

Becoming an Advocate Step by Step



Women's Experiences in Central and Eastern Europe and
the Newly Independent States

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Newly Independent States**

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Women, Law and Development International
Washington, D.C.

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Preface

Anastasia Posadskaya-Vanderbeck

It is a special privilege for me to write a preface for this collection of advocacy case studies from the Human Rights Advanced Leadership Training for Women (HRAALTW), a program resulting from collaboration between Women, Law and Development International and the Network Women's Program of the Soros Foundation, as well as several other institutional partners, for almost two years. I would like to start by addressing the question of why a program like this was necessary and what is unique about it. To do this, a short historical reference is necessary.

The very important changes that occurred in post-socialist countries between the time of the World Conference on Women in Nairobi in 1985 and the World Conference on Women in Beijing in 1995 were not sufficiently reflected in the Beijing Platform for Action. This important document failed to address adequately the specific concerns of women in post-socialist countries, which could be characterized as a sharp deterioration of status and a gross violation of rights. This experience included a dramatic decrease in the number of women holding positions of power and decision-making, a predominance of poor and unemployed women, increased violence against women, heightened sexism in the mass media and culture, discrimination against women in the realms of economics and education, as well as more than 20 military conflicts in the region, which took a horrifying, gender-specific toll on women.

Unfortunately all these alarming trends were not adequately represented in the Platform for Action, which minimized the effectiveness of this important document as an

advocacy tool for the new activists in the region. How could this happen? In the past, during and before the World Conference on Women in Nairobi, it was the socialist state that sponsored national delegations to the international women's conferences and controlled the way these delegations contributed to the discussion of the agenda. The new democratic states lacked the resources and commitment to enhance national delegations by including representatives of the new, independent women's NGOs, who could potentially bring their concerns to the discussion tables. The new women's NGOs did not have the training they needed to translate their experience into the language of the international document. Another barrier was a certain resistance to collaboration, which was a reaction to the decades of enforced "friendship of peoples." All these factors motivated a small group of women from Bulgaria, Poland, Russia and Ukraine to prepare and deliver to the General Assembly of the Beijing conference the "Statement from a Non-Region," which addressed this situation of invisibility, lack of resources and disempowerment.

These were important, strategic concerns shared by many women from the region, as well as international organizations and donors, which supported the development of the HRALTW program. We believed that women of all countries, including the post-socialist region, should be creators, not just recipients of the international agenda. The local impact of this progressive agenda would be much more effective if there were strong links among advocacy at the local, national, regional and global levels. We believed in the urgent need for a strong, committed and connected community of women's human rights advocates from the post-socialist countries.

Two events, which occurred in 1997-1998, helped create the HRALTW program. First, Women, Law and Development International, in cooperation with Human Rights Watch Women's Rights Project, published *Women's Human Rights Step by Step: A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights*. The *Step by Step* manual was the perfect methodological basis for the HRALTW program. The second event was the creation in 1997 of the Network Women's Program at the Soros Foundation (Open Society Institute), which strongly believed in the

possibility of women's empowerment internationally through access to international instruments and mechanisms.

The format of the program included three one-week sessions over a period of 18 months, technical assistance visits by WLDI to consult with participants on the design and implementation of their national strategies, and a linking of the participants via the Internet (provided by the Internet program of the Soros Foundation). All these elements have made the HRALTW program an unprecedented capacity building effort in the history of the new women's movements in the post-socialist countries. As a result of the strategies carried out by participants in the HRALTW program, thousands of women and men in countries in the region were introduced to the concepts of women's human rights, anti-violence legislation, protection of women against discrimination in the labor market, equal access to health care as well as the protection of the human rights of women-victims of rape and trafficking. In spite of the relatively short time-span of the program, most of the country teams achieved concrete results. These include conducting background research studies, documentation of evidence showing the violation of women's human rights, waging public campaigns, and holding seminars for governments, trade unions, police and NGOs, etc. In several cases, national legislation and policies were changed. Participants had the unique experience of working with and learning from internationally acknowledged experts in women's human rights. Many participants created new NGOs promoting women's human rights and/or strengthened the NGOs where they work. Participation in the HRALTW Program provided the opportunity not only to design and carry out effective national strategies, but also to expand their capacity to participate as equal partners in the international networks advocating for women's human rights. The *Step by Step* manual is being translated into several languages in the HRALTW program countries.

