gradual limiting of the strategies of the movement, which have abandoned direct confrontation with state power and street protests, as well as restricting educational and awareness raising campaigns to a minimum. NGOs such as Animus, Center Nadia, BGRF, GPB and others started out with no significant expertise and had to learn at a similar pace. Their professionalization contributed to the encapsulation of the movement: the creation of a core which largely determines the rules of acceptance. This strategy creates a hegemony, in which the movement's success is measurable according to the level to which key NGOs are able to press the state to follow their criteria of "insider and outsiders."

"Inside" and "outside", in my informants' narrative, are not categories only related to the state, but to the broader power-field created between organizations and the state, where state capital is the main currency of exchange and distinction (Bourdieu 1994). In this case, state capital acts as a function of the increased professionalization of the field, which is to a large extent reflected in the new rules of funding. Not all organizations suffer from this change, some can benefit as the rules are increasingly made with their participation, offering enhanced links within the state, and giving them the opportunity to contribute to legislation. This does not mean that transformative claims become absent, but rather that they are relocated and centralized within the few big professional NGOs in the field. What remains problematic, however, is that those NGOs and informal groups which do not specialize in service provision and policy impact, but rather work with communities on identity and consciousness raising, remain underfunded. The emergence of new actors in the field is also stifled.

In this case, autonomy from the state is also rendered irrelevant, instead, the effort is placed on co-operation. The movement of NGOs has pressed for professionalization and introduced the criteria and most of the procedures within the newly developing state-level funding scheme against domestic violence. NGO representatives insisted on the consolidation of criteria for applications and subsequent monitoring. The tiny amount of economic capital (250,000 €) dedicated to the struggle against domestic violence is still acquired through a peculiar merger of different capital species also known as symbolic capital: one which conceals existing power relations and hierarchies but retains the power balance intact (Bourdieu 1994). The cultural (or informational) capital gained by the women in the NGOs through education, work, and struggle for social justice are narrowed down to professional achievements, successful grant applications and the ability to speak to the state in its own terms.

Last but not least, within the movement there is no clear leadership, but there is a division of labor and clear hierarchy of power between the NGOs. Whereas organizations such as Animus or Center Nadia are mastodon NGOs with multiple functions and services, BGRF and other legal NGOs remain small and specialized in litigation and lobbying. Organizations like GPB, as well as smaller awareness-raising and research organizations stand little chance in the competition with services and legislative participation, two areas which the state has also prioritized in its new strategy for funding.

## ***2.2. Strategic alliances and mobilizing tactics***

In this section I discuss the strategic alliances and mobilizing tactics of NGOs within the women's movement in Bulgaria. I describe their links within and outside the state apparatus, with specific professional and expert groups in the national and international arena, and their relation to broader constituencies. I show how the emergence of certain strategic alliances and the decay of others relates to the gradual shift of funding structure and the emergence of diverse structural positions and strategic priorities within the movement. While smaller organizations are not in the position to survive

without state funding, for bigger ones it is mostly a matter of priority setting. While funding is not the main issue for legal professionals, their fight with the state is also directed toward it: they are interested in the state's help to the service sector and its support to the movement as a whole.

After the initial period of dependence on international organizations and funding sources, since the mid-2000s, the key alliance of NGOs has been the Bulgarian state. Influenced by this new funding structure, many NGOs recognize that key services and legislation on an issue like domestic violence can only be channeled through the state. MPs and professional, mostly lawyers', networks were crucial in the process. While there were many frustrations with the antiquated state machinery, the NGOs saw progress happening. Daniela Gorbunova said "After decades of practice, I can attest: things are changing, there is hope!" The encapsulation of the movement could also be seen from the position of the state agents. For those I interviewed, the movement was as a holistic network: key NGOs and figures served no separate interests. No internal difference were visible or noteworthy, except for their levels of professionalization and operationalization through criteria to fit certain state standards. This was something that was allegedly, active long before the NGOs were seen simply as service providing subcontractors.

"We need an expert state, one where politicians would be those who can do their job in a benign and professional manner," Genoveva Tisheva told me. A few times during our interview she expressed exasperation with the effort it took to train public servants in awareness on topics such as domestic violence. "It is not enough that they have taken some legal measures, they should listen to us. We have to train them, plant ideas and knowledge and invest in them. We want a strong NGO sphere, not a strong state, unless it is an expert state, one made of people fully aware of the issue and ready to act on it." Instead, Tisheva told me bitterly, "we have state administration and MPs with no expertise, no desire to do anything. So from this incompetent state we want autonomy." Genoveva Tisheva and BGRF were also frustrated that the state does not recognize their success: "There were delegations coming here from Georgia – and despite our own

success with the Law, no one from the government invited us to do training. Georgia is a strategic country for Bulgaria in the EU, and we have done so much, but no recognition.”

Beyond the expert state topic, the motif of the lawyers pouring life into the state appeared a few times during interviews. For Daniela Gorbunova the state was a dead body, an inorganic machine. Only good, functioning legislation could bring it to life. “With the Law, a natural process mobilized.” “They cannot deal with domestic violence because they don’t know how to deal with real life,” she told me, “they” being state agents. Explaining what was to be done she used expressions as “to squeeze the state by the coat-tail” or “to un-jam and control its energy.” Policemen were also seen by her not only as having to undergo training, but as stiff bodies who “simply need to be given orders.” Lawyers from the profession also had difficulties understanding the Law’s philosophy. “Unlike most legislation before – the Penal and Penal Procedural Codes, and the Family Code – the new law is instantaneous and requires the state to act on behalf of the victim. It takes only twenty-four hours to issue an order. And it’s for free!” Gorbunova exclaimed “Our legislation has thus far required lengthy extensive procedures. Resistance was strong – most Bulgarian lawyers understood the letter of the new law, but could not grasp its spirit.”

Acting as the spirit of the law, promoting it and mobilizing it to enliven the dead body of the state, all my interviewees recalled cases of resistance by state agents, MPs and lawyers. Lyuben Kornezov – an MP from the Bulgarian Socialist Party, said “Well, some slaps now and then, what is the big deal?” The cabinet of former PM Boyko Borissov – a charismatic ex-fire-fighter and macho figure – silenced gender issues during his government in 2009-2013. The conviction of many lawyers like the leading figure in family law Tsanka Tsankova was: “Such a law can never pass in Bulgaria.” Yet, the NGOs found some strategic allies. MPs like Marina Dikova and other members of the Parliamentary group of Tsar Simion’s National Movement (NDSV) who was in power 2001-2005, such as Anelia Mingova and Konstantin Peychev, and MPs from other parties were central in the lobbying. Obtaining state funding in 2010, the role

of two women in government was crucial: the former Minister of Justice and then Vice-President Margarita Popova, and Vice-Minister of Justice, Velina Todorova served as brokers. The former was a link from the legal profession, the latter – from both the legal profession and the NGO sector, was a former member of BGRF.

Aside from the passing of legislation, results were measured by successful legal cases at international tribunals as UN's Committee on the Elimination of all Forms of Discrimination against Women (CEDAW). Furthermore, networking at the higher levels of the state administration was important, but not enough. NGOs also had to interact with the state at various levels. The first instance had already come in the 1990s and stemmed out of practice. Daniela Gorbunova explained "According to the legislation in place, there was no way to hide the victim and file a court case: it required an address of the shelter that was registered as anonymous. Often husbands started national investigation. The police checks hospitals, morgues, police stations, prisons." Gradually the police realized that they could call the shelters and an agreement was reached on collaboration, which would reduce the public costs of an investigation. "We provided information, and they provided protection. The state slowly got there."

Links were sought with local police stations, judges, and municipal authorities and state agents were trained, but the higher level lobbying remained crucial. However, when the Alliance against Domestic Violence was formed in 2008, it did not similarly serve all NGOs. On this the strategic alliances within the organizations have also been crucial to determine the 'inside' and 'outside' of the struggle against domestic violence. "Animus is like a state within the state," Katya Krastanova told me. "The collective decision making within the organization are time and resource consuming enough. Trying to align with other organizations prevents us from acting quickly and efficiently." Krastanova recalled a situation in which a unilateral campaign decision by Animus involving a compromised public figure became problematic, resulting in a souring of the relations within the Alliance. "So we left. We are still on their website to give them leverage, but practically we prefer to make decisions on our own," Krastanova explained.

She added, however, that whenever the presence of all NGOs was needed they acted as members again.

Differences notwithstanding, the core of the movement has kept together. Organizations which originally entered the Alliance are no longer in equal positions, but they do depend on each other in times of need. Bigger organizations assert their priorities, currently amounting to a whole set of legislative procedures and protocols to allow the classification of all tasks related to intervention in domestic violence cases. For them, the state remains the central interlocutor in political struggles. The critique against the state coming from service- and legislation-oriented NGOs usually proceeds along the lines of litigation and grievances connected to legal procedures. As a result, the Ministry of Justice has been preparing a national mechanism for coordinated action between the state institutions, rehabilitation centers, and NGOs. A document classifying the tasks and responsibilities of professionals who deal with domestic violence has been approved and will come into force in 2014. A national council on domestic violence – similar to the national council on children – has also been negotiated.

The centrality of the movement in law making has often been challenged by state, government agents and MPs. Lawyer Marina Dikova is the former MP who helped pass the Law on Protection against Domestic Violence in Parliament. For Dikova, a practicing lawyer and still a member of the former Tsar's Party, she and a number of her colleagues from the same party played a key role. She told me "The draft of BGRF was too American, totally unfit to the Bulgarian reality, in need of serious reworking to enter Parliament." Dikova remembered Genoveva Tisheva and BGRF as "professional, expert, benevolent, and responsible." She then added "Of course not all NGOs could write grant applications, BGRF were exceptional." The three experts from the Agency for Social Protection (ASP) I interviewed saw the NGOs as additional to the state, as "volunteers" and almost a para-professional group. They had to fit the "technical" and "expert" criteria to "become recognizable" and to "appear before the eyes of the state" To my question about co-operation with NGOs, all three women looked puzzled: "The state

has the infrastructure – we just subcontract NGOs to be service providers. Those taken over by them we cancel so they are not doubled. Like this the state functions smoother.”

Bulgarian NGOs concentrated on their critique of the state through services and through litigation in front of international tribunals. In the process they have gradually acquired the top-down perspective which state agents adopt on observing social processes. While NGOs have worked on the ground with different state agents, they have left out two other worthy terrains of struggle: the feminist frame of domestic violence and the conversation with the street and groups of unorganized women. Both remain beyond their scope of action or interests. Dealing with incredibly important issues, issues such as trafficking, violence and discrimination, the NGO sector does so as a service provider vis-a-vis the customers who lack autonomy and channels of communication or organized collective action. While victims of domestic violence themselves are unlikely members of organized groups of street-protesters, angry voices of social protest are not fostered by the movement and are mostly seen as a parallel reality that cannot engage in the fight against domestic violence. As if irrelevant, the mobilizing capacities for grassroots organizing and contentious politics, hitherto marginal in Bulgarian society, have since been eclipsed by the NGOs. They remain out of their orbit of action and professionalizing codes of conduct.

The critical institutionalization approach helps us see the connections between the Ministry of Justice, networks with the legal profession, and alliances within the NGO sector as determining the policy success of the women's movement. These alliances depend on the accumulation of state capital, networks, and the professional credentials which provide the movement with its persuasive strategies. At the same time, however, this concentration could also be seen as a trade-off, limiting the movement's productivity to actions within the juridical and service fields. Constrained from promoting more disruptive tactics, it cannot 'do politics' (Irvine 2013); it refrains from taking side in conflicts, and neglects issues of women's collective emancipation and empowerment as grassroots organizing,

economic independence, and the role of women in broader systemic change. These are not subject to the professional expert credentials, which become the only currency of exchange within the movement.

### ***2.3. Voice and frame***

In this section I present the third aspect of the critical institutionalization approach, which concerns the mobilization frames which movements use. I explore the diagnostic, prognostic, and mobilization strategies of the movement in their analysis, strategic action planning, and the process of garnering support (Benford and Snow 2000). I show that neither has a gendered frame been preserved in the movement's overall framing strategy, nor has the prevention against domestic violence been based on an analysis of the issue as economic, political, and social. This diagnosis of domestic violence as an interpersonal or familial problem, is shared mostly by women active in the movements, and prioritized in public discourse and policy, focusing NGOs' and state's work primarily on legislative reforms and service provision. This strategic choice has attracted the support of state actors, but has resulted in the de-politicization of the issue. It has also emptied out the potential for a more integrated policy that would treat its causes in relation to bigger social and economic processes, engaging in a debate about patriarchy and capitalism.

“Did you notice that the logo of Animus is a witch – that's how they treat us, as witches – feminist witches,” Katya Krastanova smiled. She conceded that this attitude affected her in the beginning of her career, but by now she “became used to being called a feminist with negative connotation.” She emphasized that it is not the only thing that people in the state institutions notice about her. “Because by now expertise and experience have allowed me to be able to enter any room, understand the lingo of just any professional community, and be able to speak it in order to articulate the problem of domestic violence on their ground.” So, Krastanova concludes, no one is speaking of her as a feminist: “They might say I am short tempered, but that is a whole other issue.” Krastanova, Gorbunova and Tisheva all frequently used the terms “specialist,” “expert,” and “professional” in our interviews.

They insisted on the necessity of professional profiling of the women working in domestic violence intervention. “Without professionalism, expertise, and strategy, we wouldn’t have achieved what we wanted,” Gorbunova said. She also underlined that as a lawyer she was “from a free profession, in service to no one.” Speaking of the attitude of the state to the women, she also said “They now recognize us as respectable, professional, experts, with responsibility and benevolence.”

While the Law on Domestic Violence and the surrounding legislative texts and mechanisms are a reality, all women in the movement shared a concern about the lack of legislation and any serious policy measures concerning gender equality. Genoveva Tisheva voiced her experience with the issue dating from the 1990s when, as a program coordinator within a big mainstream “Human Rights Center”, she was not able to press her colleagues to prioritize this issue: “That is why we needed the Alliance, to be able to deal with domestic violence and interrelated subjects in a more gender-sensitive way,” Tisheva reflected. She has been engaged in lobbying for a Law of Gender Equality, but none has been passed. The pre-2005 training of female MPs on issues of gender equality was also all but successful: “Back then even Marina Dikova, let alone many of her colleagues, were just listening and nodding, as if we were speaking Chinese to them,” Genoveva Tisheva recalled. To me Dikova said she was not a feminist, but domestic violence was “a social cause.” Tisheva told me also “We spoke to the first female Chair of Parliament, Tssetska Tsacheva in 2009. She was not even marginally interested – ‘I went to Geneva, to UNICEF, and they told me Bulgaria has gender equality’ she told me” Tisheva quoted the politician bitterly smiling.

This opposition to gender equality is partly explained with the persistent patriarchal structure in Bulgaria, and the lack of political will for broader change. This opposition has made women in the movement weary and wary of their own position when they have to lobby on certain issues. Even with domestic violence there was resistance. “One Socialist Party member gave a jeremiad before the Parliamentary commission of how women would use men, accuse them of domestic violence, and snatch their property” Katya

Krastanova told me. “Yunal Loutfi, a Turkish ethnic Muslim male MP had to tell the MP in question that we are living in the twenty-first century and such words are unacceptable?...” At the same time Krastanova insisted that there were people in state institutions who were sensitive to gender issues. She called them “more feminist.” She mentioned various officers within the Bulgarian Police as examples, such as Blagorodna Makieva and Penka Stoyanova as “very feminist and convinced of the importance of the topic.”

Many women in the movement started being feminist at the international conferences in the 1990s. At a meeting in Vienna preparing European women for the Beijing conference in 1995, Stanimira Hadjimitova joined Genoveva Tisheva and they both were introduced to the issue of domestic violence. Daniela Gorbunova also began her story with her attendance at the Beijing conference in 1995 together with Tisheva. Gorbunova’s engagement with the topic grew in a tight connection with her profession as a lawyer and the importance of giving legal advice. Both women participated in the opening of the Union of Women from Legal Professions: “One of the first female organizations, developed after the start of democracy,” Daniela Gorbunova recalled proudly. Still, Gorbunova and Katya Krastanova were more focused on the Bulgarian context and the grassroots’ organizing between Sofia and the countryside in the 1990s. Back then, Animus and Center Nadia tried to gather organizations from all around the country to speak about domestic violence. They were approached by women from clubs and cultural houses in Pavlikeni, Kardzhali, and Smolyan who were dealing with this topic. “These organizations soon faded away when the NGO sphere in Bulgaria professionalized,” Krastanova told me.

The decisive moment for the framing of the issue of domestic violence in mostly legal terms was the campaign “16 Days of Activism against Gender based Violence” in 2001. The event, sponsored by the UK embassy in Bulgaria, took place at Sofia’s Military Club. Krastanova elaborated on the contradictions. “A heated debate emerged. Some were proposing a more graphic way of treatment of violence, a campaign ‘into your face’. BGRF and other NGOs with a legal focus pressed for a law.” Eventually, the logo

of the Festival and the campaign was changed to stir efforts toward the production and promotion of a Law. The messages of the campaign through the years have been: 'Stop the Silence!', 'Domestic violence is not a private issue', 'Domestic violence is a violation of human rights!', 'A law against domestic violence – an alternative to powerlessness', and 'Violence against women is a crime. Where is the punishment?' (Stoilova 2010). The campaign resulted in the Law on Domestic Violence. "In this process Animus and other service providing NGOs contributed only through the activities we carried out: the NGOs who wrote laws were central" Krastanova said.

Due to the professionalized legal framing, the participation of women from the neighborhoods, and grassroots organizations seems to be prescribed. When I brought the issue up, my informants referred me to the web-based forum BG-Mama, a platform with a large number of anonymous subscribers. This sometimes generated protests on issues such as genetically modified foods or childcare services. My question about the autonomy of women to organize and help themselves outside the network of NGOs and the state seemed confusing to most my informants. Daniela Gorbunova was the only one who answered after thinking for a while. She said that domestic violence was a specific subject: women who underwent it lived through a real nightmare and often were dispossessed from their dignity and agency. "Imagine," she livened up, "they are beaten on their head, sometimes daily, with objects, furniture, curtain-ledges – this causes both physical and psychological damage as if you go through a car crash every day." She also added that women mostly wished to forget and live a normal life – so it is unreasonable to expect them to mobilize and campaign. As she noted, "Coming back to normality is mobilization."

The Bulgarian "empirics" – as Genoveva Tisheva called the reality of women suffering domestic violence on the ground – and grassroots organizing around the subject, is important as a source of information and legitimacy. Women are seen by NGO representatives as central – though passive – beneficiaries of the law-making and psychological consulting practice. But the latter is by necessity only carried out by experts. "The work on the subject of domestic violence is done by a team of specialists – psychologists,

psychiatrist, and doctors: all people with real capacities of help,” Daniela Gorbunova told me enthusiastically, using the feminine form to call the professions which require a higher degree. Among my informants there was little reflection on how this exclusivity reflected on other women. As the case of Stanimira Hadjimitova testified, educated middle-class women also suffered increased insecurity and economic dependence with the constant recession in the country since the 1990s (Russinova 2000). Yet, NGO representatives did not speak of female emancipation and empowerment as a collective process, dependent on the structural conditions of the women and their families. Their diagnosis enlisted rather familial and psychological traits of both victims and perpetrators. Their prognosis entailed benevolent support by professionals to the victims.

Thus, women’s NGOs are not just subjected to the state and playing its game: they take a share and actively shape the conversation. Yet, their voice only challenges the structures of the state within the existing legal and service framework, and only on single issues such as domestic violence. They use state capital to develop expert language, but shy away from openly using feminist vocabulary. This practice has a side effect: the decreased necessity to speak the language of the marginalized, unrepresented or oppressed women. State capital seems enough to reach and negotiate policy change, which the representative members in the movement outline as their priority. The language of law – be it that of the spirit of the law, and be it addressed to services and funds – remains the only game in town. A critique from a new generation of activists is not visible or articulated publicly and not expressed from within the movement. A study on this question is in order, but will require long-term engagement with the movement and insider’s knowledge.

This process paradoxically mirrors the history of women’s movement in Bulgaria under state socialism, and destroys the balance between the women’s movement persuasive strategy and alternative – disruptive or grassroots – organizing tactics. One of the characteristics of the movement against domestic violence – as the active part of the Bulgarian women’s movement – is the ostensible lack of practices and discourses that draw on past feminist or women’s struggles in early twentieth century, interwar, or

state socialist Bulgaria. While most members of the movement recognize their own privileged position of being educated and middle-class women with professions accorded rights and benefits due to the socialist welfare system, the women's struggles in the past are not spoken of. Further research needs to be done to understand to what extent this development is conditioned upon the sudden historical rupture in Bulgarian women's movement in 1989. The silence relates to the source of influence of the new women's organizations in the country and the region, which drew their reference mostly from Western liberal organizations. Further study on the international feminist frames and their reflection and refraction in the Bulgarian context is needed. This can also help explain why the analysis of social and structural causes of domestic violence has remained silenced in the Bulgarian case, and how the decision to act politically, or the lack thereof, has shaped the women's struggle.

### **3. Coda**

The Bulgarian women's movement has seen its successful institutionalization and significant policy impact in respect of domestic violence and related issues. It has developed through the professionalization of several NGOs and through their strategic alliances within state power and through lobbying in legal networks. The stifling of alternative strategies such as disruption, grassroots organizing, and positing feminist frames could partly be justified as the price to achieve success in the legal field. However, it has contributed to the framing of the issue along in human (rather than women's) rights and could account for the ostensible lack of bottom-up (self-)organization among women. More historical and ethnographic work needs to be done to explore whether the history of the women's movement and/or the professionalization of the NGO sphere contributed to the lack of feminist critique towards NGO professionalization.

Beyond that, the Bulgarian women's movement could be characterized with a specific "closeted feminism" (Carroll 1984; Mendes 2011). Characteristic with its strategic use of non-feminist frames to speak to different power- and stake-holders, its representatives remain feminists

in their offices. Thus they achieve success on “social” issues of domestic violence, but cannot contribute to women-centered issues such as gender equality. Concentrated in the NGO sphere but absent from the grassroots and community organizing, public media, the academy, or party politics, they represent how post-feminism has been constructed. Anticipated by both patriarchal and capitalist ideologies, this process has created feminism’s eventual illegitimacy and hence its redundancy to achieve hegemony (Mendes 2011). What is peculiar to the Bulgarian case is that unlike in other countries (Arnold and Ake 2013; Kajinic 2015), no intergenerational change has taken place, nor internal contradictions exposed and worked through. The framework of feminist action is still mostly unrecognized, and it remains so for younger generation of activists. For them, domestic violence is a social cause that occupies a small group of professional NGOs.

The critical institutionalization approach reveals both the advances and shortcomings of the mobilization of the women’s movement around domestic violence. This theoretical model can explain how the movement successfully used the friction between autonomy and institutionalization. Instead of keeping its autonomy from the state at all costs, it has kept its autonomy from unsustainable private funding sources, and has established continuous funding from the state. It has done that through strategic alliances with actors in the state administration, the parliament, and femocrats of the legal profession who, at crucial moments, have taken positions in either field. It never decreased the pressure on the state through lobbying and litigation at national and international level. However, the question remains how critical its institutionalization has actually been in terms of acting politically and addressing the social and economic conflicts at the root of domestic violence. My study shows that the achievements in the legislative field have happened to the detriment of a gender-based structural diagnosis and prognosis of the movement. The frame used to mobilize support in the state has downplayed forms of contention and action against the patriarchal and capitalist power structures which generate domestic violence.

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### List of Interviews

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- Daniela Gorbunova, Lawyer and Board Member, Bulgarian Gender Research Foundation. June 11, 2013. Interview by author.
- Stanimira Hadjimitova, Engineer, Chair Gender Project for Bulgaria. June 17, 2013. Interview by author.
- Katya Krastanova, Psychologist and Psychotherapist, Public Relations coordinator, Animus Association. June 14, 2013. Interview by author.
- Marina Dikova, Lawyer, former MP with National Movement Tsar Simeon (NDSV). June 18, 2013. Interview by author.
- Yanko Kovachev, Expert, Department "Mechanism for Cooperation and Evaluation of International Programs", Ministry of Justice. June 19, 2013. Interview by author.

- Kalina Kokalanova, Expert, Protection against Domestic Violence, Agency for Social Protection. June 19, 2013. Interview by author.
- Daniela Kitcheva, Expert, Protection of Children, Agency for Social Protection. June 19, 2013. Interview by author.
- Nikolina Ivanova, Expert, Protection of Adults, Agency for Social Protection. June 19, 2013. Interview by author.

# CROATIAN WOMEN'S MOVEMENT AND DOMESTIC VIOLENCE POLICY CHANGE: GENERATIONAL APPROACH

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## **1. Introduction**

In this chapter, I start from the presumption that there have been many positive policy changes concerning domestic violence in Croatia since 1989. My main interest here is in the kind of movement activity that leads to such changes. In what follows, I will argue that it is the diversity of movement's cohorts acting together that is the key to this path. However, my findings show that lately in 2013 the movement faces a backlash. Domestic violence is cut as a criminal offence from the new Criminal Code and the movement faces unprecedented state hostility, which demands new coping mechanisms from the movement. I suggest that with the recent hostility of the state in 2013, previous mechanisms of diversified action seem to collapse and differences between the cohorts may be diminishing.

Research on feminist generations has shown the multifacetedness of processes of change in social movements for women's emancipation. Nancy Whittier (1997) focused on generational micro-cohorts who join the movement in the same period and subsequently share values and strategies. According to her, micro-cohorts enter a movement a year or two from each other and are "shaped by distinct transformative experiences that differ because of subtle shifts in the political context," while a political generation

comprises “all micro-cohorts that participate in a given wave of protest” (Whittier 1997: 762). Whittier argues that the changes in social movements come about to a large extent through generational change and cohort turnover. She does not disregard political opportunities and organizational influences but sees generational change and cohort turnover as a “micro-level mechanism” of change (Whittier 1997: 761). Whittier’s generational approach to social movements’ change provides an important framework for analyzing the changes in strategies and framings of the struggle against violence against women by the social movement actors.

I will use a generational approach to analyzing changes in the Croatian women’s movement against violence against women as I find cohort analysis relevant for understanding different moments of peak activity and gradual changes in framings and strategies of the movement actors. Arnold and Ake (2013) built upon Whittier’s insights into generational change in feminist movements, and claimed that the narrative of the battered women’s movement’s decline and cooptation should be reconsidered. Instead, they propose a narrative of continuing changes and growth that brings forth diverse feminist frameworks. I use cohort analysis in order to research the changes within Croatian women’s movement. Since the Croatian women’s movement in its struggle against violence against women has repeatedly influenced both social attitudes and policy processes, the analysis of generational changes constitutes a case study of processes of continuity and change in an important social movement.

Here I focus on the Croatian women’s movement against violence against women in order to ask about feminist generations that took part in it since the late 1980s. Croatia is one of successor states to Yugoslavia that declared independence in 1991. Yugoslav legacy consisted both in near invisibility of violence against women in legislation in contrast with the presumed gender equality in socialism, and in the history of Yugoslav feminist organizing around this issue. Attention paid to domestic violence prior to the first wave of feminist mobilization was scarce, and its entering into the public sphere is generally considered the contribution of women’s groups. Indeed, the first autonomous women’s shelter in Eastern Europe started working in 1990 in Zagreb, Croatia.

Due to intensive exchange of ideas and experiences involving both Yugoslav feminists and the international women's movement, soon there were similar shelters also in Ljubljana and Belgrade. The war in former Yugoslavia changed the direction of activists' efforts for its duration, as their energies went toward helping women and children victims of war. The start of the war saw the proliferation of women's groups in Croatia – the number of new groups rose from 5 to 22 between 1991 and 1992 (Boric 2003 in Irvine 2012: 9). In the post-war period, the strategies of women's NGOs were characterised by increased attention to lobbying and participation in policy process. While it has been claimed that the feminists were perceived as the enemies of state during the war (see Zagreb Women's Lobby 1993), their standing did not improve much in the post-war conservative Tudjman period either. Still, the activities against violence against women proved to be one field of struggle where feminist activists could find allies across political orientations and achieve considerable legislative and policy gains both during Tudjman's time and after the change of government in 2000.

The cooperation among Croatian women's organizations has been coordinated through one broad network - the *Women's Network Croatia*<sup>1</sup>, which at its peak comprised some 50 organizations and one electoral lobbying coalition – the *Women's Ad-hoc Coalition*<sup>2</sup>. Croatia can be seen as a success case of women's groups' lobbying for domestic violence legislation and policy changes, although one has to keep in mind that their successes are highly contingent. The precariousness of the achieved legal and policy gains became evident in 2013 with the sudden emergence of the hostile state. These recent changes in 2013 concern not only the removal of domestic violence from the 2013 Criminal Code but also the refusal of the Ministry of Social Policies and Youth<sup>3</sup> to cooperate with women activists. This study adds an important angle to this story by looking at the role of

1 See: [www.zenska-mreza.hr](http://www.zenska-mreza.hr) (accessed April 18, 2015)

2 For 21 member organizations of the WAHC see (on the WNC website): [http://www.zenska-mreza.hr/KAMPANJE/clanice\\_adhoc.htm](http://www.zenska-mreza.hr/KAMPANJE/clanice_adhoc.htm) (accessed April 18, 2015)

3 The practices of ignoring and excluding women activists by the corresponding Ministry were mentioned in the interviews as one of the most worrying new trends in 2013, as discussed further on.

the women's movement in processes of legislative and policy change from a generational approach which enables analysis of continuity and change in Croatian women's movement also in the moment of radical changes in external opportunities.

I analyse generational micro-cohorts to gain insight into changes that occurred within the movement and in its institutional field of action. The legislation against domestic violence in Croatia is comparably advanced in the region of Central Eastern Europe, and until the recent changes to the Criminal Code in 2013, this has been generally linked to the influence strong feminist organisations have on the state. The Croatian feminist movement has been described as “remarkably vibrant” and possessing “relatively strong organizational capacities” (Spehar 2012: 5). Following Whittier, I take that the changes in the movement arose through a combination of internal generational turnover and external factors. I analyze three movement cohorts in order to enquire into changes over time to movement's strategies, framing of violence, and understanding of the relationship with the state. For this chapter, I conducted 5 interviews with key activists who entered the movement at different periods. I also rely on primary sources ranging from historical documents of the Yugoslav and Croatian women's movement(s) to contemporary policy papers, NGO reports, and media coverage.