Of course, the HRALTW program is just one of many efforts aimed at increasing the participation of women from the region in the international arena, and increasing their effectiveness in using international instruments and mechanisms on women's rights that have been undertaken by different organizations, networks and foundations over the last several

years. As a result, more and more women are participating in important meetings and helping integrate the perspectives of women from their countries into the global agenda. The ice has been broken, but making the change sustainable demands broader and longer-term commitments from all involved partners. There are many important battles for women's human rights ahead, and the forthcoming Beijing + 5 Conference in New York is one of them. The importance of progressive international policies for improving the status of women cannot be over-emphasized. This is exactly why it is the responsibility of the international community of advocates, educators, donors, and UN organizations to make sure that voices of women from the post-socialist region, as well as from other under-served regions and communities of the world, are listened to and heard—nationally and globally.

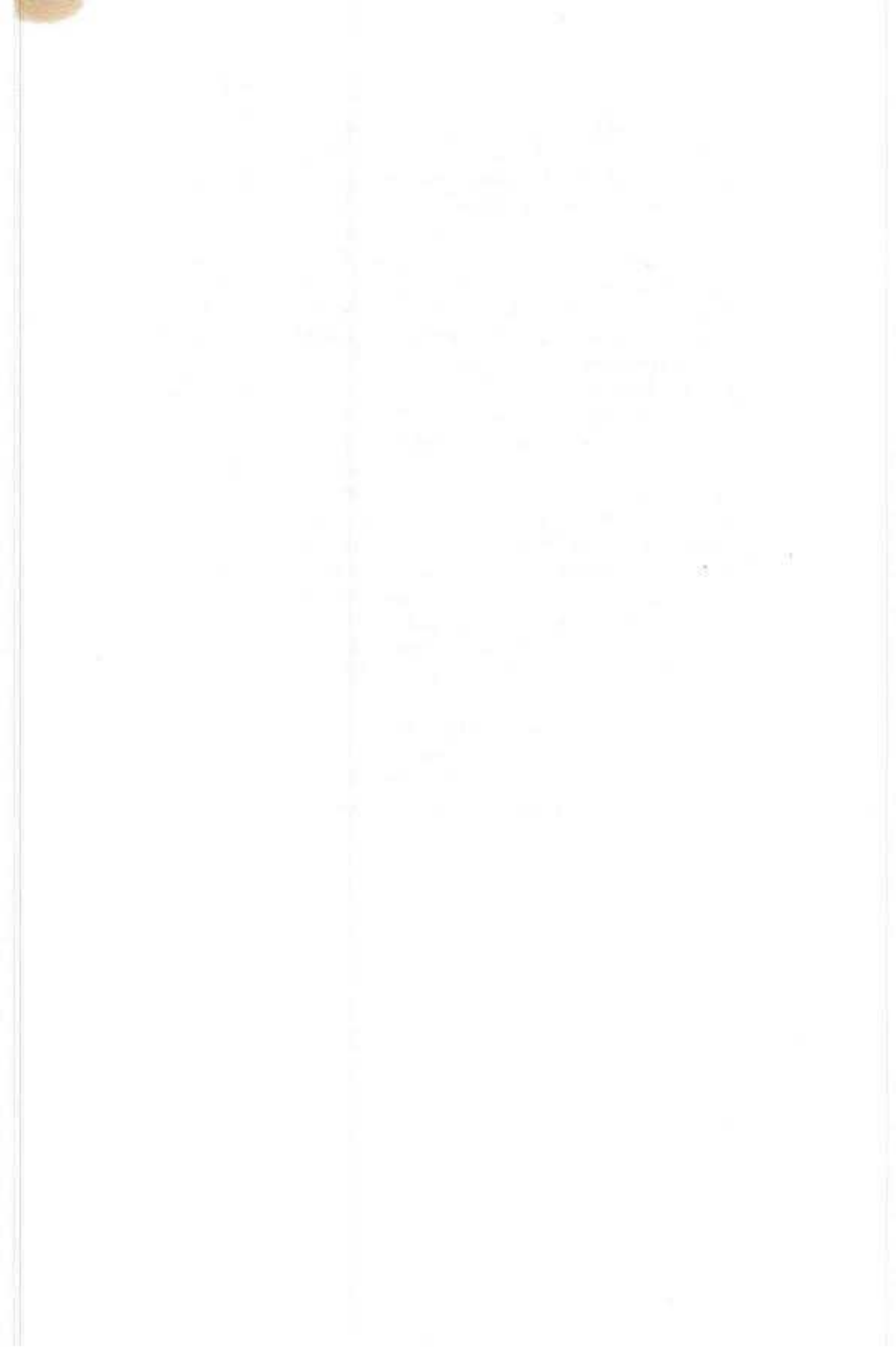
In conclusion, I would like to acknowledge those whose contribution to the HRALTW program has been essential to its success. Margaret Schuler, President of WLDI, has been the major strategist and designer of the program from the day of its inception and a source of inspiration for all of us. The program would not be possible without her visionary leadership. Emelina Quintillan generously contributed her advocacy skills, sparkling energy and a joyful spirit during her tenure with the program. Galina Venediktova, with her own experience of women's rights advocacy work and deep knowledge of women's issues of countries in post-socialist transition, provided essential support for all participants. We were all moved by her incredible commitment to the program, continuing her work while surviving the untimely loss of her beloved husband Frank.

Two staff members of the Network Women's Program of the Soros Foundation deserve special recognition. Kate Blumenreich was instrumental in coordinating the program at its initial stage, successfully coping with numerous issues, all in the realm of the unknown. Her devotion to women's empowerment globally, her enthusiasm and outstanding organizational skills helped put the program on its feet. Her successor, Charity Fain, has demonstrated amazing facilitative and leadership skills, which have been crucial to her central role as a liaison between many different program entities – WLDI, OSI-New York, women's programs in 22 Soros national foundations and participants in the program as well as NGOs hosting the training sessions. The

program would not have been possible without the considerable contribution provided by the coordinators of women's programs at the national Soros Foundations, including Valdete Sala, Anaïda Allakhverdyan, Ulviya Mikhailova, Nada Ler Sofronic, Tatyana Kmetova, Danica Eterovic, Natasha Janev, Monika Vlkova, Helen Nkashidze, Zhanna Ahanabekova, Elmira Shishkaraeva, Vilija Geciene, Slavica Idzevska, Odon Darjaa, B. Margad, Dagmara Baraniewska, Anna Stalewska, Elena Kotchkina, Larisa Federova, Tatiana Abdushukurova, Natalia Karbowska, Nigora Yuldasheva, and Slavica Stojanovic. NWP staff in OSI-Budapest Eva Foldvari and Anna Rapolti did an excellent job hosting several training sessions of the program in Budapest.

We are also thankful to Human Rights Watch Women's Rights Project for their important participation at different stages of the program. Additional and vital resources were provided by the HRAITW program funding partners – CEDPA (Director Patricia Ahern) and Soros Internet Program (Director Jonathan Peizer). The President of the Open Society Institute-New York, Aryeh Neier, played an instrumental role in securing Soros Foundation support for the program. And last, but not the least, I would like to thank all the WLDI staff as well as all the trainers who were involved in the program at different stages.