In this text, I understand various women's organisations combatting violence against women in Croatia as a part of a larger social movement against violence against women. Regarding the definition of a movement, I rely on Mario Diani's (1991) understanding of social movements as sharing the following crucial components: organizing through informal interaction; striving for social change, and sharing collective identities. In what follows, the first part brings an overview of the history of Croatian women's movement's achievements against violence against women, divided in key moments corresponding to three generational micro-cohorts, and a reflection on the current situation. The moments, of course, lead into each other, and the micro-cohorts' framing of the struggle and their strategies at times overlap. However, I find it useful to structure the movement's overview in a way that prepares us for a more detailed analysis of the changes in the movement.

The second part, thus, explores in a more analytical manner the changes in feminist framings, movement's strategies, and the challenges of the situation in 2013. Whittier claims that in an informally structured, decentralized movement such as U.S. radical feminism of her analysis, the formation of new groups and entry of micro-cohorts is a "relatively low-cost way to introduce new tactics, expand goals, or revise ideology" (Whittier 1997: 761). The aim of this paper is to inquire into the relationship between the entry of new micro-cohorts into the Croatian women's movement, the transformations in the movement strategies and framing of their struggle, as well as into the continuity of their activities. My argument is that the changes in strategies and framings of violence against women in Croatia happen at the intersection of the entry of new recruits and broader changes in political opportunities. Furthermore, together with Whittier, I see the continuity in the Croatian movement against violence against women as related to the commitment of the long-term activists. However, in contrast to her, I argue that this continuity is also subject to transformation through constant internal as well as external renegotiations of the terms of struggle. The theoretical framework within which I situate my analysis is outlined in Krizsan and Popa's introduction to this volume. They suggest to conceptualize the influence of women's movements through three components: resources; framing; and strategies. In this chapter I follow their framework and analyze the changes in Croatian women's movement's resources, strategies and framings of the issue of violence during the last 25 years.

## **2. Croatian women's organisations against violence against women**

This section introduces the Croatian feminist political generation fighting violence against women since 1988. I outline main political and legal advances in relation to what I perceive as three micro-cohorts of the Croatian movement. The first micro-cohort corresponds to women activists entering the feminist movement around 1987, and starting the first SOS-line and shelter. The first *SOS telephone for women and children victims of violence* was established in 1989 by the activists of the *Women's Group Tresnjevka*. A historical entry on the "Women Memory" website lists the names of twenty-

seven women activists involved. It makes clear that the activities of these activists - the SOS phone, and later on in 1990 the *Autonomous Women's House (AWH)*, the first autonomous shelter in Eastern Europe – were based on “feminist politics of solidarity” and regional cooperation among (former) Yugoslav feminists, even during the war (Center for Women Victims of War 2003: 1).

Two of my three interviewees from *Autonomous Women's House*<sup>4</sup> – Neva Toelle and Nela Pamukovic belong to this first wave of women activists against violence against women that I analyze as the first micro-cohort of the Croatian movement. Both Toelle and Pamuković entered the movement in 1987. Pamukovic joined the *Women's Group Tresnjevka* several months before Toelle saw the Group's newspaper advert inviting women volunteers to a training for the SOS line – Toelle “responded to the ad, and stayed in it for twenty years” (Pamukovic 2013, Toelle 2013)<sup>5</sup>.

Both their names are listed among seven participants from Croatia of the First Yugoslav Feminist Meeting in Ljubljana in 1987. This meeting, which marked the beginning of a Yugoslav feminist networking, gathered some eighty feminist activists from across Yugoslavia, and the work of eight feminist groups was presented (Dobnikar and Pamukovic 2009: 21). The meeting itself marked “ten years of presence of some feminist thoughts and initiatives in the country” (Dobnikar and Pamukovic 2009: 24) following in the footsteps of the first autonomous feminist conference in Eastern Europe, which was the international conference “Comrade Woman” held in Belgrade in 1978 (Bonfiglioli 2008).

Primary sources of the Yugoslav women's movement, such as the documents of the first four Yugoslav feminist conferences collected by Dobnikar and Pamukovic (2009), testify to the vital importance of the issue of violence against women already for the first micro-cohort of feminists. This is important for understanding the genealogy of feminist framing and strategies against violence against women in Croatia. These documents also

4 See: [www.azk.hr](http://www.azk.hr) (accessed April 18, 2015); my third interviewee Valentina Andrasek's point of view is encountered later on in the text, as she joined AWH in 2002.

5 All interview translations are by the author.

show that the activities of the first micro-cohort were decisively regional – based on close networks of support with other feminist groups in (former) Yugoslavia. Also, from the very beginning they were aware of the need to cooperate with authorities, while insisting on their autonomy, which continues to this day. Specific for the first micro-cohort of the Croatian women's movement is the activists' commitment to feminist framing of the issue of violence, to belonging to the international women's shelter movement, and to practices of transnational and regional networking with other women's groups. The first micro-cohort thus accounts for much of the continuity of the Croatian feminist influence on legal and policy gains against domestic violence. However, as discussed further on, they also changed their strategies and reformulated their framing of violence in dialogue with the changing political situation and the entry of new recruits into the movement.

The timeline of the Croatian women's movement against violence against women testifies to sharp turns in new directions when, due to social transformations, renegotiation of framing and strategies of civil society actors took place. At the end of the 1980s, members of the first feminist micro-cohort intensively organized around the hitherto invisible problem of violence against women, starting shelters and SOS lines. During the war, the activities of the first micro-cohort turned toward giving direct help to victims of war violence. The end of the conflict opened a window of opportunity for yet another change of direction, both for the first micro-cohort and the new activists entering the movement around 1995. While the long-term activists kept the commitment to autonomous organizing and feminist framing of the struggle, they joined the second micro-cohort of activists in turning toward strategies of lobbying for legal and policy changes and closer cooperation with the state. I interviewed Sanja Sarnavka as a representative of the second micro-cohort entering the movement in the post-war moment. She joined *B.a.B.e.* in 1996, starting the campaign "Women and Media". Later on she became a coordinator and then director of the organization, increasingly involved with issues of violence against women. *B.a.B.e.* is a feminist NGO founded in 1994 oriented towards

lobbying for women's human rights, and later on it also became a major player against violence against women<sup>6</sup>.

The timeline of the second micro-cohort's entry period and their joint activities with the first micro-cohort shows evidence of considerable legal and policy advances. While **B.a.B.e.** activists at the time of their entry into the movement were focused on lobbying and cooperating with the state to a much greater degree than the members of the first micro-cohort, this has partially changed over the years. *B.a.B.e.* has expanded its range of programs. From their initial focus on monitoring, media watching, and lobbying for legal and political changes, they have started to provide counselling and direct help to victims of violence, run a shelter, and work with children as well as with male victims of violence.

Years 2002 and 2003 can be seen as one of the peak moments in women's organizing against violence against women in Croatia. In 2003, three significant laws were passed: the Act on Protection from Domestic Violence; the Law on the Equality of Sexes; and the Law on Same-Sex Unions. New women's organizations were formed, among them *Women's Room* that became a leader in a struggle against sexual violence, in assisting victims of sexual violence, and lobbying for sexual rights<sup>7</sup>. Also, LGBT organizations joined the movement against violence – the *Legal Team of Kontra and Iskorak* became active in 2002, and later lobbied for legislation on hate crimes. I see the feminist and lesbian activists entering in the struggle against violence against women in 2002 and 2003 as members of the third micro-cohort. I interviewed Sanja Juras of the *Legal Team* as a representative of this generational moment.

Throughout 2003, victims of homophobic violence started contacting her and other activists, which led to the establishment of the Legal Team. Juras explains their initial strategies motivated by “problem in legislature but also problems in practice” – for instance, homophobic attacks were inadequately treated as disturbance of peace (Juras 2013: 2). This is why

6 See: <http://www.babe.hr/hr/o-nama/> (accessed April 18, 2015)

7 See: [http://zenskasoba.hr/index.php?option=com\\_content&task=view&id=75&Itemid=58](http://zenskasoba.hr/index.php?option=com_content&task=view&id=75&Itemid=58) (accessed April 18, 2015)

they initiated lobbying for a definition of hate crime in the Criminal Code in 2004 in order to raise awareness and improve legal definitions. In 2005, they organized a round table, inviting relevant Ministries and Governmental offices – “but in this moment nobody was supporting what we were asking for” (Juras 2013: 2). However, their persistent lobbying efforts, in cooperation with the NGOs organized through the Women’s Network Croatia and other minority rights organizations, brought significant gains such as the inclusion of hate crimes in the Criminal Code, and extension of their counselling and lobbying activities. The amendment of the Criminal Code in 2006 was a compromise which did not include all of their suggestions. In 2011, the same strategy of networking with minority NGOs resulted in the inclusion of hate crimes based on gender identity in several laws, and inclusion of same-sex couples along other couples in the definition of family in the domestic violence provision of the Criminal Code.

Another peak moment of women’s organizing against violence against women in Croatia could be located in 2008/2009 around the “Say Yes to Shelters” campaign. The leader of this mobilization moment in 2008 was the AWH that represented five autonomous women’s shelters. The moment for the media campaign leading to a successful outcome – approval of public funding for these shelters – was opportune: the second half of 2008 was a pre-electoral period before local elections, and also the time of approving the state budget for the following year<sup>8</sup>.

The “success” in obtaining state funding for women’s shelters in 2009 is highly contingent since it needs to be renegotiated each year. As Andrasek of AWH puts it: their success “went downhill in implementation” (Andrasek 2013). According to her, in the first year of funding in 2009 the procedure was simple: they only had to send their program and budgets, “and it was supposed to be like that each year” (Andrasek 2013: 8). In 2010, the contract signing procedure was equally simple but there were already some budget cuts due to the recession. However, “In the third year,

8 As discussed in the project description of Bruketa & Zinic (2011) – the ad agency that conducted the campaign.

there was suddenly tender required” (Andrasek 2013: 9). This resulted in a complicated procedure and additional work for the autonomous shelters, accompanied by budget cuts.

However, despite the difficulties in the implementation process, the period of diversification of the Croatian women’s movement against violence against women, which I associate with the entry of the third micro-cohort in 2002/2003 and with the continuous activism of the first two micro-cohorts, is a very important period of domestic violence legal and policy gains. As Andrews (2001) makes clear, strong movement infrastructures enable the activists to have access to decision-making processes, influence the content of relevant policies and programs and be ready to protest when needed. Similarly to the findings of his research on the US civil rights movement’s influence on poverty programs in 1960s, also the important legal and policy outcomes of the Croatian women’s movement against violence against women in the period between 2002 and 2009 show the advantages of a diversified movement for achieving success.

The peak moments of legislative and policy changes testify to effective long-term strategies and collaborations. At times, however, it is the moments of crisis that provide a rare opportunity to understand social movement strategies in confronting the moments of change. From my interviews and from the discussions on the Croatian NGO scene, it seems clear that the return of the hostile state in 2013 is such a moment. Regarding the micro-cohort analysis, I claim that the moment of crisis represents a profound test both in terms of continuity – as the tenacity of commitment of all the micro-cohorts is questioned, and in terms of change – as their capability to transform and adapt to changed circumstances is at stake. I also suggest that such a moment of crisis opens a possibility for entry of new recruits.

In 2013 the challenge to women’s groups came from the cutback of previous legislative gains and was perceived as a “civilizational steps backward” (Tportal 2013). Namely, domestic violence abuse, which was part of the Criminal Code since 2000, punishable with up to five years of imprisonment, was taken out from the Criminal Code at the beginning of 2013 (Tportal 2013). The modified Criminal Code of 2013 had been

elaborated since February 2012 by the Working group of some 20 lawyers, judges, university professors and other experts, headed by Ksenija Turkovic, judge of the *European Court of Human Rights* (Jurasic 2013). According to the official explanation for changing the Criminal Code, the “most encompassing changes to the Criminal Code since the independence” of Croatia in 1991 are justified in terms of serving the prison reform by increasing fines and community service and decreasing the prison sentences in order to “unburden the overflowing prisons” (Jurasic 2013).

This explanation, however, is countered by the outrage of women's groups pointing out that treating domestic violence as misdemeanor and no longer as criminal act, and decreasing the sentences for the perpetrators sends a strong message of disregard for the rights of victims. Activists also dispute the 2013 changes to the Criminal Code by asking why every new government feels the need to change the already adequate laws for the sake of change without consulting the experts in the field such as women's groups and autonomous shelters (Toelle 2013: 6).

It is still too early to estimate the effects of the current back-lash on the actual domestic violence legal and policy outcomes in Croatia. However, what the generational approach reveals is that all micro-cohorts recognize the depth of the current crisis as extremely challenging to their core framings as well as to their strategies. I argue that the moment of crisis puts all the micro-cohorts of the Croatian movement against violence against women into a situation where both the continuity of the movement and its ability to change is brought into question. At present, the challenge to women's movement continuity seems to be met by strong commitment and continuation of activities by long-term activists. On the other hand, the ability to change strategies in order to adapt to a shifting political terrain and newly unsupportive state remains an open question. Women's organizations are continuing with strategies that have served them well up till now – ranging from protest and media pressure to lobbying. There remains a need for finding new ways to confront the backlash, while the crisis seems to function also as a possible opening for the entry of new recruits into the struggle.

### 3. Changes in Resources

In this section, I analyze the changes in resources of Croatian women's organizations against violence against women focusing on the changes in number and strength of women's NGOs, the funding of the most important groups, and their organizational structure. This enables a more nuanced insight into the resources of women's organizations over time as well as a better understanding of transformations in framings of violence and strategies of action.

#### *3.1. Strength of women's organizations*

Strength of the women's movement may be one of the indicators relevant for understanding the overall changes in the Croatian women's movement against violence against women. While key women's organizations against violence against women are highly visible, the total number of women's organizations engaged in lobbying and helping victims is difficult to ascertain<sup>9</sup> as the existing lists are unreliable (Mamula et al. 2010: 5). There are several key NGOs in the field. Most, but not all of them are organized through the Women's Network Croatia. While the International Helsinki Federation reported on some twenty-five women's organizations active against violence against women in 2000 (International Helsinki Federation 2000: 130), there was a significant increase in the number of women's organizations involved with the issue in the last decade. A small number of these groups are no longer engaged with violence against women, while the

9 I worked with a list of more than 60 women's organizations, based on the data from the QUING Context Study ([http://www.quing.eu/files/results/cs\\_croatia.pdf](http://www.quing.eu/files/results/cs_croatia.pdf) (accessed April 18, 2015)), the WNC members list (<http://www.zenska-mreza.hr/adresar.htm> (accessed April 18, 2015)), the Autonomous Women's Center Belgrade list ([http://www.womenngo.org.rs/english/index.php?option=com\\_weblinks&catid=38&Itemid=23](http://www.womenngo.org.rs/english/index.php?option=com_weblinks&catid=38&Itemid=23) (accessed April 18, 2015)), the Global List of Women's Organisations for Croatia (<http://www.distel.ca/womlist/countries/croatia.html> (accessed April 18, 2015)), and the Ministry of Family, Veteran's Affairs and Intergenerational Solidarity's 2009 Directory of institutions and organizations offering help to victims of violence ([http://www.mobms.hr/media/9383/adresar-ustanova\\_mobms.pdf](http://www.mobms.hr/media/9383/adresar-ustanova_mobms.pdf) (accessed April 18, 2015)). The list of active women's NGOs directly providing services to women victims is found on the Women's Room website, and included 32 organisations in 2010: <http://www.sigurnomjesto.hr/en/cso-address-book/> (accessed April 18, 2015).

church NGO Caritas, for example, provides help to the victims of violence without sharing the approach and beliefs of feminist organizations.

The strength of the Croatian movement against violence against women is impressive. The 2010 research by *Women's Room* found some seventy women's organizations against domestic violence, and conducted interviews with thirty-two women's NGOs providing services to women victims that were self-defined as organizations against violence against women, active for at least two years, and not linked to any church or political party (Mamula et al. 2010: 9). The spread of organizations across the country covers both the capital of Zagreb – where the strongest NGOs are based – and the smaller towns, such as Split, Dubrovnik, Lošinj, Vukovar etc. According to Risser and Tanay, there is a considerable difference in facilities and funding for domestic violence between Zagreb and other areas, as well as between bigger cities and smaller rural areas (Risser and Tanay 2010: 32). The *Women's Room* research shows that the distribution of organizations presents a problem – as more than 34 percent of organizations are found in Zagreb, others are in several bigger towns, while only three organizations (10 percent) are in smaller cities, and no organization exists in the countryside (Mamula et al. 2010: 12). The aforementioned data suggests that the rise in the number of organizations coincides with the diversification of the Croatian movement against violence against women in the last decade. The density of urban and Zagreb-based organizations is probably related to the resources and strategies of access influence and persuasion these locations facilitate.

### ***3.2. Funding of core groups***

The funding of Croatian women's organizations underwent changes with the political transformations in the country. Irvine analyzed how the USA governmental funding in Croatia changed from humanitarian efforts and support of the Tudjman government at the beginning of the 1990s to the support of the political opposition and funding of “democracy promotion,” which largely focused on women's groups as pro-democratic actors, on strengthening the ties between the oppositional parties, and between the opposition and civil society actors (Irvine 2012: 8). Irvine offers several reasons

that explain this substantive financial support to women's organizations: the US government perceived women's groups as "natural" peace-makers, sharing their political agenda of being opposed to the conservative government and lobbying for electoral change in the period leading to 2000. According to Irvine, the 2000 electoral breakthrough, as well as networking strategies between women's movement and oppositional (female) politicians, led to the formulation of an "insider/inclusionary strategy" (2012: 9) which enabled women's groups' capacity and means to enact concrete changes in legislation on domestic violence in the period between 2000 and 2003.

In general terms, the funding of Croatian women's organizations against violence against women underwent several shifts since the 1990s – from self- and international financing in the first years, to humanitarian funding during the war and pro-democratic social movement funding in the post-war period, to a competitive NGO funding combining state, international and corporate funds. A brief overview of funders' lists and financial reports of organizations from all three micro-cohorts serves to give indication of a vibrant NGO scene drawing support from the state, regional and international funders.

*B.a.B.e.* lists some thirty current funders on their website, among them the European Commission, the Open Society Institute, several Ministries, a bank, and some local businesses. Their financial reports since 2008 are publicly available on their website. For instance, their 2012 Financial Report shows that 38 percent of their annual income comes from the state budget; 46 percent from foreign governments and international funders; 12 percent from the National Fund for NGOs; and other 4 percent from miscellaneous donors (*B.a.B.e.* 2012: 5). *Legal Team of Kontra and Iskorak* does not have financial information available online. Some of the funders of its annual Report on the status of rights of sexual and gender minorities in Croatia include both international and Croatian donors – such as the *Astrea Lesbian Foundation for Justice*, and the *National Foundation for Civil Society Development*. The AWH website is currently "under construction" and does not list any donors<sup>10</sup>.

10 The website of the AWH: <http://www.azkz.net/#> (accessed April 18, 2015). The AWH listed in its 2007 and 2008 annual reports some thirteen current funders, ranging from state

### 3.3. *Organizational structure*

The organizational structure of Croatian women's NGOs working on violence against women is complex - geared both toward cooperation with the state, and communication with their community-base. Although it is legally necessary to have a formally hierarchical structure reflected in governing bodies and formalized leadership, most of women's organizations explicitly mention in their statutes and use in practice feminist non-hierarchical principles in, for instance, decision making based on consensus or the emphasis on teamwork. The mobility of women activists and allies in Croatia is unidirectional – they leave the NGO sector for state employment and usually continue cooperating with both sectors, but the mobility in the opposite direction does not happen.

The Croatian women's movement shows evidence of “diverse leaders” and complex organizational structure, which according to Andrews (2001: 76) characterizes movements with strong infrastructure. I have not found differences among the three micro-cohorts in this respect, as it could be argued that all of the key women's NGOs active in this field in Croatia make use of both of these characteristics of strong movement infrastructure. Structure of women's organizations is in accordance with legal requirements for registering NGOs in Croatia (Official Gazette 88/2002). For instance, the organizational structure of *B.a.B.e.* is composed of the Assembly that gathers all the members, the Council – the executive body, the President and the Coordinator – both elected for four years, and the Program Coordinators of three main programs. In general, the organizational structure seems to be oriented both toward cooperating with the state and policy making, and the relationship with the membership and constituency. Although the structure is necessarily formalized in a hierarchical manner – including the governing bodies and leadership, the women's organizations working on the basis of feminist principles tend to also employ non-hierarchical structures and principles, such as decision-making based on consensus. Furthermore, though the major organizations in each of the micro-cohorts are led by

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and local administration to transnational and corporate donors (as accessed on October 5, 2013; currently on September 30, 2014, it is “under construction”).

strong women leaders, all of them emphasize that their achievements are based on teamwork. Though frequent media presence of some movement leaders may give an idea of a “one woman show,” there is an equally strong team of women experts and activists in each of these organizations behind the publicly visible leader.

While authors as Lee Ann Banaszak (2010) and Banaszak et. al. (2003) draw attention to the “inside-outside” career paths of feminist activists that move back and forth between the state and social movements, this tendency is unidirectional in Croatia. Some of the most important insider allies for the feminist movement have started in women’s NGOs and moved toward the state – notably the feminist lawyers who head the governmental equality bodies. However, the reverse mobility in the direction of the social movement is almost unheard of – as Toelle assesses: “Our salaries are too unsecure. Vice versa direction never happened and will not happen” (Toelle 2013: 13).

#### **4. Changes in Framing**

To understand the contribution of the Croatian women’s movement to legal and policy changes regarding domestic violence, it is necessary to consider the dynamics of framing the issue – how the terms emerged and were renegotiated within each micro-cohort as well as with the state.

##### ***4.1. Frames on Domestic Violence***

Here I suggest that the feminist framing of violence against women has remained constant with the first micro-cohort of Croatian women activists throughout their twenty-five years of work. The changes in the framing of violence in the second micro-cohort challenge Whittier’s claim of generational persistence. Even if feminist framing of violence remains influential, other changes in framing had occurred so that the members of the second micro-cohort became open to framing the violence as domestic violence or partner violence, and working also with male victims of violence. These changes happened not only due to membership turnover but also as personal beliefs of individual second micro-cohort activists changed, thus disproving Whittier’s claim of life-long persistence of activists’

initial beliefs. Openness to change of the second micro-cohort may also be related to the fact that among the Croatian women activists against violence against women they constitute the micro-cohort that is the most prone to cooperate with the state. The frames of the third micro-cohort further diversified framings of violence, extending their focus and activities also to work against sexual violence and hate crimes. I suggest that the heterogeneity of Croatian women activists' framings and strategies reflects the heterogeneity of contemporary feminism(s) observed by authors such as Cynthia Cockburn (2013).

In their comparative analysis of renegotiations of the international norms concerning domestic violence on the national level in CEE countries, Krizsan and Popa (2014) observe that in public policies domestic violence is mostly framed in terms of individual rights while gender equality meanings are marginalized in such formal texts. However, they see possibilities for guarding against cooptation of domestic violence policies through maintaining access and participation of women's groups in the processes of policymaking and implementation. Their research is of particular relevance in Croatia where women's movement against violence against women was involved to a considerable degree in anti-domestic violence policy processes, but where the current political moment brings the apparent backlash in which gender equality advocates are barred from influencing policymaking and the implementation processes.

In this section, I analyze variation in how micro-cohorts frame violence. While the activists of the first microcohort have talked about violence against women since the beginning of the current wave in late 1980s, Toelle reflects on how this framing has changed. According to her, the situation changed "backwards" - so greatly that in the new Family Law to come into force in 2014, not even the term domestic violence will be used, but rather an unclear term "highly conflictual relations" (Toelle 2013: 2). Women activists of the first micro-cohort were crucial to framing the issue as violence against women – as Toelle insists: "We always used violence against women or partner violence against women – that's in our name, in our sigil – the *Autonomous Women's House Zagreb* – women against violence against women. But it is only us who use that. Everybody else used

‘Domestic violence,’ and in the future, they will use ‘highly conflictual relations’“ (Toelle 2013: 3). I suggest that the framing of the issue as violence against women by the first micro-cohort has remained consistent throughout their twenty-five years of activism. This consistence in framing corresponds to Whittier’s claim of generational persistence characteristic of social movement’s micro-cohorts: activists’ initial beliefs and framings remain constant throughout their lives (Whittier 1997: 762).

However, the changes in framing of the second micro-cohort of Croatian activists challenges the generational persistence claim. The activists of *B.a.b.e.* shared the feminist framing of violence against women in the initial period, as Sarnavka explains: “We talked exclusively about violence against women” in the mid-90s (Sarnavka 2013: 2). However, it is possible to follow the changes in framing in the second micro-cohort, both on an organizational level and in the beliefs of individual activists. In 2009, during an organizational strategic planning, *B.a.b.e.* modified their name – while it used to signify “be active be emancipated” in the female gender of the Croatian language, it now encompasses both genders: an active woman and an emancipated man. At the same time, they also started working with male victims of violence.

Sarnavka recounts how her beliefs changed parallelly – she started to perceive the framing of the issue by some “pioneer feminists” as itself problematic: the way they “define the problem in fact deepens the division on men and women. For them, women are always right and all men are (potentially) violent” (Sarnavka 2013: 2). Part of the change in framing and strategies can be attributed to internal membership turnover. However, Sarnavka remained with the organization through its changes of framing and strategies, and though a member of the second micro-cohort, changed hers as well: “As the team changed so the understanding changed, and new energy was created. Now I am the oldest in *B.a.b.e.*, but I definitely changed my opinion” (Sarnavka 2013: 2).

The further diversification of women’s activism against violence against women relates to the third micro-cohort entering the Croatian activist scene around 2002. This micro-cohort extended women’s actions and lobbying also into the areas of sexual violence and hate crimes. Juras of the third

micro-cohort explains the framing of hate crimes and its relation to violence against women in terms of similar causes of both types of violence, and of activists' currently facing similar obstacles. The "problem is very similar even on the level of legislature" i.e. the new Criminal Code of 2013 omits both categories of "violent behaviour" (important for hate crimes) and of "violent behaviour in family" (important for domestic violence) (Juras 2013: 3). In this way, both types of violence will be treated as misdemeanors. According to Juras: "This is one area where in the future we will probably lobby together to bring them back into the Criminal Code" (Juras 2013: 3).

The diversification of framing of the second and the third micro-cohorts (and of strategies of the entire political generation) may be indicative, I suggest, of the heterogeneity of current conceptions of feminism as observed by Schnittker, Freese and Powell (2003). Much contemporary feminist research notes this heterogeneity of feminist framings and strategies – as Cynthia Cockburn finds of post-war Bosnian feminisms: feminism "needs unpacking. It is not a singular phenomenon but varies over time and place" (Cockburn 2013: 28).

The majority of Croatian women activists against violence against women see local and transnational feminist organizing as a decisive factor in legal and policy changes, and agree that the local feminist framings of violence against women are at least partially reflected in current legal and policy provisions. Toelle finds that this is "definitely" so: "All these laws would not exist if we and our lawyers did not exist – we initiated the ideas, they formulated it into legal vocabulary, and we continued lobbying. They would not exist at all if we did not do this work" (Toelle 2013: 12). Spehar's 2007 research confirmed strong self-assessment by women activists as well as assesment of other policy actors of their considerable influence both in agenda setting and in final content of legislation and policies against domestic violence in Croatia (Spehar 2007, 99–104). A sobering note is voiced by some activists who do not think that the local feminist knowledge and aims are adequately reflected in current legislature against domestic violence. According to Sarnavka: "Without us there would be no Law, but it is far from what we demanded and what we wanted. Even as it is – a bad law – it is not implemented" (Sarnavka 2013: 7).

#### ***4.2. Frames on relation toward the state***

Even though all micro-cohorts are currently undergoing a crisis involving a reconsideration of their relation to state, it is possible to detect some differences among them related to their approaches to institutionalization. While on the surface it does not seem that the cohorts directly clash over autonomy issues, at least a part of their differences and occasional tensions in the movement revolve around contrasting approaches to feminist autonomy from the state. In addition, according to some of my interviewees, the recurring implementation problems stem from irreconcilable differences in feminist understanding of violence against women and the framing of the issue as family violence on the part of the state actors.

For the first micro-cohort, women's autonomous organizing and belonging to the autonomous shelter movement have remained constant values underpinning their twenty-five years of activism. For the second micro-cohort, understanding and practice of autonomy is not unproblematic as their frames and strategies are primarily geared towards institutionalization. In addition, their framings and strategies have changed considerably. While the second micro-cohort activists shared feminist commitment to autonomy from the state and understood its necessity in the initial period, they became highly critical of it in the period after 2003 legislative changes, and at times now see the principles and strategies of autonomous women's organizing as outdated for the Croatian situation. The third micro-cohort, entering the activist scene during or post-2003 domestic violence legal and policy gains, seems to show a relative lack of interest in the debate on autonomy versus institutionalization in the women's movement, and rather opts for pragmatic approach to resolving concrete cases of violence and discrimination, moving towards or away from the state as needed. Based on fieldwork, I suggest that all micro-cohorts currently face a need to reconsider their relation to the state – as their framings of friendly state open to cooperation or patriarchal but responsible state, together with their strategies, will need to adapt to the shifting political situation. The analysis shows that the understanding of autonomy depends to a great extent on how benevolent the state is.

In Croatia, feminist framing of violence against women is shared by the majority of women's organisations belonging to the political generation beginning at the end of 1970s. However, it is important to point out that it emerged counter to the state framing of violence as family violence – as Sarnavka makes clear: “State even today refuses to use the name ‘Violence against women’. We have the law against domestic violence” (Sarnavka 2013: 2). Most women activists would agree with Sarnavka that the problems they face are largely due to differences in framing of the issue between them and the state that result in what she calls an individualized approach that brings no real changes: “There is still no real understanding of the problem. Everything is still individualized – sometimes somebody will do their job well, but sometimes it will be as if we were in 1993” (Sarnavka 2013: 5).

It is significant to recall the public and political reception of women's struggle for equality. In Croatia, according to Suzana Kunac from B.a.B.e., the domestic violence issue was accepted easier than the gender equality issue (Kunac 2008). Sarnavka deliniates the changes in how autonomy is framed regarding the state: at the beginning of women's organizing against violence against women, claiming autonomy “made sense”; in that initial period “it was really necessary to have a squatted and very secret address; then it was important for women to wear wigs and to be completely protected because the system was not doing anything for them” (Sarnavka 2013: 3).

However, with the passing of time, she finds it problematic for women's organizations to insist on keeping the word ‘autonomous’ in their name. She thinks that the situation in Croatia has changed significantly with the adoption of the *Act on Protection from Domestic Violence* in 2003. Accordingly with the change of their relation and expectations toward the state, B.a.B.e. have also changed their strategies. Their aim is a closer cooperation with the state, in accordance with their awareness of responsibility sharing: “we insist that it's not up to me – it cannot be five of us who have to change and fight with 1000 cases of violence. Ours is to discover, and it is up to the system, which gets the money and is legally obliged, it's up to it to resolve each case until its final resolution” (Sarnavka 2013: 4). While they used to have a good cooperation with the *Ministry of Family*, Sarnavka estimates

that in 2013 they did not “have even one Ministry with which we are in good relations” (Sarnavka 2013: 6). The cooperation with the Centers for Social Welfare and the police largely depend on the individuals involved, and furthermore, she thinks they have become “especially unpopular” since B.a.B.e. frequently litigate and have won cases at the European Court of Human Rights (Sarnavka 2013: 6).

For the third micro-cohort, the framing of autonomy and institutionalization seems to rely on pragmatic concerns of best strategic options for their actions. Juras explains her organization’s approach: “we speak of concrete cases, ask for state response to concrete cases; approach it in a concrete way. We do not speak about causes of violence, but focus on concrete cases and solutions” (Juras 2013: 3). This pragmatic approach seems to be prevalent among most women’s organizations fighting violence against women at the current moment as well suggesting temporary disappearance of differences between the micro-cohorts in times of crisis.

Attention to changes regarding the autonomy of women’s groups in Croatia reveals that the framing of the relation toward the state is undergoing rapid changes since the change of government in 2011, and the alleged hostility of the new government towards women’s issues. Currently, women’s NGOs are reconsidering both the framing of a relatively friendly and responsible state of previous decades, and the strategies towards it. According to Toelle, the present government and corresponding Ministry are “completely autistic, do not respond to questions from the media, the NGOs, or citizens. This is awful, we never had this before – even in Tudjman’s time” (Toelle 2013: 6). Regarding their strategies, she explains that they “of course keep writing letters to them (i.e. the corresponding Ministry) in which we criticize this relation, but never get any response!” (Toelle 2013: 6).

The radical reconsideration of the framing of NGO-state relationship is induced by what women activists perceive as the present government’s “strategy to kill the autonomy of work of civil society” (Toelle 2013: 7). Toelle claims that this strategy aims to push autonomous women’s organizations fighting violence against women into the mainstream: “we were directly told: the money is not a problem!” (Toelle 2013: 7). Indeed, the budget of the state shelters is bigger than that of the autonomous shelters, however, the

“problem is in the fact that you need to become a state shelter – if we become a (state) shelter, we loose autonomy – we cannot be on the side of woman victim – we have to see it ‘objectively’ – this is very dangerous strategy” (Toelle 2013: 7). With other women activists Sarnavka shares the scepticism of the current political moment: “This seems as one extremely negative tendency” (Sarnavka 2013, 7). At present, all women’s organizations are trying to reorient themselves in a shifting political terrain, which leads to an apparent loss of marked differences between the three micro-cohorts.

## 5. Changes in Mechanisms of Influence

In this section, I analyze the changes in women’s organizations’ strategies by focusing on transformations in mechanisms of influencing the state and public opinion as well as on changes in different micro-cohorts’ strategic approaches to autonomy and institutionalization. Croatian women’s organizations against violence against women make use of both disruptive (direct action, demonstrations), persuasive (media campaigns) and access mechanisms of influence (such as lobbying, litigation and electoral politics). While the first micro-cohort began their activism at the end of 1980s using strategies of direct action, squatting and direct help to the victims, they have considerably changed their repertoire of strategies during the past twenty-five years so that it also includes lobbying and new media technologies. The strategies of the second micro-cohort were from the beginning aimed at effective lobbying mechanisms, and with time grew increasingly politically- and media-savvy. The strategies of the third micro-cohort draw strength from their orientation toward intensive networking with other women’s and minority organizations. Though there is a considerable diversification of mechanisms of influence of the Croatian women’s movement, there is also a felt need for new strategies to confront the current backlash.

The strength of the Croatian women’s movement against violence against women comes from a diversified repertoire of influence. The movement, I suggest, uses both disruptive and persuasive actions as well as access influence mechanisms for influencing the state and public opinion. Due to this, it could be classified as a movement with a strong movement

infrastructure that uses multiple mechanisms of influence, according to Andrews' (2001) criteria. As a result of the movement's strength, Spehar notes that most of their claims for changes in policy and legislation on domestic violence were implemented in the transition period – from the first lobbying successes in 1998 through the legal and policy gains around year 2003 (2007: 104). Women's groups used the whole gamut of strategies – from directly helping the victims and protesting violence against women since 1988 to lobbying and forming alliances with state and transnational partners since 1995. From 2008 up to the present, the strategies have extended to even engaging in litigation on transnational level at the *European Court of Human Rights*. Alliances with women MPs and women's sections of trade unions was an important mechanism of access influence for the whole political generation of Croatian women activists against violence against women. More recently since the change of government in 2011 the situation has changed as some of these important allies have weakened. Toelle explains how the *Forum of SDP Women*, which used to be a very strong group, is still existent but “silent”. According to her “the new Prime- Minister distanced all of them. None of these women have power in the party or in politics. They are silent now. They used to be the most critical regarding women's rights and their own party!” (Toelle 2013: 13).

When discussing changes in mechanisms of influence of the first micro-cohort, Pamuković at first finds little change: “in a way, all is the same – as if we are starting always from the beginning” (Pamukovic 2013: 5). Her example is their initial discussions on the name of the SOS phone in 1988 – in the end they settled on a compromise, and called the phone the *SOS phone for women and children*, not just for women. When they started, the term “violence against women did not exist”; however, she finds that “it does not exist even now – it is negated on the practical level, except of three declarations they copied from the Beijing platform” (Pamukovic 2013: 5). She admits to many changes in their strategies of confronting violence against women, for instance, she recalls how after the end of the war, “the possibility of lobbying the state had opened,” but what she finds problematic is that despite their efforts “the social perception (of violence against women) is very similar” (Pamukovic 2013: 5). Nevertheless, their strategies have

changed. Their problems with the funding structure for autonomous shelters and its implementation became clearly visible in 2011 when the mayor of Zagreb wanted to decrease the City's financial support to the AWH shelter by 33 percent. AWH successfully reacted by lobbying and protests letters, but also by innovative social network tactics – namely, *email bombing* – in which they asked their 7,000 fans on Facebook to forward protest letters to the mayor and other politicians (Brezak Brkan 2011: 1).

The changes that are visible with the entry into the scene of the second feminist micro-cohort of post-war period are multiple - the strategies become more effective and in the process women's groups' demands become more explicitly political. Although the electoral change in 2000 is generally perceived as beneficial for women's organizing, some activists are critical of its concrete reach. Sarnavka explains that the change happened "On the legislative and ideological level, but not essentially in practice", and that "with us, in our region, nothing is gained for ever" (Sarnavka 2013:6). This criticism is also voiced by other micro-cohorts concerning the current backlash. However, the fact that since 2008, B.a.B.e. with the help of feminist lawyers Ines Bojic and Ljubica Matijevic have won already five cases related to violence against women at the European Court of Human Rights 11 testifies to ongoing successful changes in strategies and outcomes.

Women's NGOs media campaigns on violence against women involved all three micro-cohorts in the years leading to two peak moments. Suzana Kunac's (2010) analysis of the Croatian women's groups' campaigns on "16 Days of Activism Against Violence against Women" from 2000-2003 showed the crucial role they played in preparation of the legal and policy changes in 2003. The approval of state funding for autonomous shelters in 2009 was also connected in large part to a successful media campaign "Say Yes to Shelters".

Especially with the entrance of the third micro-cohort of the post-2000 electoral breakthrough period, there is a clear diversification of the framings and strategies of confronting violence and lobbying for policy and

11 See B.a.B.e. 2009; European Court of Human Rights 2009; Interrights 2010; European Court of Human Rights 2012; Sarnavka 2013.

legal change. Mechanisms of influence used by the third micro-cohort, Juras explains, include legal counsel to victims, collaboration with other minority organizations and pressuring the state. Other strategies they use include lobbying through the media, international institutions, and state mechanisms (for instance, the Equality Ombudsman). Their strategy from the very beginning was to lobby together with other minority organisations – for instance, Serbian ethnic minority groups, Roma groups, or the Women’s Network Croatia. During the Parliamentary discussion, they used as examples cases of discrimination against the Serbian minority. This strategy was possible due to Kontra’s involvement in the WNC – Juras explains: “through these connections we established this broader cooperation” (Juras 2013: 2). What Juras finds more problematic, depending on the issue, is the cooperation with state institutions, and even with state equality mechanisms. As an example, she cites generally good cooperation with the Equality Ombudsman. However, the Ombudsman’s annual report needs to be accepted by the Croatian Parliament each year, otherwise she would be replaced. This is why “cooperation is not possible in all areas” (Juras 2013: 2).

Changes over time in mechanisms of influence unavoidably reflect the accumulated experiences and expertise of women’s groups and activists engaged against violence. However, the trajectory of the movement’s development is far from linear. While in the period up to the 2011 elections, women activists gained the status of experts in the field of lobbying and service provision to the victims of domestic violence, and were treated as such by the state authorities, in the current moment they seem to have lost their expert standing regarding the cooperation with the corresponding Ministry. The EU accession and the change of government in 2011 may explain the collapse of good cooperation, turning the previous political ally into an opponent – as it has happened with the current Minister responsible for violence against women, according to women activists. I suggest that the current step back in terms of institutionalization and cooperation with the state leads to a sense of disorientation among my interviewees regarding the future of their activities, and to attempts at adjusting their strategies among all three micro-cohorts.

### 5.1. *Institutionalization vs. autonomy*

The specificity of the Croatian women's movement against violence against women is their insistence both on women's autonomous organizing and on the need for state support for victims of violence. This paradoxical demand is characteristic of the first micro-cohort, but also shared to a certain extent by the second micro-cohort, despite their clear orientation towards institutionalization. While the third micro-cohort postpones the institutionalization/autonomy debate for some later period and concentrates on pragmatic case-based approach, the first two micro-cohorts remain critical of possibilities of cooperating with the state, especially in the current period of unfriendly state.

Amy Elman's research on Shelter Movements in the US, Britain and Sweden focused on the "blurring of boundaries" between autonomy and institutionalization that happened with time: while the states became to a certain degree "less explicitly patriarchal," women activists themselves became less radical in their demands (Elman 2003: 95). Although also based on "mutual alterations" (Elman 2003: 94), the negotiations between the women's movement and the state in Croatia took a somewhat different turn. We have seen that the early strategies of the first micro-cohort of activists of the late 1980s are characterized by international networking and feminist support, and on the other hand, by an early awareness of the necessity to influence and lobby the institutions and work on legal changes. The working paradox of the Croatian women's movement against violence against women concerning autonomy was there from the beginning: the feminist groups based their work against violence on the principles of women's autonomy, yet saw no contradiction in simultaneously demanding state support for their help-lines and shelters since they perceived the eradication of violence against women as the responsibility of the state.

State actors involved varied prior to 2004: the lead role was played by the *Ministry of Justice, Administration and Self-Government*; after 2004, by the *Ministry of Family, Veteran's Affairs and Inter-Generational Solidarity*, and the *Ministry of Health and Social Welfare* (Dedic 2007: 66), and since 2011, by the *Ministry of Social Policies and Youth*. The Minister for Family, and then Vice-President of the CDU (HDZ), Jadranka

Kosor, was a key insider ally for women's groups in the period between 2004 and 2011. Furthermore, as Zrinscak points out, the regional and local authorities are playing an increasingly important role. However the national level remains of prime importance for legal and policy changes concerning domestic violence (Zrinscak 2010: 16). Furthermore, the help of allies who moved between civil society and the government was crucial for women's groups' successes in lobbying for legal and policy changes in 2003. Two key actors were two feminist lawyers who worked on a draft of the law against domestic violence for the AWH since 2002. One of them, lawyer Ljubica Matijević-Vrsaljko, also presided over the working group that developed the law proposal (Spoljar 2008: 12). In 2003, the Act on Protection from Domestic Violence was passed. In the same year, these two key allies obtained important institutional roles: Ljubica Matijević-Vrsaljko, the *B.a.B.e.* lawyer, became the *Ombudsperson for Children*, and Gordana Lukac-Koritnik, a feminist lawyer, became the first *Ombudsperson for Equality*, continuing their support from inside the government.

Croatian feminist groups' strategy of close cooperation with insider allies within state structures from the beginning of activism of the first micro-cohort at the end of 1980s also underscores their understanding of autonomy as coextensive with the state. Toelle recalls that "from the first day [they had] the support from inside of the system. There is always somebody inside some institution who respects our work and incognito helps us in some way, gives us information about space, medically treats women for free. Part of our great efficacy I see due to these helpers from the shadow whom nobody knows but who help us. So lobbying is going on from the start!" (Toelle 2013: 5).

However, the process of lobbying for legal and policy changes was neither easy nor fast. From the point of view of the first micro-cohort activists, some of the current successes in lobbying for domestic violence legislation and policy change began with practical activities they started twenty-five years ago – as Toelle remembers: "we translated all declarations and documents, and took them to officials" (Toelle 2013: 6). However, their attempts were disregarded; these translations were "put it in the drawers" until "ten years later the situation changed" with the EU accession

(Toelle 2013: 6). They also sent protest letters and wrote shadow reports. As a result, “change happened at least on declarative level in politics, but in practice it is still unacknowledged and invisible” (Toelle 2013: 6). For Croatian women activists, “lobbying is not a matter of moment. It is lasting for all these twenty-five years that we exist - through letters, and work meetings” (Toelle 2013: 6).

The insider alliances of the Croatian women's movement against violence against women were surprisingly independent of the government color. Andrasek recalls how the left wing women MPs were supportive of women's activism against violence against women after the 2000 elections, but after some time they also wanted the AWH to become a state home – “that was the first shock” for the autonomous women's shelters (Andrasek 2013: 7). The “second shock” for the Croatian women's movement was the strong support of a right-wing woman Minister after the change of government in 2004. Jadranka Kosor contacted the AWH – she “called on her own and said: enough, you are always close to being closed down! She gave us urgent funds” ( which were the largest funds until then) (Andrasek 2013:7). According to Andrašek, “nobody touched our autonomy while she was a Minister”, while with the change of political situation, “she continued to support but did not work directly with us” (Andrasek 2013: 7).

Despite the success of women's lobbying in 2003, and the relative success of the 2008 campaign for shelter financing, there is a noticeable scepticism about the current situation, especially regarding possibilities of cooperating with state actors. Andrasek explains the current impasse in coordination between women's NGOs, the state and, in particular, the corresponding Ministry of Social Policies and Youth with the decline of the “threat” of EU accession. Since 2011, “a great change in the approach of authorities happened” – they “got relaxed” and turned away from attempting to improve their practices (Andrasek 2013: 6).

Although in this study B.a.B.e. represents the second micro-cohort, which from its entrance into the social movement has increasingly turned towards the state and away from the framing of violence against women as an issue of women's autonomy, its members still retain similar reservations towards institutionalization as the members of the first micro-

cohort. Sarnavka laughingly explains that “I think that we do not have any achievement which is irreversible” (Sarnavka 2013: 4). She links women’s organizations’ problems in obtaining durable change to the “instability of institutions”; one example is the tendency of each new government to change the name of the Ministry in charge for domestic violence<sup>12</sup> (Sarnavka 2013: 4). The scepticism voiced by my interviewees of the first and the second micro-cohort seem to suggest that the crisis in their relations with the state might be bringing the micro-cohorts closer together.

For the third micro-cohort who lobby against hate crimes and sexual violence, the choice between autonomy and institutionalization seems not to be a major discussion or option at this point. As Juras explains, it is “not yet relevant – we don’t have these discussions yet” (Juras 2013: 3). While organizational autonomy seems important to her, it is also vital “for the state to provide some services” (Juras 2013: 3). She sees this discussion, related to lobbying against hate crimes, postponed for some future moment.

As far as it is possible to draw conclusions from recent turn of events, the backlash of 2013 seems to be decreasing the differences in how the three micro-cohorts relate to the state. While the members of the first micro-cohort express even more doubt of possibilities of institutionalization in 2013 than in previous years, the activists of the second micro-cohort also report a sense of diminishing possibilities in their relations with the state. Although the third micro-cohort actors may not find the autonomy-institutionalization debate as pressing as their colleagues of the previous generational moments, they faced the same practical problems in their working relations with the unresponsive state in 2013.

## 6. Conclusions

Much along the lines of Mueller and McCarthy (2003) who argue that women’s as well as environmental movements are more resilient than other social movements, Croatian women’s organizations demonstrate

12 *Ministry of Justice, Administration and Self-Government* of the pre-2004 period, then *Ministry of Family, Veterans Affairs and Inter-Generational Solidarity* of the 2004-2011 period, and the *Ministry of Social Policies and Youth* since 2011.

continuity and strong adaptability across the examined years . Yet the Croatian women's movement against violence against women has changed considerably over time. My analysis has focused on three microcohorts that entered the movement at varying points during the last twenty-five years, considerably influencing the framing and strategies of the movement. In accordance with other scholarship on feminist generational changes, this text proposed an alternative narrative of the continuing strength through change and diversification of the Croatian women's movement. Arnold and Ake propose a reformulation of the narrative of decline of the US battered women's movement into one of continual growth and of an evolving feminist framing. According to them, the legacy of this movement is one of a "sustainable, if at times imperfectly practiced, feminist perspective in many institutional systems" that deal with violence against women (Arnold and Ake 2013, 559).

Similarly, I argue that the Croatian women's movement against violence against women demonstrates continued evolution of its framings and strategies, and succeeds in influencing relevant policies and legislation in cooperation with the state and international actors. Arnold and Ake's study of two generations of women activists against violence against women testifies to complimentary strength that both of these micro-cohorts brought to the movement. Likewise, my focus on three micro-cohorts of the Croatian movement draws attention to the capacity of each of the micro-cohorts to develop their strategies and framing of violence, while retaining the commitment to improving the chances for victims of violence and challenging the system. I relied on Krizsan and Popa's (2015) theoretical model that analyzes the interaction of resources, framing and strategies in order to account for successful domestic violence policy outcomes in Central and Eastern Europe. In my analysis, I look at the resources, strategies and framings used by the Croatian women's organizations, as well as discussed the changes and continuity in this social movement in the last twenty-five years.

In addition, I use the generational approach to analyze the change and continuity in the long political generation of Croatian women activists against violence against women. I argue that the three micro-cohorts share

feminist framings of violence against women and a rich history of former-Yugoslav and Croatian feminist organizing. They differ in the extent to which they are open to renegotiations of their framing of violence, in their approach to autonomy and institutionalization, as well as in some of their strategies and decisions regarding networking. Their actions and tensions can be traced back to the first micro-cohort's commitment to radical feminist principles as opposed to the second micro-cohort's investment in close cooperation and lobbying of the state, and the third micro-cohort's apparent pragmatic politics of dealing with violence on a case by case basis. Generational analysis provided an opportunity to relate the changes in women activists' framings and strategies to the entry of new recruits into the movement. Furthermore, the backlash in 2013 made it possible to observe that when political and institutional circumstances change, the differences among the micro-cohorts seem to decrease. While the generational analysis confirms the understanding of social movement continuity as linked to activists' long-term commitment, it also offers an opportunity to see this continuity as subject to change and constant renegotiation.

In sum, in dialogue with Whittier, I conclude that the changes in the Croatian women's movement against violence against women are related to the shifts in political context, organizational influences, and the entry of new activists. The movement's continuity is due to long-term activist commitment, but is itself open to renegotiation. Referring to Andrews, I argue that the Croatian women's movement is a movement with strong infrastructure – making use of diverse leadership, complex organizational structure, informal networking across differences, and a wide grass-roots resource base. This accounts for the movement's flexibility and its ability to affect the -policy process through multiple mechanisms.

The generational approach to changes in the Croatian women's movement confirms Whittier's claim that entry of new micro-cohorts is one of micro-level mechanisms of change in social movements. The second step in my analysis is indebted to Andrews' questioning of how social movements influence policy change. Using his movement infrastructure model, I propose that it is the Croatian movement's flexibility and strength that allows for considerable influence in legal and policy changes. The need

to analyze the effects of the backlash in 2013 on women's organizations provides an opportunity to test the usefulness of the cohort approach in the context of hostility. I suggest that the generational approach makes sense as an analytical approach even in the context of radical changes when the differences between the cohorts seem to be diminishing. I find it useful since it helps us understand what are the framings, resources and strategies that may be open to change as opposed to the ones which are so important as to constitute a non-negotiable back-bone for the continuity of the movement.

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THE EFFORTS OF  
WOMEN'S MOVEMENTS IN POLAND  
TO CHANGE DOMESTIC VIOLENCE STATE POLICIES  
BETWEEN 2001-2012<sup>1</sup>

*Dominika Gruzziel*

Polish women's movements addressed the need to improve legislation on domestic violence as early as the mid-1990s. Despite the persistence of women's groups the state put domestic violence on its agenda only in the early 2000s. Although the women's movements became part of the law making process, the act passed in 2005<sup>2</sup> did not meet their expectations. It neither acknowledged domestic violence as a culturally informed phenomenon that results from an imbalanced power structure between the sexes, nor did it provide the tools to protect domestic violence victims.

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2 Act of 29 July 2005 on counteracting domestic violence

Within a few months of passing the law, several groups began criticizing it, and as a result the state initiated an amendment procedure. The women's movements were involved in this process, yet again the amendment of 2010 lost its gender transformative character and only partially met the criteria of proper victim protection. Women's movements organizations mobilized their forces for the third time in 2012 in order to signal the problem of domestic violence to policy makers during discussions on signing the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) of the Council of Europe. After long debates, this time the women's groups did succeed in convincing policy makers to sign this international document that explicitly defines domestic violence as a social problem of vast proportions resulting from a biased power arrangement between the sexes. The current issue on the Polish agenda is the ratification of the Convention.

With the empirical material provided by the story of Polish women's groups to engender legislative changes and subsequently progressive state policies on domestic violence, this study joins a debate on how (women's) movements achieve (or do not) their goals. From the mid-1990s the Polish women's movements' mobilization for progressive legislation was continuous, however, for analytical purposes this article focuses on three peak moments of major policy change in 2005, 2010 and 2012. Specifically, the study proceeds in five steps. First, I provide general information about the cultural, political and discursive landscape in which Polish women's movements have been developing since 1989. Second, I briefly discuss the main features of women's movements in the field of domestic violence. In parts three, four, and five, I examine women's groups' mobilization to change state policies in 2005, 2010, and 2012, respectively. Each part begins with brief accounts of political opportunity structures at the opening of the mobilization processes, followed by descriptions of events, and ends with assessments of women's movements' impact on the policy outcomes. During the first and second mobilizations, while evaluating the relation between women's movements' institutionalization and policy outcomes, I pay attention to the interactions between the policy makers, women's movements and, when applicable, counter-movements during different

stages of the law-making process: 1) agenda setting, 2) policy development, including debates within governmental units and/or voting in both houses of the parliament, and 3) implementation of the law (Soule and King 2006; Krizsan and Popa 2015).

I assess patterns of mobilization and the subsequent impact of Polish women's movements on state policies through the lenses of the critical institutionalization model (hereafter CIM) developed by Andrea Krizsan and Raluca Popa (2015). The model is a tool to assess what kinds of social movements' patterns of action are likely to engender progressive domestic violence policies. The researchers operationalize the concept of critical institutionalization through three interrelated features of social movements: a) organizational capacity, b) employed strategies and alliances, and c) framing/voice. The scholars suggest that more institutionalized movements with a consciously employed critical approach to the state are likely to produce conditions more conducive to achieving women friendly policies.

In Krizsan and Popa's (2015) model, the emergence and maintenance of different forms of institutionalization results predominantly from the movement's internal dynamics and its relation with the state, whereas the international actors and/or opposition play secondary roles. With respect to the latter, essentially, the critical institutionalization model explicitly acknowledges the potential importance of a movement-opposition dynamic for only one out of the three factors selected to assess women's movements' influence, finding voice. Krizsan and Popa (2015) define movements' choice of framing as informed by already existing cultural meanings and context-based discursive opportunities, among them those produced by the opposition. However, based on my empirical findings on the Polish context, I propose to amend the critical institutionalization model with an observation that not only is a movement's voice informed by meanings and discourses already present, but also its organizational form (CIM's first feature) and strategies (CIM's second feature) are captive to and influenced by arrangements and approaches either employed by the counter-movements (Meyer and Staggenborg 1996) or available in what I call a collective social memory of successful strategies for addressing the state. I coin the term "collective social memory" to refer to a historically

informed reservoir of images about effective group mobilization that is obtainable in a given socio-political context. I argue that giving counter-movements or socio-historical settings a more prominent place within the critical institutionalization model may enhance the understanding of movements' mobilization patterns and the subsequent realization or lack thereof of their political goals.

I propose that during the first two moments of mobilization, low levels of women's movements' institutionalization contributed to their failure in bringing about women friendly legislative change in state policies on domestic violence. Despite the advocates' relative success in the first - agenda setting - stages of the law-making process in 2005 and 2010, the bills passed lacked a gender progressive character due to the inability of women's movements to 1) claim representing wider public opinion, 2) counterbalance the opposition's influence, and 3) establish themselves as a partner for the state during the debates on the law. In order to exemplify what a difference a more institutionalized movement makes for its accomplishments I turn to the third moment when women's movements addressed domestic violence: the 2012 debates around the Istanbul Convention. I pay particular attention to the role of the so-called Women's Congress in these developments. I point out how the Women's Congress found a way to keep a critical approach towards the state, while developing a form of cooperation that allows activists to become partners to policy makers. I also call attention to how it managed to posit itself as a voice of a wide range of women who do not identify themselves with the Catholic-conservative tradition (or do not identify themselves with it without reservations) and/or object to the Polish Church's influence on shaping policies regarding family, women's or gender issues. I argue that in order to counterbalance the impact of the Church and allied conservative-religious factions, the Women's Congress has attempted to make its level and forms of institutionalization match forms of institutionalization used by its opponents. Furthermore, the Congress's success has been additionally informed by its more or less conscious adaptation of several strategies that are recalled as efficient ways of addressing the state in a collective social memory. I argue that the institutionalization form of the Women's Congress

is a combination of the structure and methods used by the contemporary Polish Catholic Church, the Solidarity movement of the 1980s, and the Nobel's Democracy and all women gatherings (*zjazdy*) organized at the turn of the nineteenth and twentieth century. My overall claim is that this contextual resonance contributes to the success of the new patterns of Polish women's movements' institutionalization used in the last moment of mobilization examined here.

The research approach focuses on tracing the social movement's mobilization during the law-making process. Data for the study come from interviews with relevant actors (conducted in 2013), organizations' annual reports, reports, documents and webpages, as well as transcripts of the parliamentary debates and documents produced between 2001 and 2012.

### **1. The cultural, historical and discursive contexts**

The emergence and tardy expansion of the women's groups campaigning for progressive policy change on domestic violence can best be understood within the wider socio-political context developing in Poland since 1989. The early years of the rapid transformation from the state socialist system towards liberal democracy and market economy brought about the brisk growth of a vibrant NGO sector that has formed an important segment of the emerging Polish civil society (Fuszara 2010: 95; Grabowska 2012). The development of Polish women's movements' organizations advocating for progressive gender reforms had been heavily impacted by the particularly strong backlash of patriarchal discourses that resonated in the economic and political context of the early 1990s and soon materialized in various political and economic outcomes and policies that profoundly affected women's lives (Titkow 2001: 31-36; Graff 2008; Szumlewicz 2009).<sup>3</sup>

During the early stages of the transformation in Poland, the gender order – meaning the role of men and women in the new political regime and the societal functions and obligations of the respective genders –

3 Among them there were worsening situation of women on the labor market, their limited access to social benefits, pension system disadvantaging women, conservative approach to sexual conduct, family, and procreation.

became a symbolic battleground. Political actors, regardless of political affiliation, shared a conviction, explicitly or implicitly expressed, that patriarchal values were not in contradiction with the liberal democratic worldview (Graff 2008: 26-43). Among other things, it was argued that the gender order of the socialist period in which women were part of the labor force on a massive scale was a brutal intervention into women's lives who as employees of the state were "forced" to abandon their familial duties (Titkow 2001: 33). In the framework of this discourse, the transformation of 1989 was perceived as a much-needed restoration of the "natural" order, in which men-husbands would be breadwinners and doers while women-wives would be primarily homemakers (Graff 2008: 34). Such a gender order was to facilitate political transformation along neo-liberal lines (Szumlewicz 2009).

The discourse about finally bringing things into their rightful place resonated well with the Catholic Church's discourse about restoring spiritual values into all aspects of social life that, as argued, had long been missing due to an atheist orientation of the socialist state (Szumlewicz 2009: 47). Historically, the Polish Church does not limit its activities to fulfilling religious functions. It also positions itself as a representative of its disciples' interest in the political arena (Jankowski 1992: 262-267; Sroda 2007: 655). After 1989 the emerging democratic state found an ally in the Church that supported drastic economic transformation. Taking into consideration its large, easy-to-mobilize constituency, the Church's opinion did (and still does) matter to the state during the elections or parliamentary debates on intended reforms. In exchange for its backing, the Church used the opportunity to de-secularize the state. The tight alliance between the throne and the altar transpires through state ceremonies combined with masses or accompanied by the clergy, religious symbols in lay institutions, or very generous, yet difficult to estimate, state funding for the Church. Furthermore, the Church in Poland monopolizes the role of being the prominent authority on moral issues and none of the relevant debates are undertaken without it. The obligation to respect Christian values has been introduced to the law with respect to the educational system as well as to the law on media. As a result the latter often withdraws from criticizing

the Church or exercises self-censorship. It should also be taken into account that while Poland is proclaimed a secular state, the Parliament routinely consults legal drafts or other undertakings with the Catholic Episcopate, for example within the framework of a consultancy body Joint Committee of the Republic of Poland's Government's Officials and Polish Bishops' Conference (Sroda 2007; Agnosiewicz 2009; Gdula 2009: 70-72; Szumlewicz 2009).