Anastasia Posadskaya-Vanderbeck, Ph.D.
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Becoming an Advocate Step by Step is the product and history of emerging experience in women's human rights advocacy in Central and Eastern Europe and the Newly Independent States. Specifically, this publication is the outgrowth of the Human Rights Advanced Leadership Training for Women Program, conducted by Women Law & Development International in collaboration with Open Society Institute's Network Women's Program. WLDI wishes to express our sincere gratitude to the many people who contributed to this program. Foremost among these are the 122 women involved in the program who are forging new paths in women's human rights advocacy in the region. We are also grateful to the WLDI and Human Rights Watch staff and to all other talented individuals who served as trainers.

WLDI also wishes to acknowledge the production and editorial assistance of all who worked on the book, including Margo Abadjian, Cindy Clark, Deena Hurwitz, Mehlika Hoodbhoy, Bernard Horn, and all the WLDI staff. Silvena Nikolaova deserves special mention for her tireless and able contribution.

We are grateful to the Open Society Institute's Network Women's Program for its financial support of this publication and the Human Rights Advanced Leadership Training for Women in Central and Eastern Europe and the Newly Independent States. Anastasia Posadskaya-Vanderbeck's leadership and support for the program was indispensable. Appreciation is due to all those at the Open Society Institute who contributed to the program, with a special mention to Eva Foldvari, Anna Rapolti and their staff for their superb support, Kate Blumenreich, Charity Fain, and the Women's Program Coordinators who contributed in many ways to the work.

Special acknowledgement is also due to Patricia Ahern and Julia Masterson and to the Center for Education, Development and Population Activities (CEDPA) for its financial support, and to the many generous individuals who support WLDI.

Introduction

Becoming a Human Rights Advocate Step by Step

Margaret A. Schuler

This book is about the struggles and strategies of women grappling to become human rights advocates capable of effecting changes in laws and policies that respect in word and deed women's basic rights. In *Becoming an Advocate Step by Step*, champions for human rights from Central and Eastern Europe and the Newly Independent States tell their own stories about the issues and challenges they faced as they engaged their governments in the profoundly democratic process of "human rights advocacy" on behalf of women. This book is as much about "step by step" learning as it is about the changes advocacy effects. It is about both product and process.

A New Era for Human Rights

The human rights system as we know it is currently under siege. Attacking from one flank are powerful governments seeking to diminish the authority of the United Nations— including the human rights system it sustains. On another flank are citizens pushing the boundaries of democracy and demanding to be in fact the entitled "subjects" of human rights the system was established to serve. At the very moment the system is being stretched to include and respond to the demands of ordinary citizens to a degree its creators never envisioned half a century ago, it is additionally obliged to defend itself against threats to its very existence. One camp wants the human rights system to be more than it currently is, the other wants it to be less. This development is not necessarily as dire as it might appear. The interactive quality

of the human rights process is what permits new ideas and needs to challenge current thinking and approaches and to articulate progressively new theory and practice. If viewed as a creative tension, the dynamic of contemporary human rights holds great potential for growth and improvement. Ideally, the governmental component of the system will become more democratic and responsive while citizen activists will become more intelligent and effective in articulating their demands and working the system to obtain adequate responses.

It is in this context of tension that women have learned to be strategic in approaching human rights and, indeed, have defined a whole new "field" of human rights advocacy in which an understanding about being the subject of rights is transformed into systematic, strategic, theory-rooted action. From today's vantage point we know that doing advocacy with a human rights perspective and being "strategic" in the political and legal realms require clarity about rights—what they are, how they emerge, where they are articulated and how their enjoyment is assured. But such clarity about human rights did not always exist—at least it was not accessible to activists "on the ground."