The discursive manipulation of the notions of family or gender roles as well as the desecularization of the state in the early 1990s have affected women's lives, informed the mobilization of women's movements as well as the outcomes of the women's groups' efforts to bring about progressive state policies on domestic violence in the 2000s. Because the Church is recurrently engaged in the law making processes, numerous regulations have been designed according to the Church's recommendations (Agnosiewicz 2009). Some of them have particularly impacted women, such as the lack of sexual education at schools, not subsidizing contraception, or the absence of a law on the equal status of women and men. Further, the intertwined patriarchal and religious (Catholic) discourses formed the basis for views about sacredness of the family and about the sanctity of human life including the "lives of the unborn", which translated into a particularly restrictive ban on abortion in 1993 (Sroda 2007: 655-657; Ignaciuk 2007; Caytas 2013). The anti-abortion law, its legitimization, implementation and on-going protests of women's movements against it had an overwhelming impact on the social perception, political standing and patterns of mobilization of emerging Polish women's movements (Fuszara 2010: 90, 95). Activists involved in protests against the state's intervention into women's reproductive rights received a particularly bad rap. They were often labeled as "babies' killers", accused of being driven by an egotistic drive for self-fulfillment, and of destroying family, societal order and ultimately the nation (Ignaciuk 2007; Szumlewicz 2009: 50). "Feminist" became a derogatory term, and acting publicly as a feminist required significant courage well into the 2000s. As a result, the women's NGOs that aimed/aim at bringing about more balanced power relations between the sexes have not gained popularity either among the political elites who have been avoiding discussions on women's rights,

or among the constituency. This condition has not changed significantly and still impacts women's movements' mobilization (Wittenberg 2012; Jucewicz 2012; Graff 2013). Last but not least, as the study will show, the notion of the sacredness of familial life has shaped the contents of the legal acts on domestic violence in 2005 and 2010, as it has laid the groundwork for framing the family as the essential social unit that should be rather protected from than exposed to state intervention. This framing, employed by opponents of the legal changes and progressive state policies, resonated far more successfully during the parliamentary debates on domestic violence as well as in judicial practice than the one proposed by the women's groups (Dominiczak 2009/2010: 62-64).

The women's groups that mobilized specifically to generate progressive state policies on domestic violence faced yet another difficulty, namely the state's and the Church's comprehension of domestic violence as confined to social strata affected by alcoholism or poverty or both. After 1989, domestic violence appeared on the state agenda as part of combating alcoholism policies. In 1993 the Ministry of Health and Social Care allocated separate funds to set up the State Agency for Prevention of Alcohol Related Problems (hereafter SAPARP). SAPARP defined alcoholism as an illness and therefore a public health issue that, if not resolved, would continue to generate social consequences of profound proportions. Besides several anti-domestic violence projects (among them the program "Safety in Family 1992-2002), in 1996 SAPARP initiated the Polish Nationwide Emergency Service for Victims of Domestic Violence "Blue Line" that is today the biggest and most recognizable non-governmental organization that deals with the issue (Dabrowska 2008: 73-74).<sup>4</sup>

In the Polish context, linking alcoholism, poverty and domestic violence dates back to the first half of the nineteenth century, when activists of

4 "Blue Line" runs a hotline, information center and assistance program for victims as well as trainings for professionals. Within the framework of the Nationwide Agreement Of People, Organizations and Institutions Supporting the Family Violence Victims (founded in 1996) it includes 489 non-governmental institutions that assist victims (as for 2013) (Norbert Starega (Blue Line), 05.06.2013, e-mail comm). In the end of the 1990s the state authorities implemented a so-called Blue Card procedure into police and other professional practice that aims at providing better legal assistance to victims (Dabrowska 2008, 74).

various ideological backgrounds began to launch anti-alcoholism programs and sobriety associations. The Catholic Church showed a particularly strong investment into this type of social activism that continued through the interwar era (Ziolek 1986; Krasinska 2013; Lewalski 2008: 133-134). In the post war period, the state socialist authorities circumvented the issue of alcoholism. It was again the Church that kept the issue visible in public discourse. In its teaching the Church established domestic violence as an alcoholism-related issue of considerable social proportions and acknowledged women and children as primary victims of husbands' and fathers' vehement acts. At the same time, alcoholism was defined as affecting predominately males who could not cope with harsh economic conditions brought about by the state's incompetence/hostility (Jankowski 1992: 11-12, 159; Glemp 1988: 365-366). Pointing at alcoholism and poverty as frequent reasons of domestic violence perpetuated by males against women and children still prevails in the Polish Church's social teaching. In the recent period some clergymen insist both perpetrators and victims should receive appropriate therapeutic assistance and does not exclude temporary marital separation of spouses as one of the means to overcome family crisis (Dziewiecki 2013), however, it is by no means a shared conviction within the Church (Sroda 2007: 656, 661).

Although there is no history of formal cooperation between the Church and SAPARP, their framings of domestic violence shared commonalities. Both blurred a victim-perpetrator distinction. All parties involved in a domestic violence scenario were portrayed as abused in some ways and therefore deserved compassion: women and children as subjects of men's violent behavior, while perpetrators as individuals who suffered from either an unhealthy condition or (state-induced) disadvantaged material conditions. Consequently the state policies were expected to prioritize combating alcoholism and poverty, since it was believed that proper handling of these two problems would lead to diminishing or eliminating domestic violence. In addition the framings favored policies that provided assistance to families, understood as unions of beings in need, over practices that focused on individuals in a critical situation.

In the mid-1990s when the state and the Church framed domestic violence as an alcoholism and/or poverty-related problem, the women's movements insisted domestic violence was systemic and rooted in cultural understanding of gender roles. Explanations that ignored the gender component, the women's groups argued, laid the foundations for ill-designed, inefficient state policies, since they discriminated against female victims by not providing them with help specific to their gender informed experience (Nowakowska 2000a; 2000b; 2001; Nowakowska and Jablonska 2003: 167-171, 189; Nowakowska et al. 2005: 60-64). The women's groups' framing of domestic violence as resulting from the historically informed unequal distribution of power between sexes, as well as an infringement on women's rights and human rights collided therefore with the state agencies' (SAPARP, "Blue Line") understanding of the problem and with almost two centuries' worth of Catholic teaching on the issue.

## **2. Women's organizations in the field of domestic violence**

In the last two decades there were few women's organizations in Poland that targeted primarily and specifically female domestic violence victims, and even fewer that actively advocated for legislative changes with gender transformative potential. The few that existed, or still exist are typically organizations located in the biggest cities in Poland. These organizations are small, with an average of ten to fifteen employees and often rely on the help of volunteers. These are not necessarily hierarchical organizations, however, often one charismatic leader with expert knowledge is a driving force and a face that represents the organization and its agenda to the outside world. Financially the organizations operate on a project-to-project basis, depending on a mixture of mostly municipal, foreign, and state grants and private donations. Such a financing structure makes forward planning difficult and often means the interruption of activities.<sup>5</sup>

5 Frequent sources of funding are: the Ministry of Justice, Polish-American Foundation of Freedom, Bathory Foundation, Open Society Institute, European Commission funding programs (DAPHNE), business sector (AVON) and other (US Embassy).

The most important women's organizations visible prior to 2005 were: Women's Rights' Center (hereafter WRC) in Warsaw, Center of Women's Information (OSKA) in Warsaw, Network of East-West Women (NEWW) in Gdansk, Association in Aid of Women "VICTORIA" in Rzeszow, Active Women in Sosnowiec, Women's Foundation eFKa in Krakow, Association in Aid of Women in the Lubuskie Region, "BABA" in Zielona Gora, and Konsola-Women's Association in Poznan. After 2005 this group was joined by Feminoteka based in Warsaw and Association of Women in the Bieszczady Region Our Chance in Lesko. OSKA ceased its activities. These organizations aim at functioning as regional centers that address domestic violence from a gender perspective. They provide services for female victims, they launch awareness raising projects and initiate and sometimes influence law making processes and state policies. Beside regular activities and projects, these groups present their claims to a broader audience during select annual events like Manifa (annual March 8's manifestations) or the 16 Days of Action Opposing Violence Against Women Campaigns. These are periods of strong mobilization when the women's organizations reach out to supporters and allies for cooperation, including to other NGOs, universities and academics, gender studies centers, crisis centers or state institutions.<sup>6</sup> Often these organizations had and still have limited knowledge of actions, strategies, or tools used by other women's groups in the field (Joanna Piotrowska 2013).

The already small group of women's NGOs in the field of domestic violence is further narrowed down during the 2005 and 2010 waves of

6 The general description of the women's organizations in the field of counteracting domestic violence against women is based on the interviews with Urszula Nowakowska and Joanna Piotrowska (conducted in 2013) as well as on the information provided on the organizations' webpages: Active Women (Aktywne Kobiety) <http://www.aktywnekobiety.org.pl> (accessed April 18, 2015); Association in Aid of Women in the Lubuskie Region "BABA" (BABA Lubuskie Stowarzyszenie na Rzecz Kobiet) <http://baba.org.pl> (accessed April 18, 2015); Women's Rights' Center (Centrum Praw Kobiet) <http://www.cpk.org.pl> (accessed April 18, 2015); Feminoteka Foundation (Fundacja Feminoteka) <http://www.feminoteka.pl> (accessed April 18, 2015); Network of East-West Women, NEWW <http://www.neww.org.pl> (accessed April 18, 2015); Women's Association Konsola (Stowarzyszenie Kobiet Konsola), <http://konsola.org.pl> (accessed April 18, 2015); Association in Aid of Women "VICTORIA" (Stowarzyszenie na rzecz Kobiet Victoria) <http://www.stowarzyszenievictoria.org.pl> (accessed April 18, 2015).

mobilization. The geographical location is a decisive factor. When an opportunity for a change presents itself, it seems crucial to keep in close, personal and regular touch with the policy makers (Urszula Nowakowska 2013; Piotrowska 2013; Renata Durda 2013). It often excludes advocates from outside of Warsaw from the process due to the third sector's poor financial condition and limits on covering travel costs or accommodation.<sup>7</sup> The lack of recognition, actual or perceived, for women's efforts outside of Warsaw causes tensions between the activists (Piotrowska 2013).

The Women's Rights' Center from Warsaw, founded in 1994, stood out during the 2005 and 2010 mobilizations. From its inception WRC has put combating domestic violence high on its agenda. The organization has become one of the most well-known non-governmental organizations that provides high quality psychological, legal and financial help to victims on a regular basis, issues publications relevant to both female victims as well as to professionals, organizes workshops and trainings for professionals, runs a shelter and a phone line, gathers relevant data, monitors media, monitors institutions that deal with victims, and finally engages in the process of bringing about progressive legislative and policy change. Now based in Warsaw, WRC opened 5 local branches. In her work on domestic violence in Poland, Urszula Nowakowska, a charismatic WRC leader, relies on her legal education (professionally trained lawyer), knowledge and experience in working both in state and civil society sectors as well as with international institutions. Nowakowska familiarized herself with broadly defined women's rights discourses as well as with theoretical approaches to and practices of combating domestic violence during various internships and other types of educational experience abroad (the US Congress, Center for Women's Global Leadership USA, and Center for Reproductive Law and Policy USA). She had also gained first-hand experience in parliamentary work while serving as a legal expert in the 1990s. Transnational networking also constitutes an important part of her activism. Nowakowska is one of

7 This is true not only for women's organizations, but also for other NGOs and advocates that engaged in the process (children's rights, fathers' rights, therapeutic associations etc.).

founding mothers and vice-secretary of Women Against Violence Europe.<sup>8</sup> She currently offers her expertise to the European Council and was involved in creating the Istanbul Convention (Centrum Praw Kobiet 2013 a; 2013 b).

During the second and third moments of mobilization another Warsaw based organization, Feminoteka, became an important actor. Founded in 2001 as an information center on women related issues as well as the first online feminist bookshop in Eastern Central Europe, Feminoteka turned into a foundation in 2005. It soon became one of the leading women's rights organizations in the country. It is led by Joanna Piotrowska, a recognized feminist activist, highly entrepreneurial leader, knowledgeable, among other women's rights issues, on the subject of domestic violence (Feminoteka 2013). Even though Feminoteka's framing, the types of assistance it provides to female victims and its strategies of approaching the state are similar to the ones employed by WRC, due to a conflict of personal nature the two organizations have not cooperated over the years. Despite this they do post updates on each other's activities on their respective webpages.

The third moment of the women's groups' mobilization for progressive state policy change on domestic violence was in 2012 and it was marked by the appearance of a new player on the Polish women's rights movement scene: the Women's Congress. In the process of preparing to commemorate the 20<sup>th</sup> anniversary of the 1989 transformation, numerous women became outraged at how the contribution of women to the underground movement and the subsequent change of the political regimes was entirely overlooked in the celebratory events. Because several important female key players in these historical processes were not even invited to the commemoration, and the whole history of before and after 1989 was about to be told on male terms, women, regardless of political affiliations, voiced their strong protest. As a result, the idea was formed to call a separate women only meeting in Warsaw. Jolanta Fedak, then the Minister of Labor and Social Policy, allocated a large sum of 150 000 Euro from the state budget to enable the organization of the

8 Women Against Violence Europe, <http://www.wave-network.org/content/woman-against-violence-europe-wave> (accessed April 18, 2015)

event. The meeting, named as the Women's Congress, attracted important female politicians, influential businesswomen, prominent academics, and known figures from feminist women's organizations. More importantly, it appealed to numerous women's associations as well as ordinary individuals of all backgrounds and ages from outside of Warsaw who did not necessarily identify themselves as part of the progressive women's movements at that point. In September 2009 the first Congress gathered approximately 4000 women (Kongres Kobiet 2013c).

At first perceived as a sort of seasonal attraction with no further socio-political consequences, the event empowered and united women, so they decided to repeat the meetings annually. Further, to assure that women's issues are also represented between the meetings, in January 2010 the Women's Congress was transformed into an association with a Program Council as its advisory body, formed by 250 prominent women. In March 2011 the Congress formed a so-called Shadow Cabinet that functions as a women-only government with its own separate ministries. Most of the Cabinet's ministers have considerable experience of working either for the state (former ministers or MPs) or for transnational governing bodies (former or current members of the European Parliament) (Kongres Kobiet 2013g). As the Cabinet's Prime Minister Danuta Hubner (also a current member of the European Parliament) explains: "The Cabinet's role is (...) not opposition to the actual government but rather a constructive proposal. Its members monitor the particular policy areas assigned to their portfolios and are free to present their own alternative proposals. The Cabinet also issues statements when it finds it appropriate and necessary" (Kobiety dla polityki 2013a). The Congress and its Cabinet list numerous women's rights issues on its agenda: among them the parity system on the electoral lists, equal pay for equal work, increased number of women (at least 40 percent) in management boards, legislative change on violence against women, improvement of women's situation on the labor market, support for better-quality child care and care for dependent persons, and removal of gender stereotypes (*ibid.*). Policy makers began to perceive the Women's Congress and its Shadow Cabinet as bodies that represent women's issues and started to invite its ministers for consultations. One of the first achievements of

the Women's Congress was putting the change in the electoral law on the parliamentary agenda. In 2011 the Parliament passed an act that requires there to be at least 35 percent of women on the electoral lists of each party. The elections in autumn 2011 that unfolded according to the new legislation introduced the highest number (23 percent) of female MPs to the Sejm since 1989 (Kobiety dla polityki 2013b).

With respect to domestic violence and violence against women issues, the Congress has created a platform for women's organizations and individuals working in the field to convene a panel dedicated to the problem during its annual meetings, which has so far been the most popular panel during the events. Since 2009 Feminoteka has played an active role in organizing the panel, becoming a leading women's non-governmental organization that combats (domestic) violence against women. WRC either resigned from participation in the panel or was moderately active.

As the subsequent sections will show in greater detail, in the 2005 and 2010 waves of mobilization the women's groups advocating for progressive policy change remained a loosely connected informal network of small organizations and individuals. The actors' collective identity had been built around the conviction that domestic violence is a culturally informed oppression against women, rooted in biased power relations between sexes, and is not acknowledged in state policies. Further, the advocates demonstrated a strong drive to reform the state so as to make its policies on domestic violence women friendly. In this sense, Polish women's groups in the field of domestic violence match Mario Diani's definition of a movement as a plurality of individuals, groups, or organizations that share a collective identity and engage in a conflict of political or cultural nature within a network of informal interaction (1992). The appearance of the Women's Congress on the Polish movements' scene and its involvement in the debates on the Istanbul Convention brought a new quality to the ways women's movements address the state, by creating a framework that consolidates and structures a wide range of women's networks without limiting their autonomy. Studying these specific moments of mobilization for progressive policies on domestic violence in 2005, 2010 and 2012, one

can gain insight into a broader trajectory of the Polish women's movement since the beginning of the 1990s: from a constricted network of the state's censors to diversification and increasing institutionalization.

### **3. The first moment of mobilization in 2005**

Due to an overall unsympathetic attitude of the political elites for women's issues before 2001, the women's movements had little hope for a change in domestic violence policies (Nowakowska and Jablonska 2003: 188-189). Despite being deprived of any meaningful access to the political apparatus, the movement kept the issue visible in public discourses. In 1996 the Women's Right Center initiated the Tribunals of Women that, besides their awareness-raising purpose, functioned as platforms through which women's groups could do lobbying and networking with at least some invited policy makers. These attempts to establish contact with the state were paralleled with monitoring and criticizing various governmental units and/or state funded agencies that deal with domestic violence (ibid 168-169, 183-188). Considerable effort was also invested into urging the government to improve the existing law. In 2000 WRC drafted its own bill and presented it for public consultations (ibid. 169). The state ignored this initiative.

The results of the parliamentary elections in 2001 created a political structure conducive to the women's groups generating progressive legislative change. The election brought to power the Democratic Left Alliance – Labor Union, a coalition of several left wing and centrist parties, and also introduced a record number of female MPs to the parliament (20 percent in comparison to 13 percent in the previous years). It was also the period when the Parliamentary Women's Group (hereafter PWG) became more active. PWG, founded in 1989, is a cross-party body, consisting of female MPs from both the Sejm and Senate, set up to advocate for women specific issues and serve as a platform for communication between the women's movements and female MPs. In 2001 the body consisted of 55 out of 93 female Sejm deputies and 17 out of 23 female senators (Siemienska 2009; Fuszara 2010: 93-94). PWG introduced several issues into the parliamentary debates that specifically affect women, including debates on abortion.

Further, in December 2001 Izabela Jaruga-Nowacka, known for her feminist convictions and connections to the feminist scene, was appointed as the head of the Plenipotentiary Office for the Equal Status of Women and Men. Domestic violence was prioritized on her agenda. In August 2004 Magdalena Sroda, a philosopher, academic and known member of the women's movements, replaced Jaruga-Nowacka as the Plenipotentiary once the latter was appointed as Deputy Minister of Social Policy. Last but not least, in the early 2000s the state had a seemingly friendly attitude towards women's NGOs and women's/gender issues. Kinga Lohmann, the director of KARAT coalition<sup>9</sup>, commented: "The period when Izabela Jaruga-Nowacka was the Plenipotentiary [before accession to the EU] I value as the golden one for the women's organizations. The state clerks were scared of the EU terminology, like gender mainstreaming and the equal status of women and men. (...) It was the time when they needed women's NGOs most (...) for consultancy work on various programs (...). We were invited to the debates, meetings etc. There was a lot of hope that NGOs would be recognized as the ones that can influence politics, offer their expertise" (Lohmann 2009: 89).

In 2001 women's organizations advocating for progressive change in policies on domestic violence found the opportunity to introduce the issue to the governmental agenda. During the first, 2005 moment of mobilization, they did not form either a short-term or long-term coalition, but they kept a unified voice and supported WRC's effort during, for example, the 16 days Campaigns. As far as other social actors in the field of domestic violence are concerned, WRC monitored and participated in the events of SAPARP and "Blue Line". However the framing of these two initiatives that linked domestic violence to alcohol related problems affecting mainly children their methods of combating it were not compatible with Nowakowska's organization's understanding of these issues (Nowakowska and Jablonska 2003: 167-168, 189).

9 KARAT is a regional coalition of organizations and individuals focusing its actions on observance of women's human rights, and ensuring gendered economic and social justice in the Region. <http://www.karat.org/> (accessed April 18, 2015)

**In the agenda setting stage**, in absence of a large feminist constituency as well as lacking alliances with other non-governmental organizations or sympathetic parties<sup>10</sup>, women's groups' success in bringing about legislative change on domestic violence depended on establishing contact with influential insiders. They managed to gain support of two insiders: the Plenipotentiary (first Jaruga-Nowacka, later Sroda) and PWG. Consultation and communication within the velvet triangle (Woodward 2004) soon became routine. The women's groups became part of consultancy units that served the Plenipotentiary Office and PWG, which created an opportunity for the advocates to lobby, network and negotiate inside the state apparatus. In 2001, due to the cooperation with PWG, WRC managed to organize the Tribunal of Women on the Sejm premises. During the event Nowakowska gave MPs a proposal of legislative changes, which she recommended as a good starting point for further developments (Nowakowska 2002: 8, 10). The Plenipotentiary continued to represent the women's groups' interest by organizing various awareness-raising events as well as urged the government to launch programs that tackled domestic violence. In August 2002 the Plenipotentiary included the legislative change with respect to domestic violence into the governmental National Program for Women 2003-2005 (Nowakowska 2006: 13).

Towards the end of 2002 the Plenipotentiary Office began drafting a new law on domestic violence, which opened **the second stage** of the law making process. Jaruga-Nowacka's initiative of the legislative change met the opposition of several ministries, including the Ministry of Justice. The latter questioned the need to create a separate act arguing that the existing legislation was sufficient, even though poorly implemented (Nowakowska 2006: 13). The draft was consulted with women's organizations and overlapped in several elements with Nowakowska's proposal, pursued during the 2001 WRC event (Nowakowska 2010). The women's group's

10 With respect to making coalitions with other actors from non-governmental sector, the women's movements difficulty establishing relations even with their seemingly "natural" allies, human rights organizations. Ewa Majewska, feminist activist working for Polish chapter of Amnesty International, remembered that it was a period when some AI activists warned they would quit if their organization supported feminist claims (2007).

major agenda regarding the new law was the safety of domestic violence victims, which was to be achieved through an effective separation of victims and perpetrators. To this end in the initial draft women's groups proposed, among others, a restraining order as well as eviction of perpetrators from shared premises to be administered immediately during the first police intervention. The draft introduced also a recommendation for restraining physical punishment of children, including smacking; however, it did not penalize perpetrators of such acts (Spurek 2013: 94-96). Since the women's rights framework resonated very poorly in the socio-political realm in that period, while seeking wider support the velvet triangle balanced between implicit gendered framing and framing domestic violence as human rights violation without spelling out the gendered component. In the Justification to the Law, the Plenipotentiary emphasized women and children as primary victims of domestic violence, without indicating any socio-cultural roots of this state of affairs. The Plenipotentiary's Office argued that not protecting victims' human right to live in a safe and healthy environment meant securing constitutional rights of one part of the society at the expense of another (Sejm Rzeczpospolitej Polskiej, December 28, 2004: 2-3).

The draft left the Plenipotentiary Office in June 2004. The subsequent discussion on and following rewritings of the draft took place within the joined Committee of Justice and Human Rights and Committee of Social Policy and Family, the latter chaired by MP Jolanta Banach, and in a special subcommittee chaired by MP Krystyna Ozga. Banach and Ozga, both members of PWG with experience raising women's issues in the parliament, supported the women's groups' position during the entire second stage of the law making process. Nowakowska (WRC) was an active member of the subcommittee for the entire period. Eleonora Zielinska, a professor of law, feminist, and social activist, served as a legal expert in the body (Sejm Rzeczpospolitej Polskiej 06.07.2005: 317).

Although the Plenipotentiary's draft met the support of non-governmental organizations, once presented to the governmental units, it started rapidly losing its gender transformative potential. One of the controversies was the immediate eviction of the perpetrator from the shared premises. The Ministry of Justice argued that in the new act the

state would receive a right to deprive an individual of his property, which was considered a hazardous legislative move. Due to such objections voiced by members of the government, most “radical” solutions proposed in the first version of the law were removed before the draft was even presented to the Sejm and Senate (Nowakowska 2005: 25; Nowakowska 2006: 14-15). Nowakowska recalled that the consultations, which gathered different non-governmental and governmental actors, showed different understandings of domestic violence. She speculated that perhaps the women’s groups overlooked the importance of explaining and convincing other actors what domestic violence was and why the new act should take into account women as its primary victims (Nowakowska 2008). She also recalled that a general attitude of those working on the new act was “let us not be too radical, because we may end up with nothing” (Nowakowska 2006: 14). This was the moment when the women’s groups signaled their reservations towards the draft. However, they continued to participate in the relevant debates and meetings once the draft reached the stage of parliamentary debates.

Once the draft entered the parliamentary debates in February 2005, the women’s movements’ political opportunity structures changed. Although domestic violence as a women’s issue entered the agenda and feminist activists were invited to sit in various state consultancy bodies in the early 2000s, as time went on policy issues related to women’s rights were slowly marginalized or avoided in the parliamentary debates. The women’s groups felt that the state traded women’s issues, especially the debate on abortion, for the support of the Catholic Church during the 2003 referendum on Poland’s accession to the EU (Ignaciuk 2007: 48-49). Another hit for the women’s movements came from the transnational context. Despite the women’s groups’ critique of Polish discriminatory policies as incompatible with the EU legislation, in the eyes of the EU Council, the Commission and the European Parliament Poland sufficiently fulfilled the accession criteria. The support of the EU authorities for the Polish state deprived women’s movements from another bargaining chip they could use with policy makers. Once Poland became an EU member state (May 2004), policy makers felt even less pressure to tackle women’s issues.

During the first reading of the draft in the Sejm in February 2005, representatives of all political factions acknowledged women and children as primary victims of domestic violence. However, they shifted from conceptualization of domestic violence as human rights issue towards a framing that indicated unemployment, poverty, and alcoholism as the main reasons of domestic violence. Instead of penalizing victims of the state's economic incompetency, MPs argued, poverty should be a real focus of state policies. The debate was dominated by frantic criticism of a postulation that pointed at physical punishment of children as a wrong practice. MPs argued it was an ideological move instigated by feminists to dismantle Polish families (Sejm Rzeczpospolitej Polskiej February 16, 2005: 139-140, 145-146, 150; Maria Platek 2013). In the socio-political context in which the state and the Church had been very close since the 1990s, the efforts to show domestic violence as a social problem of vast proportions came as a particularly uncomfortable truth, as it clashed with the state's and the Church's promotion of the family as the holder of sacred values (Durda 2009: 87). During the first reading in the Sejm the draft was voted down and sent back for rewriting. Jaruga-Nowacka stopped being responsible for the project, which was welcomed by numerous MPs, and replaced with Minister of Social Policy Cezary Mizejewski, who showed support for women's groups' ideas (Sejm Rzeczpospolitej Polskiej July 6, 2005: 318).

The passed law was a result of "enormous compromises" (Sroda 2005: 32). On the one hand, despite ignoring the gender component, the fact that the state created a separate new act on counteracting domestic violence meant that it acknowledged that the phenomenon exists and is of considerable proportions. On the other hand, originally designed to protect victims, the law provided hardly any tools for this. The women's groups' original aim to give police the authority to administer immediate eviction and implement a restraining order during the first intervention was not achieved. The new law proposed very limited means of victim-perpetrator separation. Among other things, instead of a mandatory arrest (very rarely ordered), the court could decide to administer police surveillance over the

perpetrator for a defined period of time during which the aggressor could either voluntarily leave the place of his/her residence or choose to stay there. Further, a victim was not given the right to ask the court for a restraining order or eviction of a perpetrator. Also, the law defined “domestic violence” and “a family member” in a way that made it impossible to give a restraining order to a former partner who stalks a victim (Nowakowska 2006: 16; Zielinska 2006: 20-21; Spurek 2013: 110-111: 176-177).<sup>11</sup>

In **the third stage** of the law making process, once the act was passed, the women’s groups had little impact on its implementation and execution. Firstly, the law itself did not create a space to include them in the process. Although the act obliged the government and municipalities to cooperate with the NGOs, it did not specify how this cooperation should look (Spurek 2013, 126). Secondly, the rightist government, formed after the elections in 2005, did not welcome cooperation with women’s NGOs.

Assessing the impact of women’s movements on the policy outcome through the lenses of the critical institutionalization model, I can make the following observations. During this first analyzed moment of mobilization leading to the adoption of the new law in 2005, women’s organizations were the main protagonists advocating for progressive policy change on domestic violence. While addressing the state, they lacked the support of a feminist constituency. They did not form any stable coalition within the movement, and when addressing the state, a small number of organizations narrowed down to one major player, the Women’s Right Center. Despite limited financial (project to project funding, minimal state support) and human (few employees, volunteers, absence of constituency) resources the women’s groups’ leaders showed management skills strong enough to introduce domestic violence policy change on the state agenda using a combination of several persuasive strategies. In terms of CIM’s first feature – capacity and resources – a model of rather low institutionalization emerges in which the women’s movements’ mobilization was more personality driven than based on a consolidated, organized feminist constituency. The shortcoming

11 As the women’s groups soon found out, mandatory arrests and/or restraining orders were to be used rarely in the judicial practice (Nowakowska 2006: 16; Nowakowska 2010: 12).

of such an arrangement was that although the women's groups did work out mechanisms of communicating with the state at the agenda setting stage, the expertise, institutional contacts, and previous experience in the governmental work of a few entrepreneurial individuals proved to be insufficient in overcoming the general reluctance of the state to bring about progressive legislation and policies.

During this process WRC managed to establish sustainable cooperation with two insiders. The Varsovian organization became part of the triangle of empowerment with the Plenipotentiary Office and the Parliamentarian Women's Group. The Plenipotentiary's and PWG's advisory bodies functioned as platforms of regular exchange between state actors and the women's groups. This alliance proved to benefit WRC's agenda only at the very beginning of the agenda setting stage. The velvet triangle shared the same understanding of domestic violence as culturally rooted and framed it as part of women's rights and human rights infringement. It allowed the women's groups to produce a draft with progressive content. However, once the draft left the Plenipotentiary Office for the governmental consultations and parliamentarian debates, its framing did not resonate with the mainstream conceptualization of domestic violence and the project gradually lost its gender transformative potential. The debates on the draft were caught between familial and patriarchal discourses, powerful enough to eliminate strong measures of victims' protection, the main postulate of the women's movements. Women's groups stayed as actors within the parliamentary process, but their impact on lawmaking was marginal. Furthermore, the alliance they made with the Plenipotentiary and PWG, although sustainable, turned out to be of little importance since the insiders were not influential enough to counteract the general lack of political will. The absence of strong allies as well as radical, non-resonating framing indicate low institutionalization of the women's movements both in terms of strategies and alliances (CIM's second feature), and in terms of voice (CIM's third feature).

The new law was neither providing tools to protect victims, nor were women's movements actors included into the state apparatus on policy monitoring and implementation. According to the critical institutionalization

model, the women's movements' outputs did not meet the criteria for being progressive either on substantive or on procedural levels. Contextualized within an increasingly unreceptive political opportunity structure, the low institutionalization of the movement on all three levels, capacity, alliances, and framing, combined with its critical approach towards the state was shown to be unsuccessful in brokering progressive change.

#### **4. The second mobilization 2005-2010**

After the parliamentary elections of 2005, which brought to power the right wing national-conservative party Law and Justice, political opportunity structures became unwelcoming for the women's movements' claims. The Plenipotentiary Office's responsibilities were shifted from the Prime Minister's Office to the Ministry of Work and Social Policy, to a newly launched Department for Women, Family and Anti-Discrimination. Its head, Joanna Kluzik-Rostkowska presented a conservative approach to women's issues. The alteration of the Plenipotentiary's Office and dramatic degendering of the state's language, programs and policies reflected the state moving away from a gender mainstreaming approach towards promoting "family values". It was also a period when the position of women's NGOs rapidly deteriorated. They received little financial support from the state, relying predominantly on transnational donors (EU), and their expertise was no longer valuable for the policy makers. The new government's attitude towards women's issues impacted policies on domestic violence. The gendered approach, favored by the Plenipotentiary's Office between 2001 and 2005, was replaced with framing that focused on violence against children. Despite criticism from the non-governmental sector, the conservative government made no effort to amend the ill-designed law of 2005.<sup>12</sup> Under these circumstances, awareness-raising projects and

12 Between 2005 and 2007, the women's organizations made an effort to keep the issue of the ill-designed law on domestic violence alive in public discourses. Absence of any platform of exchange between the state and the women's movements limited the women's groups' strategies mainly to a signal protest and petitioning. In December 2005, only few months after the law was passed, CWR expressed its criticism during the Tribunal of Women (Centrum Praw Kobiet 2005, 3).

assistance to women victims were relegated to (women's) NGOs (Mrozik, Rutkowska, Stefanczyk 2007: 46-51).

The parliamentary elections in 2007 brought to power the Civil Platform, a party consisting of politicians with Christian-democratic, conservative-liberal, centrist and centrist-right views.<sup>13</sup> When compared with the preceding party in charge, its more broadminded attitude towards women's issues rekindled the hope of women's groups' for amending the 2005 law. However, the first years of the new government brought disappointment. Prime Minister Donald Tusk postponed setting up the Plenipotentiary Office for Equal Treatment until April 2008. Unfamiliar with gender equality issues, its first head Elzbieta Radziszewska became known for her incompetence and passivity (Durda 2013). The new Plenipotentiary linked domestic violence to child abuse.<sup>14</sup>

Despite the new establishment's unresponsiveness towards women's issues, women's groups in the field of domestic violence began advocating for legislative and policy changes once again. Two Varsovian women's organizations particularly stood out: Women's Right Center and Feminoteka. They did not form any formal alliance or coalition. However, they used a unified voice with respect to the amendment of the 2005 law and when recommending state policies. WRC represented the women's movements in negotiations with the state (Kancelaria Sejmu March 5, 2009; April 27, 2009: 3; March 16, 2010: 3). Feminoteka monitored progress on the legislative change mostly from outside and mobilized women's organizations, other non-governmental organizations and individuals to support the amendment. Between 2009 and 2010, women's groups from outside of Warsaw became more visible due to more widespread internet-connectivity, specifically during several online campaigns. However, even

13 CV formed a coalition with an agrarian and Christian democratic Polish People's Party (CV – 209 MPs, PPP – 31).

14 Her approach was shared by other members of the government, see the national conferences "Violence in the family – react, do not be indifferent" (Warsaw, June 25, 2008) and "Violence in the family – do not procrastinate, react, help" (Warsaw, June 23, 2009) organized by The Ministry of Work and Social Policy, had a gender-blind focus on children (Ministerstwo Pracy i Polityki Społecznej 2008, 2009).

in this case, online petitions, letters or protests were drafted predominantly by Varsovian Feminoteka.

Although the feminist constituency to support the women's groups' efforts was still small, from the middle of the 2000s there was a change with respect to women's organizations' standing vis-a-vis other actors who dealt with domestic violence. A decade-long persistence with which the women's groups kept voicing their claims in radically gendered form started to bear fruits. The gradual acceptance of the women's movements' framing informed language in publications and webpages' as well as, to a different extent, approaches to domestic violence of various organizations. Among them were "Blue Line",<sup>15</sup> Polish Chapter of Amnesty International (once distant to women's rights discourse)<sup>16</sup>, and the state founded and financed SAPARP. This change allowed women's groups to establish formal and informal alliances with a wide range of human rights and children's rights organizations, psychological associations and crisis centers.

**In the agenda setting stage**, the women's groups employed a signal protest strategy to express their criticism of existing domestic violence policies. The Women's Rights Center and Feminoteka each published extensive reports, in 2005 and 2007 respectively, in which the organizations pointed out difficulties in accessing statistical data, the gender blind character of the data, variation in interpretations of domestic violence in juridical practices, significant discrepancies between cases brought to the police and persecutions, lack of legislative tools to protect victims, uncoordinated responsibilities between several authorities (state, police, courts and municipalities), small funds for prevention, and absence of social and educational campaigns (Nowakowska et al 2005; Mrozik, Rutkowska, Stefanczyk 2007).<sup>17</sup> Feminoteka shared the results of its report

15 Renata Durda, "Blue Line" and former once SAPARP activist, remembered: "It took time and I have learned from people knowledgeable in the issue why we should talk about women and domestic violence, why it is important to think about this from the women's rights perspective" (Durda 2013)

16 In 2005 Polish Chapter of Amnesty International published a disapproving report on social policies on domestic violence against women (Majewska 2005).

17 The reports recommended among other things 1) to create one database that would indicate sex of a victim, 2) educational and informational campaigns and prevention policies, 3)

during a November 2007 conference organized for the police, Ministry of Justice, MPs, academics and NGOs. In January 2007 during a United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) event in New York, several Polish women's NGOs – Women's Rights' Center was one of them<sup>18</sup> – presented their shadow report on the state's undertakings (or lack of them) to achieve gender equality in general and its efforts to counteract domestic violence against women specifically to (Nowicka and Pochec 2006). The Polish women's movements' findings differed considerably from the official state report's account presented by the Plenipotentiary Kluzik-Rostkowska during the same meeting (United Nations 2007). The women's groups' criticism of domestic violence policies was in line with the CEDAW's critical report with numerous recommendations to the Polish state (United Nations 2007a) but also with the 2008 governmental report on the National Program of Counteracting Violence in the Family (Ministerstwo Pracy i Polityki Społecznej 2008a: 106-108). Both documents pointed at poor results of the existing legislation and policies especially with respect to the situation of domestic violence victims.

By 2008, the Polish government was pressured to revisit the law by several, not necessarily allied, state and non-state actors. As a result, it initiated an amendment process. In the early phase of **the second stage** of the law making process, there were three drafts of the amendment, developed independently from one another. The first was proposed by former Plenipotentiary Izabela Jaruga-Nowacka, now an MP of the oppositional party the Democratic Left Alliance. Jaruga-Nowacka's project framed domestic violence as a human rights infringement and was supported by the women's groups, which withdrew from writing their own draft as they felt they lacked "legal knowledge to do it properly" (Piotrowska 2013). The draft proposed extending the power of giving restraining orders and eviction

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coordinated cooperation between various institutions, 4) sufficient funds for preventing and combating, and 5) amending the existing law to assure safety of the victims (Nowakowska et al. 2005; Mrozik, Rutkowska, Stefańczyk 2007).

18 Also Federation for Women and Family Planning, Profemina Foundation, PSF Women's Center, and La Strada Foundation (Nowicka and Pochec 2006).

to the police during the first intervention, a ban on physical punishment of children, obligating professionals to report cases of domestic violence, and establishing a monitoring body that would coordinate activities of various state institutions engaged in combating domestic violence. The latter would include representatives of women's organizations working with domestic violence (Kancelaria Sejmu 02.04.2009, 4-6; Spurek 2013, 184-187). The second draft of the amendment was proposed by the government. Prepared without consultations with non-governmental organizations, it introduced "merely cosmetic" changes to the existing law (Kancelaria Sejmu 05.03.2009, 3-6; Spurek 2013: 190). The third draft, by a non-governmental organization "Better Together", was largely designed from a perspective of children's rights protection. This one was not taken on the parliamentary agenda because it did not gather the required 100,000 signatures (Spurek 2013: 181-183).

In 2009-2010, the terms for the women's movements' participation in the policy making process were set by the government. As opposed to the first mobilization moment, the women's groups were not formally invited to draft an amendment, but to improve already existing projects. Having opened the process of amending the law, the government via the Plenipotentiary Office invited non-governmental actors and whoever was concerned to extensive consultancy work during the intergovernmental discussions and later within the framework of the Committee of Social Politics and Family and its special sub-Committee chaired by MP Magdalena Kochan. Between March 2009 and May 2010 the committees met on twenty occasions to first discuss the two drafts, then work out one proposal to be deliberated within the governmental units and later presented in the Parliament, and during the advanced stages of the process to modify the draft as suggested by the Sejm and Senate (Spurek 2013: 193).<sup>19</sup>

While they were part of the policy making process, the women's groups had no strong insider supporters. Neither the new Plenipotentiary,

19 The sizeable presence during the various meetings and substantial contribution of the non-state actors as well as their seamless cooperation with the policy makers were repeatedly emphasized in the debates (Sejm Rzeczypospolitej Polskiej March 4, 2010: 144; April 7, 2010: 10).

unwelcoming of women's issues and passive in general, nor the PWG, which became a marginal force in this period, expressed their support for their claims. However, this time WRC entered the policy making process as a member of the Committee of Social Dialogue on Domestic Violence. The Committee, chaired by Renata Durda from "Blue Line", was a formal alliance of twenty non-governmental organizations concerned with human rights, children's rights, and/or women's rights, originally set up in 2007 as a consultancy body to the Municipality of Warsaw and a platform of exchange between organizations in the field (Kancelaria Sejmu March 5, 2009:16; Komisja Dialogu Społecznego 2007). As the minutes of the Committee of Social Dialogue on Domestic Violence indicate, at the beginning of the law making process, the alliance's members presented divergent opinions with respect to the amendment's content. Perceiving the lack of a unified voice as a shortcoming in persuading the state, the Committee agreed to avoid such situations in the future (Komisja Dialogu Społecznego 2009). The recommendations of this group had strong support of several MPs involved in the subcommittee dedicated to drafting the content of the amendment, in particular of the chairman Kochan and two former Plenipotentiaries Jaruga-Nowacka and Kluzik Rostkowska. In addition the Minister of Work and Social Policy Jolanta Fedak expressed her support for the alliance's and women's groups' proposals (Nowakowska 2010: 16; Ksieniewicz 2013).

Being included in the legislature and becoming part of the alliance strengthened WRC's position vis-a-vis the state, however, this happened at the expense of lowering expectations regarding explicit gender transformative content of the law. During the first meeting of the parliamentary Committee of Social Politics and Family, Nowakowska stated that she agreed to the gender blindness of the amendment; however, in her view, really radical legislation would explicitly acknowledge women and children as the primary victims of domestic violence (Kancelaria Sejmu March 5, 2009: 19-20). Her argument did not meet the support of the other actors. It seemed that although some factions of the non-governmental sector were gradually opening for the women's movements' framing of domestic violence in their daily practices, they did not necessarily perceive that women's rights framing would resonate as efficiently as human rights

framing when negotiating with the state. Resignation from the explicit women's rights framing at the opening of the lawmaking process resulted in focusing discussions almost exclusively towards the autonomy of the family issue during the Committee's debates and during the plenary debates. Once seeing that the draft had lost its gender content, Feminoteka initiated a Facebook campaign for gathering signatures to petition the Prime Minister and MPs. In the petition, signed by around 80 organizations and numerous individuals, women's groups requested the new law should acknowledge domestic violence as human rights infringement affecting mostly women and children at least in its introduction (Feminoteka 2010).

The draft presented to the parliament proposed, among other things, extending to the police the power of giving restraining orders and eviction during the first intervention, the right of a victim to ask for an eviction and restraining order for his or her abuser, the obligation for professionals to report cases of domestic violence without the consent of the victim, free medical examinations for victims, extending the power of social workers to removing a child from the family in case of danger, ban on physical and psychological punishment of children, and setting up so-called interdisciplinary teams that would intervene in the most disturbing cases of domestic violence with the right to collect information on individuals without their consent.<sup>20</sup> The content of the bill polarized the MPs and triggered sizable mobilization of advocates for and against the amendment outside of the parliament.

Although in 2010 the opposition did not discredit the draft by linking it with the feminist ideology (as in 2005), they managed to re-shift the focus of the discussions from the problem of domestic violence towards the issues of the autonomy of the family and parental rights. Women as primary victims were almost absent from the debates, which was a change when compared with 2005. Instead the bill's opponents concentrated on the ban on child punishment, the extension of social workers' entitlements

20 The latter, operating on the municipal level, were to intervene in most disturbing cases of domestic violence. They would consist of municipality employees, professionals and non-governmental organizations.

and collection of personal data without an individuals' consent. The three postulations were criticized as an unprecedented intervention of the state into family matters and the limitation of its freedom, autonomy, and privacy, as infringement of constitutional rights and as attempts to create a police state. The amendment triggered further controversies in the Senate. As a matter of fact the low level of senator contribution came as an unpleasant surprise to the advocates of the bill. Despite a government that consisted of the CV politicians being the initiator of the amendment, the support from the members of the party in power was by no means apparent. The presence of conflicting attitudes towards domestic violence made the advocates of the bill struggle to secure the required majority in the Senate (Sejm Rzeczpospolitej Polskiej April 3, 2010; Senat Rzeczpospolitej Polskiej 2010; Durda 2013).

In 2010 the pro- and anti-amendment factions debated the content of the law not only in the parliament, but also outside of it, which was an important change when compared with the first moment of mobilization. Both pro- and countermovement used the internet to address MPs and their respective supporters in nationwide campaigns. In winter 2010, when the Council of the Polish Episcopate for the Family demanded that the draft be sent to the Bishops for further consultations, there was a particularly strong mobilization of Catholic groups that were sending emails to the Plenipotentiary and Prime Minister Offices to stop a new allegedly anti-family law (Ksieniewicz 2013, pers. comm.). Among them was Forum of Polish Women, an association gathering women from Catholic organizations (Forum Kobiet Polskich 2010). Fearing that the Church may halt the amendment, in March 2010 the pro-amendment factions set up the alliance We Support the Law Against Violence in the Family consisting of Blue Line, the association of lawyers, Feminoteka, and children's rights associations. The coalition pointed out the usefulness of the solutions proposed in the amendment and urged the MPs to finalize the debates and vote for the project. Through several internet based social media outlets the group secured the support of more than 6000 organizations and individuals: women's NGOs, NGOs, academics, and public figures (Feminoteka 2010).

The Sejm passed the law in June 2010. The final content of the amendment was described as a difficult compromise needed to secure the required majority to vote the act through. Despite the protest of the Church and Catholic networks, the parliament accepted the ban on physical punishment of children (however it withdrew from “the ban on psychological punishment or any other forms of humiliation”) and the extension of social workers’ rights. However, although including the word ‘women’ in the introduction to the new law, as suggested by Feminoteka’s campaign would have had more symbolic than actual meaning for the functioning of the act, the parliament did not take this suggestion into consideration. Instead the law defined domestic violence as a violation of human rights and what follows obliged the state to assure the equality of all citizens in the eyes of the law and to protect their rights and freedoms. Despite the women’s groups’ strong recommendation, the amended act did not extend the power of administering restraining order and eviction to the police, instead introducing some changes in the use of these tools for prosecutors (during preparatory proceedings) and judges (during delivering and executing a sentence). The law of 2010 did not allow victims to ask for a restraining order or eviction of an aggressor either. The critics of the 2010 change pointed out that the amendment did not propose any complex solutions and procedures to efficiently regulate the isolation of perpetrators and therefore improved the situation of victims to very limited extent (Spurek 2013: 209). On a positive note the amendment recognized that a purely legislative approach was not sufficient in counteracting domestic violence. It listed extralegal forms of assisting the victims as well as obliged central and local authorities to launch relevant procedures and actions.<sup>21</sup>

Given that the amendment neither took on Jaruga-Nowacka’s idea of establishing a separate monitoring body responsible for implementation and monitoring the law, which would welcome the expertise of NGOs, nor clarified the ways the state would involve the non-governmental actors into domestic violence related activities, the women’s groups are included

21 The act provided a very vague description with respect to the content, authorship and coordination of these endeavors (Nowakowska 2013).

on a rather ad-hoc basis in **the third stage** of the process, that is in the implementation of the law (Spurek 2013: 208).<sup>22</sup>

As the discussion indicates, the women's groups advocating for progressive policy change entered the law making process in 2008 as a fairly loosely connected group of small organizations and individuals. This time they were also disadvantaged by the scarcity of state funds, although capable of sustaining their projects by searching for alternative sources of funding and relying on volunteers' involvement. The women's organizations presented themselves to the public more like knowledgeable expert based forces (especially WRC) than clearly structured bureaucratic organizational units prepared to interact with the state (especially Feminoteka). The movement did not form one long-term coalition of the women's organizations and individuals invested in the domestic violence issue. It managed, however, to mobilize protest in critical moments by forming a few short-term coalitions via social media. When checked against the benchmarks of the critical institutionalization model's first feature, capacity and resources, the women's movement's structure as described suggests a rather low level of institutionalization.

Women's groups attempted to overcome the movement's modest financial and human capital by diversifying their strategies and entering alliances with a wide range of non-governmental organizations in the field of domestic violence and human rights in general. The coalitions, long-term (WRC and the Committee of Social Dialogue) and short-term (Feminoteka's social media campaigns), were possible due to the gradual opening of the non-governmental sector towards the women's groups' framing and strategies. A decade-long radicalism during which the women's movement framed domestic violence as a gendered phenomenon, both in terms of its origins and in terms of the sex of victims, started to infiltrate and change, to some extent, the mainstream conceptualization and

22 However, the amendment has introduced so-called interdisciplinary teams. Operating on the municipal level, they are to intervene in most disturbing cases of domestic violence. Besides municipality employees and professionals, the amendment does open a possibility for relevant non-governmental organizations to become part of these newly established bodies.

practices. As members of the alliance between several prominent NGOs, the women's groups became integrated into the state's work during the law making process which created the opportunity to lobby and negotiate with the policy makers until the adoption of the law. Several female MPs became particularly supportive of the alliance's recommendations and became its major insider supporters. Remarkable capability to diversify approaches inside and outside of the parliament, forming stable coalitions, seeking relations with insider actors as well as aiming to become part of routinized forms of communication with relevant state structures suggests that the movement leaned towards a higher level of institutionalization as far as the movements' strategies and alliances are concerned.

However, the women's movement becoming part of wider alliances brought only partial success in achieving gendered goals. This brings me to the third feature of a critical institutionalization model: voice. Although the mainstream non-governmental sector was open for cooperation with the women's groups, similarly to most insider allies, they did not find the women's rights framing of domestic violence sufficiently resonant in negotiations with the state. Part of the women's groups involved in the formal policy making process made conscious decisions to drop explicit gendering of the law so as to avoid any controversy that would jeopardize introduction of the women friendly legislative tools. Embracing human instead of women's rights framing proved to be detrimental for women's claims. Women as primary victims were erased from the draft in the early preparatory stages and specifically women related issues were further neglected in the parliamentary debates and the amended law. The law did not provide adequate tools for victims' protection in the act and left women's NGOs out from the implementation process. Despite the fact that the law making process disregarded most women's claims, the women's movement actors did not withdraw. They voiced their criticism of the state for diverging from women friendly policies, but sustained cooperation with the state apparatus so as to achieve maximum results within the given context. The critical stance towards forged alliances as well as calculated replacement of the women's rights framing with better resonating human rights framing suggests that the women's movement kept strategically altering its

autonomous voice vis-a-vis the state – the ultimate law provider. It indicates the movement's tendency to lean towards a more institutionalized form of activism with respect to the CIM's third feature: voice.

The outputs of the lawmaking process in 2010 were only slightly more progressive when compared to the results of the first mobilization. On the substantive level, the amendment lost gender transformative potential, but somewhat improved victims' protection. On the procedural level, women's groups remained largely outside the formal monitoring and implementation process.

## **5. The third moment of mobilization 2012**

The third policy moment discussed here is connected to debates about the Istanbul Convention in 2012. It concerns deliberations about the signing of an international document that, once ratified, would induce important policy change concerning domestic violence. Among other things, the ratified Convention would require the Polish state to set up and maintain a 24/7 infoline as well as webpage with necessary information, run a sufficient number of shelters and support centers, prepare and implement police procedures that would prevent double victimization, monitor and gather data on domestic violence, and organize awareness raising campaigns, including campaigns addressed to men and boys.

In 2012, the women's movements' mobilization took place in the context of encouraging political opportunity structures. As stated earlier, the 2011 parliamentary elections brought a record number of female MPs that is 110 women out of total 460 deputies in the Sejm. The majority of the elected female MPs, 62, belonged to the winning party Civic Platform.<sup>23</sup> The re-elected Prime Minister Donald Tusk replaced the controversial Plenipotentiary Joanna Radziszewska with Agnieszka Kozłowska-Rajewicz

23 The high proportion of Civil Platform's female to male deputies, 62 to 207, in the Sejm resulted from the Civil Platform introducing a rule that at least one female candidate should be among the first three candidates on the electoral lists, which increased women's chances to be elected. The introduction of this rule, not repeated by any other party in 2011, indicates generally friendly attitude of the winning party to women's rights issues.

(Civic Platform). At first, the women's movement actors were disappointed with her nomination arguing that the new Plenipotentiary knew little about women's issues and more to the point "had to learn a lot (...) about violence against women" (Grochal 2012). However, Kozłowska-Rajewicz has fastly made up for her initial lack of knowledge on gender issues and continues to be persistent in using women's rights and gender framing not only while contacting the women's movements, but also during general public debates (Piotrowska 2013).

In spring 2012, Kozłowska-Rajewicz introduced the signing of the Convention to the government's agenda. Women's organizations expressed a unified opinion on the necessity of signing the Convention, but were incapable of building a long-term formal coalition. However, they managed to establish and sustain several overlapping coalitions with other actors within the state structure and outside. They entered an alliance with two major insiders: the Plenipotentiary and the Prime Minister. Although the Plenipotentiary Office's position is generally weak within the governmental structure, the moderate support of the Prime Minister strengthened Kozłowska-Rajewicz and the women's movements vis-a-vis other governmental units (Ksieniewicz 2013, pers. comm.). Further, the Plenipotentiary and women's groups also had the support of the Polish Parliament's Vice Marshal Wanda Nowicka (Palikot's Movement party), a well-known feminist activist, as well as of the Minister of Sport and Tourism Joanna Mucha, one out of four women-ministers in the government. The insiders framed violence against women as a women's rights issue and a culturally informed phenomenon. Although there was not any formally established platform of exchange on this particular issue between the state and non-state advocates, the women's groups were invited to consultancy work and stayed in regular contact with the Plenipotentiary's Office, which opened opportunities for lobbying and negotiating with the relevant policy makers (Durda, 2013, pers. comm.). Although Parliamentarian Women's Group expressed its support, it played a minimal role in lobbying for the Convention (Piotrowska 2013).

During the internal governmental consultations, the Minister of Justice Jarosław Gowin expressed his strong objection to the Convention.

As a result, the Prime Minister halted the works and requested additional research on the compatibility of the document with the Polish law and potential consequences resulting from signing it. Gowin's criticism of the Convention resonated with the Church's and conservative Catholic factions' position. Between spring and December 2012 the opponents kept mobilizing to pause works on the Convention by issuing official letters to the Prime Minister (the Episcopate) and organizing protests via social media or debating in media (clergy, lay conservative groups, among them Forum of Polish Women) (Ksieniewicz 2013, pers. comm.). They argued the Convention's definition of gender as culturally constructed was irreconcilable with the understanding of gender outlined in the Polish Constitution and rooted in Christian values. Furthermore, opponents protested against the Convention's description of violence against women as culturally informed. In particular, they objected indication that religion is one of the factors contributing to this phenomenon. The Episcopate forecasted that signing the Convention would result in dismantling the understanding of family as a marital relationship between a woman and man, in legalizing same sex marriages and children's adoption by same sex parents. It was also argued that according to the act passed in 2003, despite Poland being part of the EU, Polish legislation is not subjected to any international regulations with respect of moral order, dignity of family, marriage, child raising and life protection (Konferencja Episkopatu Polski 2012; Szymanski 2012).

The Minister of Justice's and Church's veto made the Convention's advocates anxious. The Plenipotentiary continued organizing meetings with relevant actors, mostly the Minister of Justice, the Minister of Finance and PWG during which she lobbied for their support. She was also frequently present in media to familiarize the wider audience with the issue of violence against women as well as with the importance of the Convention. Another ally, Vice Marshal Nowicka repeatedly addressed the Prime Minister and the Minister of Justice in official letters asking about the progress of the governmental works on the document (Ksieniewicz 2013). Outside the government, the women's organizations, either as individual associations (WRC) or as part of various coalitions, used several strategies such as petitioning, press conferences, street demonstrations and/or online

campaigns to put pressure.<sup>24</sup> The mobilization of a variety of non-state actors to support the Convention pointed at a significant constituency for the women's movements' claims. It also implied women's rights and gender framing was gradually being accepted and therefore was making inroads into mainstream conceptualizations of domestic violence more feasible.

Despite the combined efforts of the women's movements and its allies, the fate of the Convention remained uncertain. This is when women's groups seized the opportunity to counterbalance the opponents' influence by addressing the state through a newly emerged actor on the Polish women's movements' scene, the Women's Congress. In addition to keeping the issue visible in media, from spring until December 2012 the Women's Congress systematically exercised pressure on the Prime Minister's office and the government. In March 2012, the Prime Minister met the Women's Congress's Shadow Cabinet and declared that the government would sign the document. Once the works on the Convention were halted, in May 2012, with the help of the Vice Marshal Wanda Nowicka, the Congress managed to organize a conference dedicated to the issue on the Sejm's premises (Kongres Kobiet 2013b; c). In July 2012, the Shadow Cabinet's Prime Minister Danuta Hubner met the Prime Minister Donald Tusk again. Following this meeting, during a joined press conference with Feminoteka and the Plenipotentiary Kozłowska-Rajewicz, the Congress declared that if the Convention was not signed within three weeks, women from all over Poland would come to Warsaw to protest (Kongres Kobiet 2013e). The Convention was not signed; however, the women's protest did not happen either. Instead, in September 2012, Prime Minister Tusk was invited to the fourth Women's Congress's annual meeting. In front of 7500

24 In May women's groups as part of the Coalition for Equal Chances, which consisted of 45 organizations in the field of human rights and equal status, sent a protest letter to the Prime Minister against the opinion of the Ministry of Justice. Further, Feminoteka, together with "Blue Line", Monika Platek, (feminist lawyer), Katarzyna Grochola (writer), and non-governmental organization National Center of Competence, managed to assure the support of a wide range of human rights NGOs, psychological and educational associations, influential individuals, and/or media personalities via a Facebook campaign "We support the Convention against violence against women." Together with the Green Party, Feminoteka also organized a demonstration in front of the Ministry of Justice. (Feminoteka's Facebook Page 2012; Piotrowska 2012).

women (and 400 journalists) he promised to finalize the debates and sign the document (Kongres Kobiet 2013a). In December 2012, despite ongoing protests of the Catholic and conservative groups, the Polish government signed the Convention, with the reservation that the document would be used “in compliance with the Polish constitution”. Women’s movements actors indicated their concern that the reservation (most likely introduced to overcome the resistance of the Minister of Justice) would lead to difficulties while opening the ratification process of the Convention (Michalski 2012).

The above description of 2012 events suggests that women’s movements’ actors, as a network of resourceful individuals and organizations, managed to address some of the main shortcomings of earlier waves of mobilization: its small constituency and loose structure. They were able to establish sustainable alliances with powerful insiders as well as reach out to a wide range of non-state actors for support. However, I argue that the Women’s Congress’s involvement became the pivotal factor of the women’s movements’ accomplishment in 2012.

In contrast to the criticisms of some feminist leaders, there is growing conviction that the Women’s Congress has succeeded in making women’s problems and claims more visible in the public debates. The deputy director of the Plenipotentiary’s Office for Equal Treatment, Monika Ksieniewicz, remembers that in the period of debating on the Convention, the Women’s Congress was often pointed to by insiders as the body that voiced the opinion of a considerable number of women, which helped the Plenipotentiary argue for signing the document (Ksieniewicz 2013, pers. comm.). The Congress’s growing impact on the social and political spheres has been acknowledged not only by the state and media, but also by other non-state actors, including the ones contesting progressive women friendly policies: the Church and conservative groups. Catholic female activists protested that as opposed to the Women’s Congress’s claims, the conservative women’s voices on the Convention were entirely overlooked by the policy makers (Forum Kobiet Polskich 2012). Having noticed the success of the Congress, in 2013 they organized their own Conservative Women’s Congress in the Wielkopolska region that gathered 300 participants.