However, in just the past decade significant advances in clarifying human rights advocacy as a concept and a method occurred; due in large part to the interaction of two dynamic forces. One, the global search for new forms of participation in governance by civil society laid the groundwork for human rights advocacy and democratic achievements of an entirely new order. The other force materialized from the pioneer work of an emerging movement that vigorously articulated and defended the rights of women. Both of these factors created pressures that the human rights system could not ignore. In the very act of responding to the voices raising alarm regarding the state of women's rights in the world, the human rights system actually confronted some of its deficiencies and expanded its agenda.¹

But this new dynamic did not just appear full blown in 1993 when its influences were first perceived by governments the world over. During the prior 10 to 15 years, activists around the

¹ The "Programme of Action," from the 1993 UN World Conference on Human Rights in Vienna states for the first time in any UN human rights document that religion and culture may not be used to justify violations of women's human rights.

world had discovered that the idea of human rights held immense potential for fostering social justice. Many of those with concerns about women's status in society worked at the local level to empower women to change discriminatory legislation, to educate them about their rights and redress grievances. As they did so, these activists also began to understand that the concept of rights was skewed against women and that the human rights system was inaccessible. Human rights law and practice was not generally interpreted as applying to the special rights violations women suffer. Violations based on sex and gender were ignored, minimized or not seen as human rights violations at all. Mainstream human rights organizations and advocates had relatively little experience with women's human rights and not much interest in integrating gender into their work. The mystification of international law served to maintain human rights practice as the singular domain of specialized professionals. Available human rights materials generally provided little practical guidance. Despite these difficulties women began to search for strategic approaches to human rights, spurred on by the insight that, though limited, international human rights might hold potential for women and by a budding feminist critique of rights.² The general push for new and more democratic modes of governance provided an additional stimulus.

As networks of women's rights advocates began to coalesce in the mid-80's primarily in the global south—in Latin America, Asia and Africa—women mobilized to call attention to the more egregious violations of women's rights. Their actions opened up a broader debate about human rights. The initiative in Asia, for example, of using the human rights system to seek redress for the violations of the Korean, Filipino, Indonesian and other Second World War "comfort women"³ provided not only inspiration but a kind of early roadmap for women's human rights advocacy. As a result of such activism, "sexual slavery," "trafficking," "bride burning," "FGM," became new terms in the international "rights" lexicon. To these terms were later added

² Charlesworth, H., Chinkin, C. & Wright, S. "Feminist Approaches to International Law." *American Journal of International Law*. 1991: 85.

³ Sajor, L. "Women Victims of Wartime Rape in the Philippines: The Malaya Lolas." *Women's Human Rights Step by Step*. Ed. M. Schuler and D. Thomas. Washington, DC: Women, Law and Development International, 1997: 130-32.

those of domestic violence, employment discrimination, and other more commonly experienced violations of rights. New efforts, such as the "citizenship" advocacy initiative in Botswana⁴ added both experience and insight to the search for understanding women's human rights advocacy.

Framing Human Rights Advocacy

Initially, however, women advocates around the world were limited in their understanding of human rights concepts and human rights advocacy. Educational resources for those wishing to promote and defend women's rights were particularly sparse. Few of us knew how to access the human rights system, how to influence it or how to use human rights concepts and instruments to influence the policies and practices of our national governments. As the organizers of the "comfort women" strategy tell their story, for example, they did not know exactly what to do or where to go to get satisfaction. The roadmap they left was the result of reflective action and an enormous willingness to learn.

The challenge to early women's human rights advocates lay in learning to use international instruments and mechanisms to foster change and hold national and local authorities accountable for violations of women's rights. Meeting this challenge demanded focus on concrete, practical strategies and approaches for translating the lofty language of international human rights commitments into tangible improvements in women's lives. Over the last decade in this dynamic context of learning stimulated by necessity, women forged ahead and achieved impressive gains in recognition of women's human rights at the international level. Analyzing the process of doing so opened up some important insights about human rights and how to use the system effectively at the international level.