Contrary to feminist organizations with a limited constituency, the Congress has managed to convince the public and state actors that the Congress's claims about women's conditions are not formulated by "few" but are voiced by "all" women, including the ones who do not object, but do not identify themselves with the Catholic-conservative tradition either. This move was possible because of the Congress's strategy to mobilize followers from a variety of backgrounds. As opposed to "old" progressive women's groups, the Women's Congress has not claimed to be informed solely by feminist ideas. Instead it defines itself as a platform for all those who are concerned about women's issues, regardless of their social, political or religious affiliation. The framing that acknowledges the existence of women-specific problems without waving the feminist banner proved to be a successful recruitment strategy. It has attracted many women activists who are hesitant about being called feminists out of fear of social stigmatization. The feminists within the Congress are important, yet one out of several ideological factions. As opposed to the feminist women's movements' personalities, who are often known but disliked, the Congress lined up women with celebrity quality (Durda 2013). Beside everyday routines within the formalized structure of the Congress-association, it provides its followers with an annual event, which is a mixture of debates on women's problems and entertainment. The participants of the Women's Congress's annual meetings, often inspired by its spirit, have begun to recreate its structure across Poland, creating regional women's congresses, with their own leaders, followers and problems to solve. While creating regional structures, the Varsovian headquarter activates locally existing activist potential, but mostly reaches out to and coordinates previously existing women's networks and groups. There were 5 regional Women's Congresses in 2012 and already 19 in 2013. The explicit affiliation of women's local organizations with the Warsaw based Women's Congress often legitimizes these initiatives and helps in fundraising. Conversely, ostentatiously showing thousands of delegates from various women's associations, networks, gender studies centers or self-help groups during the annual gatherings, the Women's Congress hints to the unspecified number of its supporters across the country. Such display of social capital may be of particular importance

in the Polish context, in which the remarkable social mobilization of the Solidarity movement has shaped a collective imagination of an effective social movement – that is considered by the establishment as threatening the political status quo and therefore worth taking seriously – as a *massive* and *disruptive* movement. If not militant in character, the Congress points to its large constituency. It is an open question however, to what extent the Congress may count on active support from its followers in case of a protest.

Notwithstanding the novelty of the Women's Congress on the socio-political scene, there are a few historical phenomena that may have informed its formula and strategies and consequently its success in addressing the state. Firstly, the idea of female only gatherings dates back to the end of the nineteenth century. During the so-called Partitions<sup>25</sup>, Polish women-activists met during *zjazdy* (congresses) to discuss their gender related problems. Similarly to the Women's Congress's annual meetings today, *Zjazdy* gathered female activists and professionals of various ideological and political factions, different social backgrounds and from all parts of Partitioned Poland. During the meetings, they learned on the socio-economic situation of Polish women in the three emperies, exchanged information on running social initiatives, formulated their claims and strategized future actions (Sikorka-Kulesza 2008). The second factor that may explain the Congress's choices of organizational form and ways of recruitment is the legacy of the Solidarity movement. The Solidarity's spectacular mobilization, 10 million members at its peak in a country with 36 million population, was rooted not only in its openness to people of various social and ideological backgrounds, but also in its flexible organizational structure. Between 1980-1989, one or two coordinating bodies overlooked hundreds of independently created and run autonomous regional oppositional hubs and groups, with their own leaders, approaches, strategies, and resources, which formulated a unified voice and stayed responsive to nationwide mobilization when needed. Furthermore, several

25 The Polish Partitions – the period between 1772 (1795)-1918 when the Polish-Lithuanian Commonwealth ceased to exist as a separate state and its lands were divided among the Russian, Prussian, and Austrian monarchies.

historians drew parallels between the underground activities of the 1980s and the Nobles' Democracy, which introduces the third possible heritage the Women's Congress could build on while searching for efficient ways to address the state. The Nobles' Democracy was a system of political governance functioning on the Polish lands (in changing forms) between XIII and XVIII century that limited the power of a monarch by including all nobility into the legislature. The nobility used to debate during the regional gatherings, and when agreed upon relevant issues, they selected their delegates to the main gathering (Sejm Walny). Founded on the principle "nothing new about us without us", this at-the-time innovative political system allowed the nobility to control the authoritarian pursuits of the centralized power (Walicki 2009: 346-348). With its organizational structure (regional gatherings and the national gathering), openness to people of diverse backgrounds and persistent efforts to insert women's voices into the governmental debates on women's issues, the Women's Congress seems to reach out to multiple traditions of monitoring and resisting the undemocratic endeavors of the state that are recalled as successful in the Polish collective social memory.

Next to the legacies described above, while contacting the state during the debates on the Convention, the Women's Congress's success has also been informed by its attempts of matching the level of institutionalization of its opponents: the Church and conservative-religious groups. In order to influence the state to bring about more women friendly policies, the association worked out a hierarchical organizational structure and routinized their activities through implementation of procedures, common for big organizational entities. As a bureaucratic organization the Congress is hierarchical, differentiates between its employees' areas of expertise, duties of negotiating and lobbying, and contacting media. During the debates on the Convention, the pressure on the state was channeled mainly through the Congress's Shadow Cabinet, which counterbalanced the pressure orchestrated by the Church's Episcopate. This way during the debates with either the Women's Congress or the Church, representatives of the state had a clear understanding to whom to turn for answers or who was articulating

dissent. Further on, paralleling the strategy of the Church, the Women's Congress presented itself to policy makers as a voice of large numbers of concerned (women) citizens.

As the above account of the events suggests, during the debates on the Convention, the Women's Congress became a partner to the state and could counterbalance the opponents' impact. Its potential to brokering change resulted from its ability to adapt strategies and methods, either of its opponents or deriving from collective social memory, efficient in persuading the state and mobilizing supporters. Strong bureaucratized institutionalization of women's networks in the form of the Women's Congress – hierarchical structure, clearly defined ways of communication with the state, large constituency with a unified voice in moments when it mattered – made the claims of the women's groups in the field of domestic violence more audible to policy makers. By becoming part of the Women's Congress, open but not limited to feminist framing, women's movement organizations in the field of domestic violence strengthened their position without lowering or losing the gender transformative potential of their claims. Women's rights and a gendered framing of violence against women resonated with at least part of the establishment, starting from the Prime Minister and the Plenipotentiary, which implies the women's movements' arguments started to reshape terms of the mainstream conceptualizations. Furthermore, women's groups' strengthened position did make their opponents, the Church and conservative factions, either partially accept women's movements' arguments or develop more complicated strategies to hinder bringing about gender transformative change.

The argument about the decisive impact of the Women's Congress on signing the Convention may run counter to the opinion of some members of the women's groups engaged in the struggle to bring about transformative policy change on domestic violence since the middle of the 1990s. They feel, including the ones who have become part of the Women's Congress themselves, for example *Feminoteka*, that their two decade long efforts are overlooked in such an account (Nowakowska 2013; Piotrowska 2013). These opinions mirror a wider controversy within

the “old” women’s movements. Some veterans active in the progressive women’s movements since the beginning of the 1990s felt excluded from the Women’s Congress’s preparation and its endeavors. They argue that their experience and achievements were not taken into consideration, and within the Women’s Congress’s structure, they had standing equal to one of the women from associations that are not necessarily involved in feminist activism. They also criticize the Congress for its neoliberal worldviews, opportunistic attitude, and exclusionary political practices (Graczyk 2012; Nowakowska 2013).

The progressive women’s movements’ dispute over the Women’s Congress may be considered part of a broader discussion on Polish feminist activism vis-a-vis the state, more specifically, on its location on the trajectory between autonomy/radicalism and institutionalization/resonance/co-optation in its attempts to contact the state so as to bring about more women friendly policies. As noticed by Polish scholar Malgorzata Fuszara: “discussions about whether to formalize activities have accompanied the part of the women’s movement that is identified with feminism from the outset of the democratic transformation. The feminist movement, which by its very nature acts either in opposition to or outside patriarchal structures, has always found it difficult for various reasons, most often pragmatic, to consent to the requirement that it starts operating in a formalized manner” (2005: 1067). In the context of the Polish feminists’ dilemmas and efforts after 1989, the Women’s Congress as a structure and method of contacting and cooperating with the state has appeared as a mean to introduce women’s issues into the mainstream discourses and politics. Something that scattered, uncoordinated, and semi-formal progressive women’s movement organizations have struggled to achieve<sup>26</sup>.

26 This development within the women’s movements has been accurately summed up by Sylwia Chutnik, a known feminist and once a member of an anarcho-feminist group, whose decision to set up her own NGOs “was not so much a ‘mature’ decision to enter into set up structures, but more an attempt of searching new methods of social activism and more official forms of contacting both municipalities as well as the establishment. (...) it does not mean compromises or an eternal dilemma ‘radicalism versus legalism’, but it is a natural progress and an attempt of using opportunities that come with official structures” (Chutnik 2009: 42).

The Women's Congress's appearance on the political scene has seemingly contributed in important ways to the accomplishment of the women's groups' attempts to change state policies on domestic violence. However, while the Women's Congress has managed to set up an inclusive process of cooperation, in which further success of women's groups may be more likely, its accomplishments of 2012 should be assessed with reservations. Although the Congress was instrumental in signing the Convention, the women's movements are still battling for its ratification (as of May 2014). Furthermore, despite the Convention being an important international document, its authority remains inferior to domestic legislation. It means the state may or may not take its recommendations while developing its policies on counteracting domestic violence. Finally, there is an open question about whether the Congress could be a good platform for addressing the state on less consensual women's issues as well, such as women's reproductive rights. The coming years will test to what extent the Women's Congress is capable of improving the position of the women's movements in Poland.

## **6. Conclusions**

The story of Polish women's movements after 1989 is, among other things, one about searching for appropriate strategies to address the state efficiently. This chapter focuses on examining this search from a particular perspective, which is the women's movements efforts to bring about progressive change in policies on domestic violence between 2001 and 2012. In order to scrutinize flops and modest accomplishments of the women's groups in the three moments of mobilization, I have applied a critical institutionalization model.

I propose to amend the model recognizing that not only is a movements' choice of framing already caught within pre-existing meanings of the context it operates in, but also its choices of organizational forms and strategies are informed by available, contemporary or past ways of interacting with the state. Specifically, based on my empirical findings, I argue that by privileging the movement-state relation as suggested in

the critical institutionalization model, one may risk disregarding the effect of movement-counter movement interactions as well as the impact of a socio-historical context on the Polish women's movements' forms of institutionalization.

The research findings show that during the first two instances of mobilization women's movements' attempts to generate progressive legislative change were conditioned to fail due to the movements' low level of institutionalization. Although the women's groups were successful at the agenda setting stage of the law making process in 2005 and 2010, the passed bills lacked gender progressive character due to the women's movements' inability to create organizational interfaces that could 1) claim representing wider public opinion (not a small number of women's groups' members), 2) counterbalance the counter movement's influence (Catholic Church, conservative factions), and 3) become a partner for policy makers during the debates on the law and its implementation. In order to illustrate what a difference a more institutionalized social movement makes for its success, I introduced for analysis the third policy moment when the women's movements addressed domestic violence in the framework of the debates around signing the Istanbul Convention in 2012. In particular, I paid attention to the role of the Women's Congress during that period. I argue that although generously funded by the state itself, the Women's Congress has found ways to keep a critical approach towards the state's policies, to posit itself as the voice of women who do not identify themselves with the Catholic-conservative tradition, and it has managed to embrace an organizational form that allowed the women's groups to become a partner for policy makers that counterbalanced the strong influence of the Church and conservative-religious opponents. To this end the Congress has attempted to match its level of institutionalization to that of its opponents, whereas its organizational form and tactics have been informed by the employment of successful strategies of addressing the state available in the Polish collective social memory and history.

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# A DECADE-LONG STRUGGLE FOR CHANGE: WOMEN'S MOBILIZATION AND DOMESTIC VIOLENCE LEGAL AND POLICY REFORM IN ROMANIA

*Raluca Popa*

*O femeie poate alege/ Dacă voi îi dați o lege!*

[A woman can choose/ If you give her a law to use!]<sup>1</sup>

## **1. Introduction**

Women's organizations and activists from the civil society were the first to break the silence around domestic violence against women as a private manifestation of gender inequality, and turn it into a public issue. Once made visible, this highly prevalent form of violence against women has been an important rallying point for the women's movement in Romania, after the end of state socialism. At the same time, domestic violence is a heavily contested field where competing interpretations of the problem and its roots causes, varying understandings of who is affected by it, and divergent proposals for possible solutions often lay bare significant opposition to gender equality, whether overtly or covertly expressed. Deep contestations

1 A chant at the November 25, 2011 women's protest asking for legislative changes to introduce the protection order in the domestic violence legislation and to secure funding for women's shelters.

over the meanings of gender and gender equality take place within and outside the women's movement, in interactions with allies, opponents and by-standers, and are shaped by the larger discursive and political context.

The agendas, frames, strategies and tactics forged within women's activism, as well as the type and contours of their activism, influence gender equality policy change in important ways. In line with the main questions and aims of this volume, this chapter probes into the influence of women's mobilization and advocacy towards the state for the adoption of domestic violence policy reforms focusing on key moments of change in Romania over more than a decade (2000-2012). Compared to the starting point of fifteen years ago, when the legislation did not recognize marital rape, and there were no provisions in criminal or civil law to protect women from domestic violence, nor were there any support services available to victims, a sea of change has taken place. The Criminal Code was amended in 2000 to recognize marital rape, by making it an aggravating circumstance if the victim was a member of the family; a specific law against domestic violence ('violence in the family') was adopted in 2003 and significantly amended in 2012 to introduce a protection order for victims. An institutional structure to oversee the implementation of policies against domestic violence has existed at the national level since 2004, although it is unstable and fragile, since the National Agency for Family Protection was disbanded in 2009. However, support for women victims of domestic violence is still far below sufficient levels (Council of Europe 2014) and critics are disenchanted with the enduring lack of a gender equality perspective in domestic violence policies.

What has enabled these changes and how did they come about? By no means a linear story of progress, the transformations in the legislation, policies and institutional framework to prevent and combat domestic violence against women in Romania have followed an ebb and flow pattern, with breakthroughs in 2003 and 2012, expansions of the institutional framework in 2004-2008, followed by contractions, and only recently by expansion again. These changes are the expression of the multi-level interaction of domestic, regional and international actors and factors. This paper focuses on the particular influence of domestic gender equality

advocates and activists. It conceptualizes their influence along the model of 'critical institutionalization' elaborated elsewhere (Krizsan and Popa 2015). The model describes a mechanism of women's movements' policy influence by bringing together three interconnected analytical factors: (1) resources and capacity of women's movements, (2) strategies of movements including political alliances and (3) finding voice including framing collective identity and framing domestic violence. Each of these three factors is an indication of how and to what extent women's movements influence domestic violence policy processes. Their explanatory power for understanding policy outputs can be fully grasped when conceived in interaction with different political and discursive opportunity structures, and gendered structures prevalent in the specific contexts in which women's movement mobilization takes place. The chapter discusses the more enduring gendered structures that such mobilization aims to challenge and alter, as a way of setting the scene and context for women's activism.

Comparing two moments of mobilization, around the 2003 adoption of a specific law against domestic violence and the 2012 introduction of the civil protection order, I argue that the transformation of resources, capacities, strategies, alliances and framings in the women's movement against domestic violence in Romania mirror a pattern of critical institutionalization in pursuing policy change. Overall, during a decade-long struggle to reform the legislative and policy response to domestic violence against women in the country, the women's movement has diversified, notably due to the addition to its ranks of new actors that are more critical, attach higher value to autonomy from both state institutions and foreign funders and use specifically gendered frames to mobilize against domestic violence. The new, younger cohort, largely drawn from graduates of gender studies programs at universities in Romania or abroad has brought about a shift in the women's movement towards more confrontational strategies and explicit calls for gender justice. At the same time, core organizations pursuing an institutionalization path, through cooperation with state institutions by contributing expertise to policy-making processes, providing training and cultivating alliances with insiders, have remained engaged throughout this period. The existence of these various actors means that the movement

had an ‘infrastructure’ (Andrews 2001) to engage in both criticism of and cooperation with state institutions. Furthermore, by the late 2000s, the women’s movement became more outward, seeking alliances with other inequality groups and their analysis of domestic violence became more explicitly gendered, particularly in the context of the economic crisis. By pursuing more complex strategies, enabled by a diversified organizational makeup, and more explicitly gendered claims, the women’s movement and its allies were able to affect change in domestic violence legislation, after ten years of struggle. Thus, the paper shows how the shift towards a pattern of critical institutionalization of the movement in the second wave is able to bring some of its demands to policy success, acting in the context of changing opportunity structures brought about by the economic crisis and attending austerity measures.

## **2. Domestic violence as a field of contentious gender politics in Romania**

In Romania, as elsewhere in post-socialist countries like Bulgaria, Hungary or Poland, ‘domestic violence’ as a name for an age-old injustice done to women emerged only in the early transition period of the 1990s. The vocabulary of wife beating, as well as ways of intervening in the problem existed before also, including during state socialism (Marcus 2009), but the feminist analysis of domestic violence emerged only in interaction with the transnational women’s movement in the beginning of the 1990s.

During the early stages of mobilizing to address domestic violence, women’s rights activists in Romania acquired the global vocabulary and theoretical foundations of the global women’s movements against violence. At the core of this analysis is the notion that domestic violence affects women disproportionately, which means that domestic violence constitutes discrimination against women and a key component of gender inequality. However, this framing of the problem of domestic violence is hotly contested in innumerable locales where alternative interpretations vie for public and policy influence (Engle Merry 2006, Krizsan et al. 2006, Krizsan and Popa 2014). These alternative understandings and framings are often contesting

the gender asymmetry of domestic violence or displacing women as the main subject of interventions to focus instead on families or children.

Policy making on domestic violence is then a central arena of gendered mobilization and it has been so in Romania also, where successive policy initiatives to introduce measures to address domestic violence have been major fields of contentious politics involving women's movements and their allies, opponents and by-standers, the media and the general public, as well as experts, international and regional organizations. In Romania, the strength of opposition to domestic violence policy changes has been particularly pronounced. The overall orientation of legislators and policy makers in Romania over more than two decades has been towards family centered frames that see the preservation of the unity of the family as the main aim of interventions in domestic violence. A specific law on domestic violence that was adopted in 2003 had that orientation and introduced very few measures to protect women who became victims of violence, establishing instead an infrastructure of 'family assistants'. This was changed in 2012 only with the introduction of comprehensive amendments to the legislative framework, which for the first time introduced in the Romanian legislation the civil protection order for victims of domestic violence. It has taken Romanian legislators almost a decade then to accept this measure, which allows women to remain in the residence they may share with the violent partner, while ordering him to vacate that residence. By 2012, when this measure was introduced, Romania was the only country in the European Union not to have such a measure of protection for victims of domestic violence (European Commission 2011).

This paper narrates the story of these domestic violence policy changes in Romania taking chronology as an organizing principle and the dynamics of women's movement mobilization and the interaction between women's movements and gendered structures as the main narrative vehicle, given the centrality of women's movement mobilization for public and policy agenda-setting on this issue.

Four periods can be discerned in the policy and legislative developments in the area of domestic violence in Romania: before 2000, when the first street protests against violence against women occurred and demands

were focused on changing the Criminal Code to repeal the provisions that allowed perpetrators of rape to escape justice if they married their victims, as well as recognition of marital rape; between 2000 and 2003, when a specific law against domestic violence was debated and ultimately adopted; 2003-2010, when institutions for national policy coordination on domestic violence were developed (the National Agency for Family Protection), but the implementation of the domestic violence law revealed acute gaps in the legislative framework; and 2010-2012, when new waves of women's movement mobilization to avert the negative impact of the economic crisis on women led to successful advocacy to change the domestic violence legislation.

Women's mobilization and activism is central to understanding the shifts in public and policy agendas on domestic violence, but their struggles, the way in which the movement mobilizes, the likelihood and actual formation of alliances, as well as the framing that emerges are resultant of interactions with gendered structures, as well as discursive and political contexts.

The chapter proceeds to give an overview of the gendered structures that influence women's activism in the country, discussing discursive contexts (master frames), women's participation in politics and in the economy, as well as the larger context of the women's movement in the country. This sets the stage for the specific discussion of women's movement mobilization against domestic violence (2002-2012) that is presented in a following section. The mobilization story is then followed by an analysis of the critical institutionalization pattern of evolution of the movement along the three components of resources and capacities, strategies and alliance and collective identity and framing.

### **3. Gendered structures**

Movements do not operate in a vacuum, but their forms, choices and actions are significantly influenced by larger structures and the opportunities created by openness or closure in them. Here, the gendered structures discussed are the discursive cultural context, women's participation in politics and the

economy, as well as the larger context of the women's movement. Each of these contextual structural factors shapes in specific ways the entry points for action by the women's movement.

### ***3.1. Discursive cultural context***

During the transition period of the 1990s and beginning of 2000s, processes of democratization and marketization were supported by strong anti-communist frames, which largely rejected equality arguments and particularly gender equality perceived as promotion of women and reminiscent of the cult of Elena Ceausescu, wife of Communist dictator Nicolae Ceausescu. At the level of cultural frames, the post-communist period brought a re-traditionalization (Watson 1993) of gender roles, or neo-traditionalism (Miroiu 2004). This meant the re-establishment of a sharp distinction between the private and the public (MAHR 1995, Watson 1993 and 2000), with the attendant reluctance towards state intervention in private life; the reemergence of Orthodox-Christian religious family values privileging women's subordinate roles in the private sphere; and the masculinization of the public discourse. Observing gender transformation in Romania in the early 1990s, one historian noted "men's domination and women's submissiveness were seen as rooted in a natural and religious order beyond human judgment" (Pasca Harsanyi 1993). In the year 2000, a Gender Barometer surveyed Romanians' attitudes on gender equality and found that eighty-three percent of men and women thought the man was the head of the family. The economic crises of the 1990s disproportionately affected women leading to heightened economic dependence of women on men (Pasti 2003) and the feminization of poverty. The ubiquitous pronatalism of the Ceausescu regime left lasting framing legacies in viewing women as primarily mothers, coupled with strong norms of family-centeredness among Romanians (Kligman 1998). Notions of the centrality of the family as the "basic cell of the society" also inform dominant family law jurisprudence in Romania. This is one of the reasons why judicial actors and the law enforcement apparatus have typically acted as opponents of gender equality in domestic violence policy debates. To a large extent then,

the master frames opposing gender equality in domestic violence policy debates are rooted in the cultural frames of the centrality of the family and the (religiously sanctioned) ‘natural’ roles of women and men.

However, despite such deep seated cultural notions of women’s and men’s roles, Romania was also remarkably receptive to the demands for introducing gender equality legislation, policies and institutions as part of the accession process to the European Union. A national gender equality law was adopted as soon as 2002<sup>2</sup>; it was amended and republished in 2012. The gender equality machinery went through numerous institutional transformations from a governmental department with two directorates and a head at the level of state secretary (1995) to only one directorate (1998) and finally one division (1999) together with an inter-ministerial commission to oversee gender mainstreaming until the Agency for Equal Opportunities was created in 2004 to fulfill requirements of the EU Directive on equal treatment of men and women. Some observers see these as the inherent contradictions that crisscross the meanings of gender and gender equality in contemporary Romania. “Rural, traditionalist, patriarchal and violent, while at the same time consumerist, postfeminist and conforming with EU directives” (Lovin 2013: 191), the social and cultural diversity of the country provides the context and resources for diverse articulations of meanings of gender and gender equality, as well as opposition to it. Nationalism, neo-traditionalism, religiously-informed family centeredness, as well as democratization, Europeanization and (neo)liberal paradigms are master frames that shape the discursive contest between gender equality advocates and their opponents.

### ***3.2. Women’s political participation***

Political representation of women in the Romanian Parliament remained stable and low throughout the 2000s, most of the time at 11 percent while low points of 7 percent (2000) or 9 percent (2008) also occurred. With women constituting 12 percent of Parliament at the close of 2012, Romania

2 Law no. 202/2002 on equal opportunities and treatment for women and men.

ranked second lowest in the European Union with respect to women's political representation, and well below the EU average of 27 percent.<sup>3</sup> In terms of ministerial positions, although several women have served as Ministers of Justice since 2000, most female ministers have held "soft" portfolios such as Education, Family and Social Protection, and Youth. While women's representation in city councils is 14 percent (as of the most recent elections in 2012), the gender gap is severe at the mayoral level – the center of power in local public administration. Here women constitute 3.75 percent of all mayors as of 2012 (Ministry of Labor 2012). EU accession in 2007 brought opportunities for women's participation in European politics. In 2009 women constituted 36 percent of all MEPs for Romania (and 31 percent after the 2014 elections). Yet such progress, while on the surface promising, also keeps women out of national and local politics by 'exiling' them to Brussels. A number of reasons explain women's underrepresentation in politics: insufficient financial resources of women candidates, a culture favoring masculine values from which women feel alienated, and the role of political parties as gatekeepers. Because male policymakers tend not to prioritize women's issues or gender equality, women's presence--and influence--in politics can have real implications for the status of women more generally. This was demonstrated by the contributions of former MPs Mona Musca and Minodora Cliveti who were instrumental in passing the domestic violence law in 2003 and 2012, respectively.

### ***3.3. Gender inequalities in the economy and the crisis***

Women's overall participation in the labor force has remained relatively stable in the decade that is the focus of this chapter. For instance, women constituted 46.9% of the total employed in 2000, 45.6 percent in 2006, and 44 percent in 2013 (Eurostat 2008 and 2014). Meanwhile unemployment has fluctuated, increasing during the economic crisis, from 6.7 percent and 4.7 percent for men and women in 2008 to 7.9 percent and 6.5 percent

3 Data comes from European Commission database, "National Parliaments," at: [http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/national-parliaments/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/national-parliaments/index_en.htm) (last accessed October 10, 2013).

for men and women in 2010 (Baluta, Braga and Iancu 2011). However, as these figures only include those who are registered as unemployed, the actual percentage of individuals without work is considerably higher. Moreover, women represent a higher proportion of the inactive population (National Institute of Statistics 2013), constitute the vast majority of unpaid ‘houseworkers’ (*casnice*), and tend to be concentrated in low-paying jobs (European Commission 2012). With respect to earnings, in 2010, Romania had the highest gender gap among European states, according to the Gender Equality Index of the European Institute for Gender Equality (EIGE), with a 10 percent gap in mean monthly earnings (EIGE 2013). Thus, women still do not earn equal wages with men in Romania. This is due to their high concentration in feminized sectors, which garner low wages.

Due to their more precarious position in the labor force, as well as the strong gender division between paid and unpaid work, women have a higher poverty risk than men. In 2008, the poverty rate was higher for women by almost 2 percent, and single women, single-parent families (85 percent of which are headed by women) and elderly and retired women were the most vulnerable (Baluta, Braga and Iancu 2011: 112). The gap of 1-2 percentage points in the poverty rate, to women’s disadvantage, continued in 2009-2012. In 2012, the poverty rate of women was 23.2 percent, compared to 21.9 percent of men (Romania, National Report for the Beijing+20 Review, 2014: 9).

### ***3.4. Women’s movement in Romania as a context for mobilization against domestic violence***

Mobilization of women and women’s organizations against domestic violence is placed within the larger dynamics of the women’s movement in the country, along each of the three clusters of factors that Krizsan and Popa have identified as making up the mechanism of women’s movements’ influence on policy change. That is, resources and capacities of the larger women’s movement condition the resources and capacities available for mobilization against domestic violence as a gender inequality issue. The shifting framing of gender inequality and violence against women within

the women's movement and the relative importance of the issue within the larger discursive economy of mobilization account for the shifting mobilization frames on domestic violence, as well as for the span of attention to the issue within the movement. Whether or not domestic violence against women is perceived as a central issue of women's movement varies over time and across the different regions of the country. Finally, the emergence of intra-movement, as well as inter-movement alliances and coalitions against domestic violence is made possible by the shifting organizational dynamics of the women's movement. Therefore, in all these aspects, the women's movement provides a context for mobilization against domestic violence, while at the same time the issue evolves as a significant motor of that mobilization.

One aspect frequently noted by scholars of women's movements in Central and Eastern Europe is that the movements here tend to be invisible 'through Western eyes'. As Joanna Regulska and Magdalena Grabowska recently observed, "fragmentation and diversity of social mobilizations in the postcommunist context is often mistaken for the absence of social movements in the region" (Regulska and Grabowska 2013: 146). In contrast to accounts that have seen post-communist societies as characterized by the "atrophy of social activism and dissolution of social movements" (Szelenyi and Wilk 2013), largely as a reaction to the forced collective action imposed by the communist states, these scholars firmly argue that "women do organize" (Regulska and Grabowska 2013: 147). Indeed, they do, on a number of issues and in a multitude of sites from local to national to international/ transnational.

One of the long time observers of and participants in the women's movement in Romania after 1989, Laura Grünberg (2014: 250-252) has recently described it as comprising at least three phases: one of explorations, in the immediate post-communist transition period of the early 1990s, one of "professionalization and latent accumulations" in the 2000s and the recent phase of the movement that emerged in the late 2000s and it is currently developing in which "a more self-confident, playful, tech savvy, eager to show off feminism, involving the young generation of activists, could be noticed".

In what Grunberg describes as the first phase of the post-1989 women's movement in Romania, women's NGOs and feminist civil society emerged in the early 1990s. This was often the result of individual interests developing in the milieu of effervescent, still anti-communist protests, in the very beginning of the 1990s in Romania (1990-1991), as well as in early encounters with transnational feminists.<sup>4</sup> Testimony to the growth of women's civil society activism in that very early period, approximately forty organizations working to address women's issues were already registered in 1993 (Grunberg 2000: 313). Among them was *AnA: Society for Feminist Analyses*, in Bucharest, probably the only self-identified feminist organization at that time. Foreign donors' financial aid and transnational support in the form of attendance of conferences, seminars and international meetings, as well as study visits, had a significant role in the development of women's organizations in Romania and of the civil society sector working on women's issues. Among the most important donors, in the 1990s, for women's organizations and/or programs dealing with issues such as women's entrepreneurial skills, sexual education, or domestic violence were the Soros Foundation, the EU PHARE, UN agencies, such as UNDP, as well as a number of bilateral donors, including the United States, the United Kingdom and the Netherlands. It is important to note that women's organizations did not focus on policy-making and political action in the 1990s. As part of a burgeoning civil society, women's organizations in Romania endorsed the prevalent "anti-politics" approach of former dissidents, intellectuals and civic leaders. The approach viewed politics as essentially corrupt and working against citizens' best interests. Such thinking also professed that any kind of (positive) social change would happen outside the realm of politics (Grunberg 2000, Watson 1993).

It was only after 2000 that women's organizations began to target the policy-making process and to engage in specific lobby with politicians or governmental institutions. This was part of the development of the second phase of the movement, that of professionalization. Important professional

4 Interview with Mihaela Miroiu conducted by Raluca Popa, January 2002.

NGOs, many with legal expertise, such as the Center Partnership for Equality in Bucharest emerged and took central stage in national advocacy on gender equality. This gave rise to what some have called “professional feminism” (Regulska and Grabowska 2013), which can be paralleled to the ‘NGOization of women’s mobilization’ discussed elsewhere (Alvarez 1998). The Center Partnership for Equality in Bucharest together with the Center for Legal Resources, that were both part of a larger coalition against discrimination in Romania, are among the most representative of the organizations driving the second phase of the women’s movement in Romania. These organizations largely work on a ‘project base’ with funding from foreign donors and employed strategies and repertoires of action borrowed from a liberal feminist agenda that included legislative and policy advocacy, consultancy and litigation. The mandate and actions of such organizations can be described as fitting a liberal paradigm that is also congruent with rejection of more ‘leftist’ perspectives, which became a matter of debate later on, for the more recent phase of the women’s movements, with the addition of new, younger actors.

In its second, ‘professional’ phase, the women’s movement in Romania largely embraced an agenda closely connected with the EU accession, especially in as much as national legislative and policy advocacy was concerned. This included mostly issues such as women’s political representation and the development of gender equality policies together with anti-discrimination and gender equality legislation. Violence against women and within that domestic violence was not a central issue for these largely Bucharest-based organizations, while the strongest organizations working on the issue and also providing services to victims, were located elsewhere in the country, such as in Cluj (ARTEMIS), Timisoara (Association for the Promotion of Women in Romania, APOWER), or Targu-Mures (Eastern European Institute for Reproductive Health).

Grunberg (2014: 254) also describes that, in this period, she perceived a “marginalization of the women’s movement inside the Romanian civil society movement; tensions between activist and academic realms and between generations, as well as regional discrepancies”.

This second phase of ‘professionalization’ meant also significant fragmentation of the movement, due to competition over resources and agendas, and the emergence of a few dominant organizations. These dynamics also made coalition work difficult, and it also gave women’s organizations weak leverage power with other organizations leading to risk of co-optation of their goals and frames, when part of larger coalitions. However, as the women’s movement grew stronger in the country, it became more prone to specifying and recognizing differences among women and working in cooperation with other movements and groups. Alliances with organizations representing minoritized women emerged, such as in advocacy for changes to the law on equal opportunities between women and men, which led to the introduction of the notion of ‘multiple discrimination’ in 2006. Alliances with other organizations working on human rights and anti-discrimination also became more frequent. In the most recent phase of the women’s movement, Grunberg observes that: “Women’s organizations are more inclusive, collaborating more often with human rights groups or with NGOs dealing with Roma, sexual minorities or ecologist issues.” (2014: 253-254).

From the late 2000s, as a driving force of the recent phase of the women’s movements in Romania, young activists entered the field and new debates were sparked in the women’s movement that engaged more radically with feminism and were more prone to new forms of activism, such as cultural disobedience, street action, and protests. One of the centers of such debate and the basis for renewed activism is the master program in gender studies at the National School for Political Science and Public Administration, whose students went on to lead new organizations and new women’s groups.

While only a heuristic device, thinking of the women’s movements along these three chronological phases with their attending differences in types, forms and frames for mobilization helps contextualize the specific development of mobilization against domestic violence.

#### **4. Women's movement mobilization for domestic violence policy change in Romania, 2000-2012**

Two moments of intense women's movement mobilization can be identified, respectively around the development of specific legislation against domestic violence (2000-2003) and its amendment principally to introduce the civil protection order (2010-2012).

Women's activism against gender-based violence and, within that, domestic violence most prominently, emerged in the early and mid-1990s. Some activists and organizations came to the field through running support services, at the local level (ARTEMIS in Cluj, Romania; APOWER in Timisoara, Romania; or Center for Reproductive Health in Targu-Mures, Romania), others joined as a result of transnational encounters in international fora, especially the Fourth World Conference on Women in Beijing 1995 (ANA in Bucharest). In these early stages of organizing to address domestic violence activists struggled to name the issue and place it on the public and policy agendas as an issue of gender inequality. The use of a unitary category of gender prevailed both for understanding domestic violence, as gender-based, and for activism.

Initiatives to address violence against women emerged in the aftermath of the 1995 UN Conference on Women in Beijing. Prior to the conference, the Minnesota Advocates for Human Rights (MAHR) had compiled the first report on domestic violence in Romania (*Lifting the Last Curtain*, 1994), in fact, their first report ever in Central and Eastern Europe. The MAHR team gave a feminist interpretation to the phenomenon of domestic violence, which the report claimed, "[had] its roots in the subordinate role women [had] in private and public life in Romania". (MAHR 1995:26). However, when the all-American MAHR team descended into Romanian realities, the definition was immediately contested with Romanian practitioners. Two human rights activists expressed concerns that the scope of violence in the definition was too broad, because it included slapping, and thus "it would be difficult to find a woman in Romania who had not been abused". Furthermore, the cooperation with Romanian researchers and practitioners was a tense one, some of them declaring later on that

they felt their contributions in providing extensive background research for the report had not been properly acknowledged.<sup>5</sup> Still, with this report in hand, the MAHR team and some of the Romanian researchers, such as Laura Grunberg, attended the Beijing Conference (1995). The report on domestic violence in Romania was the subject of intense discussion at the Fourth World Conference on Women (Grunberg 2000: 315) and provided the occasion for the first significant effort to raise awareness of the high incidence of domestic violence and lack of any policy response to the problem in Romania. It also provided the occasion for networking with other fledgling women's organizations or activists from post-state socialist countries.

Shortly after the Beijing Conference (1995), a National Action Plan for Implementing the Beijing Platform for Action was adopted, including a section of violence against women, as envisaged in the fourth of the twelve critical areas of concern in the Platform. This explicit naming of violence against women in a policy document in Romania was a one and only occurrence.

In subsequent years, two pilot centers for protecting victims of family violence were established by the Romanian Government, in Bucharest, one in 1996, financed by the Ministry of Labor and the second in 1998, financed by the Ministry of Health.

At the same time, several women's organizations were established to provide women who suffered violence with safety and support. These civil society organizations running support services were mainly set up outside of the capital, Bucharest, in other large cities of the country: ARTEMIS in Cluj, APOWER in Timisoara, or Center for Reproductive Health in Targu-Mures. In Bucharest, for a really long time, there was no women's organization running specialized support services for women who suffered domestic violence. Organizations in Bucharest such as ANA-Society for Feminist Analyses and later on Center Partnership for Equality rather focused on research and cultural production or policy advocacy and lobbying on gender equality issues, but they did not include domestic

5 Exchanges at the conference Democracy and Social Activism, Bucharest, 16-17 May 2013.

violence on their agenda from the beginning. Other issues, such as women's political participation, access to decision making and gender equality policies dominated the agenda of liberal feminism in Romania, and the issue of violence against women received only intermittent attention.

Violence against women was, however, the issue that prompted the first women's street protest in post-socialist Romania. In April 2000, the Romanian edition of the Playboy magazine featured an article entitled *How to Beat your Wife without Leaving Marks*, which advised men that using a police rod was the surest way of inflicting pain on their wives without leaving any observable signs. The article claimed the Romanian police had developed the techniques. It was the catalyst for a street protest, a first, which brought together women's and human rights organizations, students, academics and other supporters in a march in front of the Romanian Senate (Popescu 2004). This mobilization continued and it contributed to the passing of an amendment to the Criminal Code recognizing marital rape later that year in 2000.

International pressure was also visible in the beginning of 2000, due to activists' efforts to inform international monitoring bodies of the situation in Romania. During its 23<sup>rd</sup> session, June 12-13, 2000, the UN Committee on the Elimination of Discrimination examined the Combined Fourth and Fifth Periodic Report of Romania. In its concluding comments, the Committee called on the Government "to place highest priority on the adoption of the proposed legislation on equal opportunities and on domestic violence and trafficking in women." The National Action Plan on equality of opportunities between women and men 2001-2004 was adopted in December 2000. The Action Plan called for specific measures to combat domestic violence against women. Art. 8, Paragraph 5, letter e called for "extending the measures for preventing and combating the phenomenon of violence in the family, diversifying the range of services offered to victims, and a more balanced distribution of available services on a national level".

Women's organizations in Romania intensified their mobilization to address domestic violence starting in 2001, and following the participation of some NGOs in the Beijing+5 review of the implementation of the

Beijing Platform for Action. The United Nations General Assembly Special Session “Women 2000: Gender Equality, Development and Peace for the Twenty-first Century”, New York, June 5-9, 2000 reasserted that “domestic violence, especially wife battering, is perhaps the most widespread form of violence against women.”

Due to the lack of leadership on the issue among women’s organizations, advocacy was fragmented and resulted in three parallel civil society-supported initiatives to draft a law against domestic violence.

In 2001, a legislative proposal on domestic violence was drafted by the NGO Association for the Promotion of Women in Romania in Timisoara (Asociatia pentru Promovarea Femeilor din Romania), which elicited the political support of several MPs from the Social Democrat Party, including the recently elected member of the Chamber of Deputies, Minodora Cliveti, who became a long term ally of the women’s movement. A group of nine MPs, all from the Social Democrat Party, registered the legislative proposal in November 2001.

Other NGO advocacy campaigns were taking place at the same time. The Center for Mediation and Community Security (*Centrul de Mediere si Securitate Comunitara*), in Iasi supported three awareness-raising campaigns focused on domestic violence against children and women. The first campaign took place in 2001 and focused on the effects of abuse on children. The main product of the campaign was the TV clip “The Batterer” (*Batatorul*), 2001, which was broadcasted in primetime, on five major national TV channels. As a result of the advocacy efforts of this organization, another proposal was registered in the Chamber of Deputies, in March 2002, with the support of several MPs from the National Liberal Party. Two senators (Petre Roman and Simona Marinescu) had also introduced a legislative proposal to the Senate in November 2001.

There were important differences among these proposals and, while none had a gender equality framing, the proposal from the Social-Democrat group was providing the most far-reaching measures for intervening in domestic violence among the three, including a preventive measure of restraining the perpetrator. The proposal supported by the two senators had

a strong family protection framing and it also including many measures to provide anti-alcoholism and other substance abuse treatment to the perpetrators of domestic violence.

In 2003, the Center Partnership for Equality, a Bucharest-based feminist NGO, although lacking longer-term experience on the issue of violence against women, took the initiative of brokering a consensus among the different proposals and bringing together a coalition of several NGOs in 2003. The Center Partnership for Equality also took the initiative to conduct a comprehensive National Study on Domestic and Work Violence that was released in 2003. It found that 17 percent of the interviewed women had experienced abuse (whether emotional, psychological, physical, sexual, or financial) “on a frequent basis” from a partner or family member, usually a man.

The Center Partnership for Equality, with funding from the Open Society Foundation and John Snow Research and Training Institute, initiated a coalition of almost 30 organizations to support the draft legislative proposal for a law against domestic violence. The aims of the coalition were to elaborate legislative proposals, monitor the implementation of the adopted law and build capacity for the organizations and strengthen their networking. The coalition comprised a variety of organizations, from feminist and human rights to family groups, from advocacy to charity and service providing ones. Therefore, women's groups, including the initiators of the coalition, soon found themselves in a minority supporting a gender equality perspective on the issue within the coalition. The civil society coalition ended up supporting a *family protection frame*, rather than a women-centered, women's rights perspective in the draft law. The initiator of the coalition, the Center Partnership for Equality eventually withdrew from the final stages of drafting the legislation, as only two other organizations in the coalition were supporting a feminist understanding of domestic violence.

The draft law that was eventually adopted in the working committees of the Parliament and sent for deliberation to the plenary was emptied of any effective measures to protect victims and hold perpetrators accountable.

The Parliamentary Judicial Commission only adopted a limited restraining order in criminal proceedings. Concern with perpetrators' rights and the unavailability of housing options for perpetrators, should they be ordered to vacate the residence they shared with the victim, were some of the concerns expressed by the members of the Parliamentary Judicial Commission (Vlad 2013).

Despite its significant shortcomings, the specific law on 'preventing violence in the family' that was adopted in May 2003 (Law 217/2003) was hailed by some MPs as a great success and the 'most European law' to have passed the Romanian Parliament.<sup>6</sup> However, leading civil society advocates, such as Roxana Teșiu, who was then the Executive Director of the Center Partnership for Equality, saw the adopted Law against Family Violence as a complete failure, in the sense that it did not talk about women as individuals, but rather about families, and even families were interpreted in a narrow reproductive sense. She saw the law also failing altogether in allocating public funds for resolving the problem of domestic violence.<sup>7</sup>

A period of policy creation and institutional expansion followed the adoption of the specific law on domestic violence. In 2004, the National Agency for the Protection of the Family was created and in the course of 2004 and 2005, the Agency developed a national strategy to combat domestic violence. The EU PHARE Program 2001 "Social Services: Institutional Building and Social Services in Romania" gave the first impetus for the creation of the National Agency for Protection of the Family. The EU PHARE program was implemented in partnership with the Woman's Institute (*Instituto de la Mujer*) in Spain. The PHARE Program and the assistance from the Spanish Institute targeted two objectives: one was the creation of the National Agency for the Protection of the Family, and the other was the creation of the National Agency for Equal Opportunities

6 Speech by MP Monica Octavia Musca, on the occasion of the final vote on the Legislative Proposal for preventing and combating violence in the family, March 25, 2003. Available at: <http://www.cdep.ro/pls/steno/steno.stenograma?ids=5397&cidm=7,55> (last accessed 25 October, 2014).

7 Interview with Roxana Teșiu conducted by Raluca Popa, June 2007.

between Women and Men. The PHARE program mainly financed training for the employees of the National Agency for Family Protection.

In March 2004, a consultative meeting took place in Sinaia, on the elaboration of a National Strategy for Preventing, Monitoring and Combating the Phenomenon of Domestic Violence. The meeting brought together representatives of the central administration (Ministries), local authorities and the civil society. Most civil society representatives were members of the National Coalition of NGOs against Violence against Women. The meeting resulted in the creation of a working group for the elaboration of the strategy that produced a draft of the strategy over a period of one year resulting in the adoption of the first national strategy for the period 2005-2007.<sup>8</sup>

Despite such progress, given that the legislation adopted in 2003 and subsequent policies had left significant gaps, particularly in restraining perpetrators, women's organizations continued to mobilize support for legal reforms. The National Coalition of NGOs involved in addressing violence against women, which was formed in the context of advocating for legislative changes in 2003, continued to formulate proposals for legislative amendments, given that the legislative framework was considered inadequate. One of these projects "Preventing and combating violence in the family – Legislative measures for the real protection of victims of violence" began in 2005, in partnership with the Social-Democrat MP Minodora Cliveti, who had supported the earlier progressive proposal. In 2007, a proposal for amendments to the 2003 law, which had been prepared in the context of coalition's project, was submitted to the Parliament by Minodora Cliveti, who was by then the president of the Commission for Equal Opportunities between Women and Men in the Deputy Chamber. She mobilized support from a large group of MPs, but their initiative ran out of time before the parliamentary elections took place in 2008, bringing opposition parties to power. The new members of the Commission for Equal Opportunities delayed the proceedings and the proposal was eventually rejected by the Chamber of Deputies in 2009.

8 Government Decision 686/ 12 July 2005.

Other women's organizations developed alliances with the National Agency for Family Protection. In 2008–2009, for example, the Association for the Protection of Women (APoWeR), in alliance with the National Agency for Family Protection, initiated proposals to amend both the Penal Code and Law 217/2003 against violence in the family towards the introduction of criminal restraining orders and civil protection orders, respectively, in cases of domestic violence. These proposals were also unsuccessful at the time.

Following these unsuccessful attempts to amend the flawed legislation, a civil society working group consolidated in the years 2008–2010 that included the Bucharest-based NGOs FILIA, TRANSCENA and GRADO. Both FILIA and TRANSCENA were new organizations for the field of violence against women, but FILIA soon assumed center stage, filling in a leadership vacuum that had existed on the issue for a long time.

From 2010 onwards, a small group of young feminists affiliated with the Center FILIA assumed the position of policy entrepreneurs on the issue of domestic violence against women. They are all young academics, working as assistant professors, lecturers, and researchers, or completing their PhDs at universities in Bucharest. Their work for the women's movement is mostly voluntary and done after working hours. However, this small group of committed and highly skilled individuals, capitalizing on the energy of a new wave of young feminists in Bucharest and elsewhere (for example, the Association For Freedom and Gender Equality (ALEG) in Sibiu) were able to orchestrate an impressive mobilization through organization of street protests, campaigns, relating to media, pursuing alliances with insiders (women MPs) and lobbying for policy changes.

In the years 2009–2011, the economic crisis and subsequent austerity measures galvanized groups and individuals to protest government cuts in social entitlements and state salaries. Mostly as a reaction to the crisis and the heavy austerity measures imposed by the government, the need to amend the domestic violence legislation became more pressing. New actors came to the field of domestic violence activism, including such young feminists, professional women, mostly from the academia, but also minority women's groups, in particular Roma women's advocates.

A new survey on the prevalence of domestic violence in Romania conducted around that time showed that the lifetime prevalence of domestic violence among the adult population in Romania was 18.4 percent and that the prevalence of physical violence was more than two times higher among women than men. Compared to the other representative survey conducted in 2003, the lifetime prevalence of domestic violence had increased with 4 percent (CURS 2008).

Their mobilization on the issue of domestic violence began fermenting in the summer of 2011, when the center FILIA concluded a study on the effects of the economic crisis on women in Romania. The results were showing a highly disproportionate effect of the crisis on women, and particularly on those women who suffered domestic violence. Due to the closing down of many support services, less than 1 percent of women who reported domestic violence could be offered refuge in a shelter.<sup>9</sup> In the context of institutional restructuring, the National Agency for Family Protection was disbanded in 2009 and absorbed into the Child Protection Agency. This led also to the closing of a shelter for women victims of domestic violence in Bucharest that had been running since 1996.

This gendered threat prompted the first women's rights protest in ten years, which was organized in November 2011. Oana Baluta, the Director of FILIA and an Associate Professor of Journalism at the University of Bucharest recalls they were "totally outraged" when they saw the data. "Reality had hit us in the face" and, together with a group of young women and men who had just graduated the MA programme in Gender and Public Policy at the National School for Political Science and Public Administration, they decided "something had to be done" about the situation.<sup>10</sup>

Although they organized a roundtable to present the findings and they were in touch with women MPs, in particular the President of the Commission for Equal Opportunities in the Parliament, these civil society organizations realized that their insider strategy was no longer working. Three proposals for legislative amendments had been introduced in the

9 Interview with Andreea Braga conducted by Raluca Popa, October 2012.

10 Interviews with Oana Baluta and Andreea Braga conducted by Raluca Popa, October 2012.

parliament and were under consideration for three years. A smaller, 'technical' working group of civil society that included the organizations FILIA, TRANSCENA and GRADO continued to pursue a lobbying strategy working on the legislative projects that had been introduced to the parliament. One of the projects was actually the result of a long process of cooperation between one woman MP (Minodora Clivetti) and civil society organizations. The civil society expert working group also invited an expert from Bulgaria to share their experiences of developing and drafting the legislation for the protection order, Genoveva Tisheva, director of NGO Bulgarian Gender Research Foundation, the main women's organization advocating for domestic violence policy change in Bulgaria (see Ivancheva 2015).

Although the proposals had been submitted to the first chamber of the Parliament since 2009/ 2010, the Commissions that were supposed to provide a joint report had not convened for a long time. After submitting their feedback to the proposals and suggesting amendments to different articles, in the face of further postponement of the parliamentary process on the legislative proposals, FILIA decided to organize a street protest in front of the Parliament. The main organizers of the street protest against domestic violence were FILIA, the Roma women's group at the Association for Community Development and the Association FRONT, a group of young feminists. Twenty-two other NGOs that are networked in a broader coalition against discrimination also supported the protest activity.

The organization of the protest lasted a month and a half. The volunteer group, including the organizers, were meeting regularly, in the evenings, after 18:00 and working into the night to agree on everything from substantive issues (what would be the main claims) to the nitty-gritty logistics (who would print the flyers, who would write the boards). During these prolonged discussions, a unified voice of the movement emerged and the main claims were summarized in the manifesto of the protest that demanded: protection orders, restraining orders and funding for shelters. The protest was directed at the MPs, with the clear message that postponement of deliberation on the legislative proposals of amendments to

the domestic violence law was condoning the ongoing violence that women suffered from their husbands or partners.<sup>11</sup>

Once the organizations started disseminating the message about the protest on different social media and websites, women politicians started calling the organizers to offer their support and to express their willingness to join the protest. However, the protest organizers found their request 'pitiful', because the protest was actually going to contest their lack of activity.<sup>12</sup>

The protest did take place on the 25<sup>th</sup> of November, 2011 with the participation of hundreds of people; it received great media coverage also, on the background of a strong media campaign against domestic violence also that was conducted by the TV channel ACASA (Home), which has an overwhelmingly female audience. The manifesto of the women's organizations and their civil society allies, entitled *Stop Violence against Women!*, was widely disseminated at the protest and in social media.<sup>13</sup> The manifesto used an explicit *gender equality frame* for understanding domestic violence, and demanded protection orders and shelters for women who were battered by their partners.

Upon news of the protest, the Head of the Commission on Equal Opportunities mobilized to convene a meeting with the Commission on Legal Issues and agree on a common report. Once the two commissions convened (under the pressure of the civil society protest), their report to the parliament already included the protection order, which was finally voted into law on 8 March, 2012.

Oana Baluta, one of the main organizers of the protest, assesses "the amendments may not represent the maximum we could have achieved, but they still represent infinitely more than what was there before." With respect to the mobilization effort, however, she firmly states:

11 Interviews with Oana Băluță and Andreea Braga conducted by Raluca Popa, October 2012.

12 Interview with Oana Băluță, October 2012.

13 STOP Violence against Women Protest. Manifesto <https://www.facebook.com/events/215471235189101/?ref=ts>, last accessed November 5, 2014.

*“The mobilization to advocate for the protection order was a success and I would not be hesitant to say it was a great success and one of the few that we, as civil society working on women’s rights, can claim. And yes, FILIA, as a feminist NGO claims this success and we claim it with pride.”*

In the successful mobilization of 2011, unlike the failure story of 2003, a new group of feminist policy entrepreneurs provided leadership to the movement efforts to advocate for the introduction of a protection order. They used lobbying, persuasive strategies through media, and protests as mobilization strategies. Importantly, they were able to capitalize on the commitment and energy of a large group of volunteers, a new collective of young feminists. The protests happened in the context of a larger mobilization of women’s organizations on new issues affecting women and using new repertoires acquired through transnational diffusion of ideas, such as the Slutwalk.<sup>14</sup>

Not only did organizational forms, leadership and action repertoires changes, but so did the makeup of intra-movement and inter-movement alliances. Unlike in 2003, when women’s organizations entered alliances with family protection and religious charity organizations, the 2011 allies came from across multiple inequality groups. Roma women’s advocates, sexual orientation equality organizations and human rights groups joined women’s organizations in their bid to change the domestic violence legislation. When the mobilization efforts took full swing in 2011, Carmen Gheorghe, a Roma rights activist actually co-organized the largest protest. Alliances with diverse inequality groups were consciously used as a strategy for cross-movement mobilization. As one of the organizers of the 2011 protest recalls:

*“We [FILIA] worked together with the Association “Impreuna” and FRONT. We realized that we needed to form alliances, to build coalitions, so that we could show politicians that there are*

14 Slutwalk Bucharest (Marsul panaramelor) took place on 6 October 2011, and was patterned on similar demonstrations in Canada, United States, Great Britain, or Netherlands.

*numerous civil society organizations [...] that are not content with the government's response to violence against women. [...] the list of organizations supporting our protest shows diversity, which was beneficial for our organizing... We had ACCEPT [leading organization on sexual orientation rights], we had "Impreuna" [Roma organization], and we had organizations that are working on human rights.*<sup>15</sup>

The organizations that supported the 2011 protest had a practice of working together from an anti-discrimination coalition that exists in Romania. However, they were brought into the domestic violence field by the organizing efforts of women's rights activists. Two feminist organizations from Bucharest, FILIA and FRONT, along with the Roma rights association *Impreuna* (Together), which had been brought into the organizing effort by a Roma feminist connected to women's organizations, sent a call for joint action to women's, Roma, sexual orientation, and human rights groups. The Roma women's advocates did not only strengthen the ranks of the protesters, but they were also instrumental in forging new alliances with the Roma rights groups, such as *Impreuna* and Romani CRISS.

In order to mobilize this collective, as well as bring their claims to success, the feminist organizers of this mobilization effort emphasized their autonomy, both from the state (rejection of women MPs' support in the protest activity) and from external funding and financial assistance. Activism was both a resource (through the collective of young volunteers) and a strategy (the protest). It is also a new identity for feminists working to address violence against women. "Activism needs not only financial resources, but also commitment. If there is no activism in the organization's strategy, then the NGO becomes an enterprise that runs projects" (Oana Baluta).

A new law on domestic violence was passed in 2012, which for the first time introduced a civil protection order for victims of domestic violence in Romanian legislation. The obligation to support shelters is also included

15 Author's interview with Oana Baluta, 6 October 2012.

for the local administration and later on, a methodology and standards for setting up shelters were also developed. Women's organizations and their allies continue to mobilize in the aftermath of the adoption of the law, in an effort to monitor its implementation. Funding from the Open Society Foundation in Budapest is enabling two of the organization, GRADO and TRANSCENA to monitor the application of the new civil protection measures. Oana Baluta, the former Director of FILIA, who was at the center of the 2012 developments added during our interview that the most important aspect was the operationalization/implementation of these provisions. So far, the premises are positive, as civil society organizations were also included in the process of developing a Strategy and Action Plan to Prevent and Combat Domestic Violence. A new Department for Equal Opportunities for Women and Men was set up in the beginning of 2014 as a gender equality machinery within the central public administration. This department is autonomous and manages its own budget and it is envisaged that it will also be in charge of the implementation of the national domestic violence policy.<sup>16</sup>

### **5. Analysis of critical institutionalization patterns in women's movement mobilization for domestic violence legislative and policy changes**

The story of women's movement mobilization for domestic violence legislative and policy change described in the previous section makes visible the transformation of the women's movement against domestic violence in Romania with respect to its resources and capacities; the emergence of new strategies, notably those of protest and other street actions, as well as of alliances with diverse groups representing multiple inequality axes; and the development of stronger gender equality framings of domestic violence against women in movement demands.

The evolution in its capacity to act on the issue of domestic violence against women, the shifting resources, strategies and framings of the

16 Governmental Decision no. 250/ 2014 on the establishment and functioning of the Department of Equality between Women and Men, 7 April 2014.

women's movement against domestic violence in the country are linked to the transformation of the movement more broadly and they, in turn, account for the increased ability of the movement to influence domestic violence policy outputs that are more gender transformative, recognizing the power imbalance between women and men in situations of domestic violence and introducing measures along these lines. Over the decade that is the focus of this paper, the movement against domestic violence in Romania moved towards a pattern of critical institutionalization, which can be linked to movement success in pursuing domestic violence policy change.

With respect to *resources and capacities*, the successful mobilization of 2011 when organizations were able to see their demands turn into legislative change, shone light on a significantly different movement from that of 2001-2003. In the mobilization efforts more than a decade ago, around the introduction of the first legislative proposal for a special law on domestic violence, the main organizations working on the issue were spread across the country, in Timisoara, Iasi, Cluj-Napoca, Targu-Mures, but they were weakly connected. The fragmentation of the movement and silo style of action meant that organizations were working in parallel and approaching the decision making process in isolation from each other. Few organizations were feminist or declared themselves feminist and those who did tended to concentrate in the capital, Bucharest, and did not take up the issue of domestic violence as a priority. In the mobilization efforts leading up to the 2012 changes in the legislation, some of the participating organizations remained the same, but new ones entered the field, strengthening the mobilizing capacity, and networking among them was much more intense, aided also by the advent of social media, in particular Facebook. The newcomers were mostly young activists with educational backgrounds in gender studies, obtained either at the National School of Political Studies and Public Administration in Bucharest, Romania or at the Central European University in Budapest, Hungary. This cohort of activists (FILIA in Bucharest, ALEG in Sibiu) challenged the 'professionalized' field of women NGOs and brought about a generational shift in styles of activism and frames. They also stepped in to fill the long-term gap in leadership in the civil society sector on the issue of domestic

violence against women, replacing other actors that had been central to the formation of alliances in 2003.<sup>17</sup> While ensuring greater capacity to act and react through the informal networking, the new activists embraced a more democratic leadership style, that left room for action to multiple representatives, which spoke on behalf of the organizations, depending on time, audience or skills, mirroring a division of labor rather than the ‘one woman shows’ that have slowed previous organizations. The democratization of the movement in the recent wave of action overcame the fragmentation a decade ago. This shift was made possible not only by the insertion in the movement of new activists, but also by changes in the funding patterns of the women’s organizations. While in the first wave of mobilization, in 2001-2003, organizations relied mostly on international funding and their work was ‘project-based’, this type of funding significantly decreased after Romania became a member of the EU in 2007. In a further departure from the ‘professionalization’ phase of the women’s movement, new activists are often working voluntarily for the movement, while keeping regular jobs elsewhere, mostly at universities. Other organizations continue to work with international funding, some funding from private organizations in Romania, as well as with limited state funds, although these sources are by no means stable. The lack of funding has prompted a re-examination of the movement identity, in which new activists have formulated stronger claims of autonomy from both the state and international donors. The more openly confrontational tactics of activism in the second wave of protest, as compared to the first are linked to these shifts in the organizational resources. The emergence of new activists and women’s organizations in the second wave of mobilization, in 2010-2011, as compared to the first, combined with a stronger capacity for networking and the assertion of a collective identity more prominently steeped into notion of autonomy are important elements of the pattern of critical institutionalization, which the movement against domestic violence in Romanian gradually fits.

17 Center Partnership for Equality in Bucharest played the role of alliance broker in 2003, but with the departure of the Director of the organization, Roxana Tesiu, they no longer fulfilled that function, although they are still active on the issue of violence against women and participate in the work of the coalition of NGOs advocating for changes and monitoring their implementation.

Another important element that accounts for the gradual change in women towards critical institutionalization is the development of *strategies and alliances* both within the women's movement and in relation to other movements. While in the first wave of mobilization, around the 2003 adoption of the specific domestic violence law, organizations exclusively used the strategies of advocacy, lobby, campaigning, and monitoring, the second wave, in 2010-2011, also employed the more disruptive strategy of protest. This, however, was done in complementarity with other strategies, benefitting from the diversification of the movement, in which different actors could take up the different modes of interaction with decision makers, thus contributing to a concerted effect of strategies, which is characteristic of critical institutionalization patterns. The diversification and broadening of alliances contributed to the success of the second wave of mobilization in comparison to the first. In the 2011 story of mobilization against domestic violence in Romania, it is apparent that the inclusion of more diverse groups of women strengthens the anti-domestic violence advocacy alliance and its ability to influence policy. Furthermore, the alliances with women MPs that was only ad-hoc in 2003, became consolidated over the year through common advocacy and joint projects and strategizing between women's organization and a few women MPs (Cliveti, for example). In the later stages, new women MPs were elected and at least one of them (Cristina Pocora) came from the same educational milieu as some of the lead civil society activists. The institutional mechanism mandate to address domestic violence (National Agency for Family Protection), as well as the gender equality agency functioned as allies, but their capacity to support civil society was marred by their own instability in the face of austerity measures. The broadening of intra and inter-movement alliances, as well as the emergence of more stable alliances especially with MPs strengthened the critical institutionalization of the women's movement against domestic violence in Romania.

The capacity of the women's movement in Romania to influence the legislative and policy process seems to have been significantly strengthened in the second moment of mobilization as compared to the first by the assertion of a cleared and louder voice of the movement. As discussed

above, the late 2000s saw the coming of young activists to the field of domestic violence, which brought not only new energy and resources to the movement, but also new identities and frames that engaged more radically with feminism and were more prone to new forms of activism, such as cultural disobedience, street action, and protests. Departing from the more pronounced liberal identity of the organizations that led the first wave of mobilization in 2003, and which relied resolutely on the state, as source of change and funding, the new organizations expounded a feminist collective identity. Thus, the 2011 protests used explicit gendered frames for mobilization that saw domestic violence as a problem of gender inequality and asked for measures that protected women in the first place to recognize their disproportionate victimization. These frames were developed in a context of increased threats to gender equality brought about by the economic crisis and attending austerity measures, but they helped counter the earlier dominance of the family protection frames. While the legislative and policy framework that emerged after 2011 is still couched in the vocabulary of the family protection frames, the measures introduced in legislation and policies are taken from a gender equality perspective, requesting separation of perpetrator from the victim, and support for shelters for women victims. Importantly, women's organizations gained standing in the governance process and are recognized as experts in the further implementation of the adopted legislation and policies. The second mobilization wave shows how women's organizations are able to move closer inside the decision making and implementation processes that is they become more institutionalized, capitalizing on their critical stance. In the second wave of mobilization, organization emphasized their autonomy, both from the state (rejection of women MPs' support in the protest activity) and from external funding and financial assistance. Thus, it shows that critical institutionalization is a dynamic pattern, in which women's movement capacity to influence policy change rests on the extent to which the movement, through its diversity of actors can become both institutionalized, as well as remain critical and retain its capacity to challenge the policy making process.

## 6. Conclusions

In the decade long struggle for change that was discussed in this paper, the women's movement against domestic violence in Romania has become more critically institutionalized. From a fragmented collection of women's organizations spread across the country and pursuing change in isolation, it has become better networked and developed a new collective identity and framing of domestic violence against women, more explicitly committed to gender equality.. This has happened in the context of and at the same time has importantly shaped a larger transformation of the women's movement in Romania towards a more activist phase that is supported by a new generation of women and some men who are mostly educated in gender studies. While becoming more critical with the arrival of new activists the women's movement in Romania, through the long-term work of earlier organizations, has also been able to secure more access to the decision making process. The extent to which such access translates into influence is subject to a range of other factors, which are discussed in this paper as gendered structures. They include master frames that define the limits of how much meanings of gender and gender equality can vary in political and policy debates, the extent and substance of women's participation in politics, their inclusion in the economic and the effects of political reactions to economic changes, in this case the austerity measures.

The resources employed, actions taken and meanings developed by the women's movement achieve influence over the policy process in interaction with these larger structures, which they both shape and are shaped by. Critical institutionalization as a mechanism of women's movements (successful) influence on the policy process is an analytical, rather than explanatory model. Understanding how change comes about requires a broader examination of other factors at play, while this paper argued that women's movement mobilization and activism is a central element of that process of change.

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## CONCLUSIONS: COMING BACK TO THE MODEL OF CRITICAL INSTITUTIONALIZATION

*Andrea Krizsan*

### **1. Introduction**

The last decade brought important domestic violence policy changes in the Central and Eastern European countries examined in this volume. Women's movements stood at the center of setting the agenda for such change. They emerged not only as spokespersons for international norms but rather as powerful mediators of these norms and international influence, actors who make these norms matter in the given domestic context beyond simple window dressing. While the importance of international influence in the form of international donors, transnational activism, or favorable opportunity structures provided by EU accession or CEDAW reporting is undeniable, in all of the examined countries it was important women's rights activism that turned these norms into domestic policy practice in the successful countries. Chapters of this volume placed women's movement in the center of the analysis.

Analysis concentrated on the relationship between women's movements and states and the extent to which this relationship conditions successful advocacy for policy change. Chapters open up comparative potential by bringing findings about women's movement activism in interaction with post-socialist states in four countries of the region: Bulgaria, Croatia,

Poland and Romania. Chapters showed the importance of critical institutionalization of women's movement for promoting progressive policy change. They revealed how critical institutionalization helped some movements go beyond only setting the agenda for policy change to also pursue policy changes that genuinely reflect the interest of women victims of domestic violence. Analysis also shows that failure to take a path of critical institutionalization has prevented other women's movements from maintaining a role at the decision making table and, ultimately, also from achieving and sustaining progressive policy change, even despite the conducive context of international influence.

Throughout the chapters we see women's movements in interaction with diverse state and political opportunity structures, which are more or less friendly and facilitating towards movement objectives. Critical institutionalization emerges as a model that integrates movement activity with openness of opportunity structures vis-a-vis gender equality sensitive policy progress. Critically institutionalized movements emerge in the context of states that are at least to some extent open and friendly to gender equality progress, sometimes even at the expense of conflict with powerful oppositional interests within the country.

Looking at these chapters comparatively we see a fascinating arena of multilateral interaction in which women's groups play the crucial role through developing complex channels of interaction, both cooperation and criticism, with a variety of more or less receptive state institutions. We see a diversity of possible patterns of interaction with patterns at one end that lean more towards institutionalization but downplay critical elements, with others at the other end that maintain strong critical components but are weak on the institutionalization pillar, and a variety of patterns in between.

This concluding chapter reflects on the country cases in a comparative manner without the exigency of a thorough comparative analysis. It looks comparatively first at the different aspects of critical institutionalization: women's movements and their resources, movement strategies and alliances, and movement framing. The last section will reflect on how the different strategies of critical institutionalization achieved success, and how failure to move towards critical institutionalization hindered progressive domestic

violence policy change. At the end the chapter comes back to the model of critical institutionalization presented in the introductory chapter. It shows the variety of patterns of institutionalization that emerge in the four countries and the strengths and weaknesses these show in terms of successful women's rights advocacy. Finally the chapter also points to the need to further develop the model of critical institutionalization by better integrating the importance of states and political opportunity structures, including political institutions and discursive contexts, which, as chapters show, condition to a certain extent the very existence, actions and successes of women's movements in the four countries.

This volume focuses on one specific field of gender equality advocacy: activism against domestic violence. While the analysis can highlight important aspects of gender equality advocacy in Central and Eastern Europe, conclusions drawn from this research should be seen as somewhat field specific and as such, amenable to cautious generalization across different other gender equality fields.

## **2. Women's movements and resources**

Domestic violence is one of the very few fields where women's movement mobilization was continuous throughout the years and present in all countries of Central and Eastern Europe. In each of the examined countries chapters have shown the existence of continuous, vivid women's movement activism directed at domestic violence policy reforms. More than twenty years after transition to democracy in all of the analyzed countries we see a maturing, diversifying and more or less consolidated women's movement in action. In each of these countries analyzing and understanding women's movement activism is a key factor in explaining domestic violence policy processes, regardless of whether these processes ultimately lead to policy regimes that genuinely protect women's interests or to regimes that ultimately further victimize women who suffered domestic violence.

Movements in these countries are more or less dense and well networked. Some movements are organized in formal networks or coalitions like in Croatia, others come together in ad-hoc alliances in peak

moments of mobilization like in Romania or Bulgaria, yet others formalize to the level of setting up shadow governments as in the case of the Women's Congress in Poland. While the presence and influence of transnational and international actors is prominent in all four cases, the key motors for adopting transnational norms to the domestic context and promoting change on a continuous basis is played by domestic women's groups. The often claimed 'change directed from outside' paradigm does not seem to hold in the case of domestic violence advocacy.

We find that a series of non-feminist actors are also involved in domestic violence advocacy, yet the core set of civil society actors involved in the mobilization process in each country share an identity that is focused on challenging abuses of women's rights and striving towards more gender equal societies. The extent to which the anti-domestic violence advocacy work conducted by these organizations is ultimately framing the issue of domestic violence as a gender equality issue varies, however, the general mission of the key organizations in all of these countries revolves around women's rights.

Movements in the four countries differ in their capacity and resources. We see in Croatia a women's movement with a relatively long history, a movement which diversifies in terms of approaches, resources and strategies over time as new generations of activists join. Not only is the Croatian movement larger than in the other countries and more diversified, it also has a relatively good track record in developing patterns of cooperation with different state actors from local level to the national level, along with different waves of protest when institutionalized negotiations fail to bring results. In the other three countries we see organizationally less dense movements, yet in all of them activism is continued throughout the years by a key set of actors. What is visible is change and maturing over time, and an increasing awareness in movement groups and coalitions of a need for diversified functions when mobilizing for domestic violence policy change. In all cases elements of a movement infrastructure model (Andrews 2001) emerge: with some branches of the movement focusing on more resonant and institutionalized strategies, others on more radical and protest driven approaches. Maturing also involves professionalization.

While the decades of activism and project work on domestic violence is consolidating the expertise of movement actors in all places, in some of the countries this expertise also means an entry credit for movement actors to the policymaking and policy implementation table and a consequent professionalization of movement organizations (Bulgaria, Croatia until 2010), while in other places this is less the case (Romania, Poland).

While diversification is an advantage, it also means tensions when defining strategies and seeking funding. Tensions and conflicts emerge in all of the analyzed movements over time. We see such tensions over possible strategies of action mounting in Croatia after the 2004 success moment, or in Romania around the 2003 policy moment. Yet, importantly concerted action kicks in when institutionalized strategies are stalled, and more powerful protest action is needed.

Involved women's groups in all four countries move from heavy international funding towards either a diversification of funding including state funding, like in Croatia or Poland, a dependency on state funding, like in Bulgaria, or limited or no funding, like in Romania. Patterns of institutionalization are well evidenced by both the Bulgarian and the Croatian case that show conscious efforts of mobilization of the movement towards increasingly sustainable state funding for services and professional expertise provided by women's organizations for domestic violence policy development and implementation. This leads to a more state funds centered arena in Bulgaria, versus a somewhat more diversified funding pattern in Croatia that to some extent is still state dependent. In Poland increasing state funding for women's groups is a catalyst for institutionalization of the women's movement in general, through the Women's Congress, though with only limited impact for groups working on domestic violence. Withdrawal of international donors, and the consecutive lack of state and limited availability of other funding in Romania, though weakens women's groups in some aspects, it also catalyzes a new campaign based activism built on the idea of critical autonomy of movement groups. Vulnerability of dependency on state funding emerges clearly in both the Bulgarian and the Croatian stories. The Bulgarian chapter shows the de-radicalization of the women's rights agenda, and a professionalization that downplays the

importance of gender inequality as a political agenda point for addressing domestic violence. In Croatia, as Kajinic's chapter shows, dependency on state funding becomes particularly problematic when the political context changes, and institutionalized entry points to state agencies are closing.

The four stories also show diversity in personal mobility of women's rights advocates between movement activism and state bureaucracy. Diversity of the background of movement activists is characteristic for all contexts. Important outside-inside mobility can be noticed in Croatia, where throughout the years several movement activists, especially those holding legal degrees move inside different state offices thus supporting objectives of the movement from inside. Similar outside-inside mobility is also present in Poland, where the domestic violence project (Walby 2009) is thus run in concerted ways by activists that are located more or less closely between state administration and movement groups. Prominent women in the movements who play a central role in negotiating policy change at institutionalized levels are all educated in legal studies (for example Tisheva in Bulgaria, Nowakowska in Poland, Tesiu in Romania, or Sarnavka in Croatia), an educational background that provides the easiest access to government institutions.

Overall from the four chapters we see a general trend of maturing of women's groups advocating for domestic violence policy reforms across the four countries. But this maturing takes on different forms, depending on political opportunity structures prevalent in the respective country, all of which have different implications for the strategies of critical institutionalization that may develop in domestic violence policy processes. We see a diversification of groups and funding in Croatia. A similar tendency emerges somewhat later and to a lesser extent also in Poland. At the same time the Bulgarian advocates settle on a pattern of professionalization, at the expense of the development of possibly more critical groups. For Romanian groups maturing involves increasing radicalization and awareness of autonomy both from foreign agendas and from compromises with state co-opted policy solutions. It is this louder and more critical movement that makes its voice better heard to policy makers.

### 3. Movement strategies and alliances

Maturing and diversification of women's movements in the four countries is also apparent in their mobilization and coalition building strategies. Diversification of strategies emerges along different aspects. Diversity in terms of functionality is one evident form that can be noticed in the countries that have a more developed domestic violence intervention system including not only criminal and civil restraining action but also developed victim services. In both Croatia and Bulgaria women's groups that are geared more towards legal action and lobbying can be distinguished from groups that focus on service provision and shelters for victims. In Romania and Poland where services for victims are not closely linked to women's groups, but geared towards family protection (in Romania) or other social policy priorities, the women's groups do not differ extensively in their functionality within domestic violence policy processes.

Another aspect along which diversification emerges among movement groups is movement strategies: whether movement groups prioritize institutionalized tactics such as lobbying, litigation and consulting the government, or more disruptive tactics such as street protests, petitioning, or campaigning, particularly over new electronic media. In these terms the diversity emerges most consciously in Croatia, where the tension between institutionalized and disruptive tactics also overlaps with the tension over prioritizing autonomous women's services (AWH – Autonomous Women's House) versus lobbying and litigating (*B.a.b.e.* – feminist NGO). The Croatian divide is further strengthened by a generational divide that largely overlaps with functional differentiation and choice of strategies discussed above. Different groups adopt different strategies in Croatia, but ultimately come together in coalitions. Similar diversification is apparent in Bulgaria. At one end, we find the Bulgarian Gender Research Foundation (BGRF), which uses primarily institutionalized and legal tactics, including not just lobbying and legal development but also litigation nationally and internationally. At the other end of the spectrum is Animus, which uses institutionalized tactics but for service provision. While both ends of the spectrum are highly institutionalized, and avoid open protest, disruption

comes to a certain degree in the form of international litigation against the Bulgarian state. In Poland diversified tactics seem to emerge in the last years of mobilization, when some groups sit at the negotiation table (Women's Rights Center - WRC), while others (Feminoteka) orchestrate street and electronic media protest when institutionalized forms of negotiation are endangered or stalled. Similar strategic divisions also emerge in Romania, where the more recent anti-domestic violence activism features both organizations that engage in open protest (FILIA) and others that are present in technical working groups with legal drafters and policy makers, pursuing institutionalized influence over the policy process (TRANSCENA, Center Partnership for Equality). While there is fluidity among the organizations and some engage in both disruption and persuasion, different organizations assert leadership for actions that follow these respective strategies.

To some extent, in all countries, maturity of the movement is also well reflected in the successful attempts to overcome or subsume divergence of strategies in order to serve common objectives. Important moments of movement unity emerge in Bulgaria in 2008, in Croatia in 2009 and in Poland both in 2010 and in 2012.

Overall movement tactics in all of the countries show a tendency to develop from less institutionalized and more disruption based tactics towards a more diversified, yet, institutionally largely strengthened approach. Consolidation and institutionalization is not only manifested in the strategies chosen but it also takes the form of NGOization across countries of the region (Helms 2014). But can the critical element of movement institutionalization still be present under these conditions? Can we still talk about *critical* institutionalization, as Ivancheva's chapter on Bulgaria rightly questions? As institutionalization progresses, forms of critical action are clearly subsumed under litigation, particularly at the international level, where women's rights advocates openly challenge their states, but do it within the given framework without openly challenging the status quo. Meanwhile, movements where institutionalization is less developed still use wide repertoires of critical action. Critical action also takes new forms via the electronic media, Facebook and twitter, rather than capitalizing on street action and disruption.

Alliance building strategies are another key component of strategizing critical institutionalization. While choice of strategies and tensions around those, as discussed above, largely mirror similar dilemmas of violence against women groups in more developed democracies, patterns of alliance building used by women's groups importantly differ in countries of Central and Eastern Europe. Contrary to Western democracies where the role of women's platforms in political parties and trade unions is crucial to facilitate institutionalization (Mazur 2002) such platforms are weak or nonexistent in these countries. An important trend in all of these countries, except Romania, is the increase of the number of women in parliament, another traditional ally for women's movements. Poland, Croatia as well as Bulgaria all witness an increase in the proportion of women in their parliaments to above 20 percent around the first major domestic violence policy moment. But it is only in Croatia that these women communicate and organize across party lines to provide non-partisan support for domestic violence policy change. The Polish group of women in parliament is also an important actor that supports women's movement claims, however, this group is confined largely to left wing politicians, and it thus remains partisan. This makes alliance building largely dependent on executive politics and bureaucracies that change with electoral cycles. Women's policy agencies (WPA), while they exist and often become important actors in these countries, they are extremely vulnerable to staff, leadership and thematic changes depending on political cycles. WPAs are key actors in the policy process in Poland and in Croatia. Yet, importantly their involvement as allies only secures success if other key governmental actors (femocrats or other non-feminist actors) also join in an advocacy network for supporting policy changes. The Bulgarian case shows that support of key women parliamentarians together with important non-feminist governmental actors can lead to success even in the absence of an operational Women's Policy Agency.

What emerges most importantly from the four chapters is the dependency of progress on key supportive individual actors, or specific governmental institutions. Most of this support is vulnerable to governmental and particularly personal changes and as such volatile. Structurally well embedded supportive institutions that cut across political and party lines are

almost nonexistent. In Poland we see extreme ups and downs in support and hostility of government structures to domestic violence, with a particularly hostile period between 2005 and 2009, and a particularly supportive period after 2010. In Romania, support from women parliamentarians is important, but it is personalized and driven by individual interest and commitment, while the formalized structure, the Commission for Equal Opportunities between Women and Men is not always an ally. The dedicated policy agencies for gender equality and to combat violence against women are allies, but they are highly vulnerable to budget cuts, and they actually do not survive the austerity measures of 2009. Even in Croatia where progress and support was seemingly linear, the 2010 governmental change brings serious state hostility towards the women's movement, and even reversal of some of the previous gains. De-gendering of the issue and reframing it as a social policy issue brings more stability in Bulgaria, where progress and cooperation is maintained basically outside (or rather in the absence of) gendered state structures. Yet clearly progress in all countries is linked to important institutional alliances with a variety of state actors, including but not exclusively the traditional women's movement allies (WPAs and women in parliament). It is sustained institutional alliances that secure progress in all of the success cases. Vulnerability and ephemerality of these alliances is the specific characteristic of countries in the region.

Overall, a combination of diversified movement tactics and building of institutional alliances secure the success of critical institutionalization in the success cases.

#### **4. Movement framing**

Movement identity and framing become important parts of a critically institutionalized movement strategy. Having a movement identity that allows the possibility of engagement with the state is a precondition for successful policy influence. Chapters show a variety of approaches emerging in the different countries concerning the possibility of cooperation with the state. The Bulgarian movement develops through time an expert, professionalized identity, where the contribution of movement actors to

policy process is not necessarily politicization and critical engagement, but rather expert knowledge and professionalism that are seen as missing from state institutions. While different movement organizations come to this professionalism from different angles, yet, importantly they agree in the quality of the relationship with the state.

Engagement with the state is a core issue of the generational divide between diverse movement groups in Croatia. While in practice all movement organizations engage with the state and accept state funding, at the ideological level the first movement cohort brings autonomy from the state to the center stage of its identity and even name (Autonomous Women's House). Meanwhile *B.a.b.e.*, the organization that stands in the center of a second movement cohort has cooperation with the state and institutionalized engagement with the policy process at the core of its identity. The diversified structure of the Croatian women's movement allows for equilibrium in the movement identity and for occasional switching of tactics necessary for pursuing movement objectives.

The Romanian movement identity evolves importantly in this respect throughout the analyzed decade. A process of self-assessment and self-criticism about servile or room-service feminism leads to a renewed and strengthened movement identity at the center of which it is autonomy from state as well as from the influence of international agendas. This strengthened identity provides the necessary powerful critical tools and voice for the movement to engage with state actors.

Finally, the identity of the Polish movement also evolves from fragmented but strongly critical engagement with the state in periods of mobilization, to an identity of powerful institutionalized action through the Women's Congress in which engagement takes the form of a shadow government and direct engagement with line ministries.

The analysis in these chapters shows how all movements, perhaps with the exception of the Bulgarian one, carefully balance the critical and the institutionalized identity of the movement. Yet, importantly in all of these cases engagement with the state is an unquestioned element of their identity, thus signaling that autonomy is understood, communicated and used differently in these countries than in movements that pioneer

in mobilization against violence against women in countries such as the United Kingdom, or the United States. They rather exhibit characteristics of late-comers such as Spain (Roggeband 2004).

Framing of domestic violence by movement groups also shows balancing of the duality of a critical yet institutionalized movement strategy in domestic violence policy actions. In this again we see a variation of approaches. Bulgarian framing emerges as the most resonant, less politically radical approach to framing. Domestic violence emerges in Bulgaria as a social issue, one that has little to do with the political struggle of gender inequality demands. While women's rights advocates in Bulgaria use more radical framing in their inside communication or in communication with women's rights advocates transnationally, at the domestic level the issue is strategically distanced from politics.

In the other countries the duality of communication is somewhat less pronounced. The Polish movement keeps the gendered aspect of the domestic violence agenda as one of their key demands towards policy making all along, and interprets the sidelining of this content as failure of the movement. The Croatian movement again, while somewhat more moderate in discussing domestic violence as a gendered issue in policy debates, still keeps gender inequality on the agenda and even succeeds to include it in policy strategies as an explanatory framework. The Romanian failure to introduce a law framed in terms that are at least resonant with women's rights in 2004 brings renewed radicalism and a strongly gendered rhetoric to the movement in the latest mobilization periods. Both the Polish and the Romanian movements react to the danger of co-optation of the gendered agenda by other issues (such as family protection, anti-alcoholism or children's rights) that they witnessed in earlier periods of mobilization.

Overall movement framing shows a readiness in all countries to de-radicalize to some extent and attempt to use a dual communication. However, partly because of previous experiences of cooptation or because of reaction to strong opposition to gender equality, in all cases except Bulgaria the critical gender equality element ultimately remains on the agenda and secures the critical content of movement engagement with the policy process.

## 5. Critical institutionalization

Factors discussed above point to a variety of patterns of critical institutionalization in the four countries and over time. Some of these place more emphasis on institutionalization at the expense of using tamed form of critical action, others focus on critical action and have less embedded patterns of institutionalization. Not only we see variation between the countries but we see variation over time that shows how emerging patterns of critical institutionalization achieve better entry points to the policy making process and facilitate progressive policy change.

The specifics of critical institutionalization in Bulgaria are the reframing of the issue in social policy rather than gender equality terms, given the political opportunity structures that are particularly unfriendly to gender equality issues, and channeling action into an expert/professional pattern of cooperation rather than into a political struggle frame. This expertise based institutionalization model brings evident progress to Bulgaria in the framework of which women's groups are participants not only in policymaking processes but also in implementation and monitoring stages. Critical elements come in institutionalized forms, having international litigation and international reporting, as well as lobbying at their center. The resulting policy outputs serve the individual victims relatively well, yet importantly their impact is questionable in terms of transformative action and challenging gender inequality in society.

Croatia is the other country where domestic violence policy progress is linear until very recently. Here we see a genuine movement infrastructure emerge (Andrews 2001), with diversified movement membership, diversified strategies and diversified framing, acting both along the institutionalization line and along the critical action line. We see complex patterns of institutionalization in which movement actors become part of government structures, securing good communication and inside lobbying to movement objectives. Also, commitment of women in parliament and femocrats to domestic violence objectives is relatively nonpartisan, securing support despite political cycles at least until 2010. On the other hand, radically critical and autonomous action is also maintained throughout the

successful period, and generates concerted movement action when more institutionalized tactics fail to bring progress.

In the other two countries, Poland and Romania, failed attempts to bring gendered policy progress in the early periods are followed by more successful recent policy moments, where elements of critically institutionalized action can be identified. In earlier policy moments mobilization in both countries meets unfriendly political structures and fails to develop patterns of sustainable institutionalization to secure an insider role to policy making and therefore progress. A compromised coalition in Romania, and framing compromises in Poland shadow the policy outcomes of those moments. In the recent period both the Polish and the Romanian movements show increasing organizational complexity, diversity of strategies, which also connect well with more favorable gendered political structures. Organizational complexity in Poland allows that even in moments of heightened institutionalization, the gendered component of domestic violence is being asserted. Protesting, campaigning for domestic violence as a women's rights issue is ongoing even in the periods when other movement organizations sit at the negotiation table with the government. The recent Polish Women's Congress brings institutionalization to a new level, which aims to meet and confront the powerful anti-gender equality position of the Catholic Church. Though difficult to say in the absence of thorough analysis, for now the Congress does not seem to impose uniformity of action on the previously existent diversity of movement activism for domestic violence reforms. However, it is clearly visible that it does manage to improve the representation of women's issues within the government and connected to that, the position of the women's movement in negotiations with decision makers.

In Romania as well, the recent success in amending domestic violence policy and the inclusion of women's groups in policy implementation processes is a result of increased strategic and organizational complexity. Recent waves of mobilization bring stronger coalitions that use protest actions, and keep a gendered framing, while at the same time maintain parallel lobbying with relevant state actors. Mobilization succeeds in

moving domestic violence policy away from a framing that is hostile to gender equality and women's rights.

Analysis of the cases shows the appeal of critically institutionalized movement action in order to achieve progressive domestic violence policy change. Moreover the diversity of cases shows two important additions to the discussion of the model of critical institutionalization. First in most cases, but in Bulgaria particularly strongly, we see the fine line on which movement actors have to balance when choosing an institutionalizing path of action, so that the political and transformative element of domestic violence policy and framing as a gender equality field is maintained. While all the instances of progressive policy change discussed here highlight the importance of institutionalization, they also pinpoint the importance of critical diversity to institutionalization. Given the scarce feminist resources in the CEE region maintaining such organizational complexity and multiplicity of voices in the longer term might be a main challenge.

Secondly, the importance of considering political opportunity structures, and particularly gendered structures emerges as a main contribution of the chapters to the model of critical institutionalization. While institutionalization is important across the board, its feasibility and the form it takes is heavily influenced by these structural elements. We see how in Poland critical institutionalization patterns are structured by the strong opposition of the Church to gender equality. In this context it seems that it is only amidst favorable gendered state structures and political will that institutionalization can happen. In Bulgaria the exceptional marginalization of the gender equality agenda from state structures, along with relatively low contestation of gender equality, influence the movement's strategy to choose a de-gendered institutionalization, which is driven by professionalization in a social policy field rather than an agenda of political struggle. In Croatia the place of the women's movement in the democratization process around the end of the 1990s, and the consequent favorable gendered state structures allow the women's movement until recently a model of institutionalization that can also afford to be both insider and critical. The recent fallback indicates the limits of the sustainability of

these patterns of institutionalization in a CEE context. Finally, in Romania it is the context of the gender impact of the economic crises that triggers gendered action. This allows for rescaling mobilization and challenging the hostile framing of existent policies. Structural elements that seem to make a difference include gendered structures within states, such as WPAs, women in parliament, other femocrats or even non feminist supporters, but also the legitimacy of gender equality as a policy field and existence of gender equality policies. The Bulgarian case shows how the weakness of such structures makes critical institutionalization and progressive policy change possible only in de-gendered ways. The Polish case on the other hand indicates the importance of strong oppositional structures. Interestingly, though such structures rather than suppressing gendered debates, make action more prone to open radical criticism, and also necessitate more powerful gendered institutionalization as we witness with the Women's Congress. It is in the framework of these structural elements that the model of critical institutionalization needs to be understood.

Overall the volume shows crucial variation of patterns of women's movement influence across countries of the CEE region, and even within countries, across time. This variation does not seem to follow any of the common sense political rankings of countries in the region: it defies both the EU accession logic, and the economic development logic, with Croatia and Bulgaria being the most effective reformers in this field. It may seem that each country and each moment of reform exhibits a distinctive constellation of movement action in interaction with contextual factors. Yet the volume shows how certain patterns of movement action are more favorable to progress. It points to how critical institutionalization characterized by movement infrastructure facilitating women's movement's capacity to act in diverse and yet concerted ways stands better chances to achieve policy outputs that are gender equality friendly than non-institutionalized movements. At the same time it also shows the risks of sidelining critical action in the process of progressing towards an NGOized, highly institutionalized and heavily state dependent status quo.

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# MOBILIZING FOR POLICY CHANGE

Edited by Andrea Krizsán

## Women's Movements in Central and Eastern European Domestic Violence Policy Struggles

Fifteen years ago domestic violence was barely present on the policy agenda of countries of Central and Eastern Europe. By 2005 most countries of the region adopted laws and policies addressing the phenomenon of domestic violence and proceeded with implementation. Domestic violence policy processes can be seen as one of the most remarkable successes of women's movements in the region, which may stand to challenge skepticism around the policy efficiency of women's movements in Central and Eastern Europe. While variation certainly exists in the extent to which policy change that ultimately took place responds to women's rights concerns, there is undoubted progress in all countries of the region.

This volume addresses a series of questions: what are the dynamics that led to movement successes in the region? Which movements and the strategies they adopt are successful in promoting progressive policy change? Why do some movements manage to secure policy change that is women's rights friendly, while others lose control beyond setting the agenda? How do alliances, institutionalization and framing make a difference? And how patterns of achieving policy influence resemble or differ from patterns found in Western post-industrialized states? Are Central and Eastern European domestic violence policy processes any different?

The aim of this volume is to explore and understand the influence of women's movement mobilization on domestic violence policy change in Central and Eastern Europe. It does this through the development of a theoretical framework explaining the links between mobilization and change, followed by the portrayal of in-depth case studies on Bulgaria, Croatia, Poland, and Romania.

The Center for Policy Studies is an academic unit within Central European University dedicated to promoting interdisciplinary and comparative research. Within the broader context of policies for social inclusion and social justice, the Center's activities focus on analyzing public policy in the field of equality and the disadvantages resulting from the intersection of multiple inequality grounds.



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