What we learned is that progress occurred—on violence against women, for example—because women vigorously engaged the system by requiring it to respond to women's reality, experiences and needs. Engaging the system meant getting its

⁴ Molokomme, A. "Discriminatory Citizenship Laws in Botswana: Emang Basadi." *Women's Human Rights Step by Step*. Ed. M. Schuler and D. Thomas. Washington, DC: Women, Law and Development International, 1997: 133-35.

attention, obliging it to listen, requiring it to act on its own principles and insisting on a response. Over the past fifteen years, the emerging women's rights movement persevered in reinterpreting human rights traditionally thought not to apply to women (interpreting the right to bodily integrity, for example, to include protection from domestic violence.) In doing so, the movement has expanded to some degree the sphere of state responsibility and recently increased the power of international mechanisms to monitor government actions and omissions related to women's human rights. Participation in the system and the worldwide mobilization under the motto of claiming "women's rights as human rights" had a fundamental and transformative effect on the human rights agenda by pushing boundaries and altering ever so slightly the frontiers of the debate.

In studying this experience⁵ we have discovered that the dynamics of pushing the boundaries require intervention in several ways and at several points in the achievement of three critical targets: expanding the definition of human rights, expanding the scope of state responsibility and expanding the effectiveness of the human rights system to enforce women's rights. We learned that these successes were achieved because women's rights advocates took decisive action in various ways at both international and national levels. We recognized that:

- the *definition of human rights expanded* as women's scholarship and activism achieved the acceptance of a reinterpretation of human rights to address the rights of women previously excluded from the definition;
- the *sphere of government responsibility for the defense of women's human rights expanded* as women articulated states' obligations to respect women's human rights and engaged the state to comply; and finally
- the *ability and willingness of the human rights system to enforce women's human rights also expanded* as women engaged the human rights system and required it to take measures to stop, remedy, or otherwise solve problems of violations of women's human rights.

⁵ Schuler, Margaret. Ed. *From Basic Needs to Basic Rights: Women's Claim to Human Rights*. Washington, DC: Women, Law and Development International, 1995.

In understanding this triple dynamic, clarity about the human rights advocacy process itself began to take shape. The chart below describes human rights advocacy in graphic terms. Expanding the definition of human rights we call "naming the right." Fact finding and research are necessary to achieve this goal. Expanding the scope of state responsibility in advocacy terms means gaining acceptance of the new vision of the right through its inclusion in laws, constitutions, conventions, etc. This will only be achieved through political action that educates and mobilizes the public to support the new vision in word and action. Finally, expanding the ability and willingness of the system (at the state or international level) to enforce women's rights means assuring the enjoyment of the rights and undertaking action to hold states accountable for violations.



Fostering Women's Human Rights Advocacy Capacity

Building on the experiences of the early advocates and their strategies, in 1997 WLDI, in collaboration with Human Rights Watch Women's Rights Project, produced *Women's Human Rights Step by Step*, a how-to manual designed as an educational

tool and a resource to help advocates determine the relevance and importance of human rights law and mechanisms in the promotion and defense of women's rights. The book explores how to utilize the human rights system at national, regional and international levels, explains in some detail the importance and methods of documenting and reporting violations of women's human rights and articulates a vision of "human rights advocacy."

Using the *Women's Human Rights Step by Step* manual as a primary resource, in 1998 WLDI initiated a global human rights capacity building program for women aimed at developing a more skilled and larger corps of women's human rights advocates. In the program's first iteration, WLDI collaborated with the Open Society Institute's Network Women's Program (NWP) to implement "the Human Rights Advanced Leadership Training for Women" (HRALTW) in Central and Eastern Europe and the Newly Independent States (CEE/NIS). Over 122 women from 22 countries participated in the 20 month program which involved participants directly in learning the substance and the practice of women's human rights advocacy.

WLDI was especially interested in developing a corps of human rights advocates in the CEE/NIS region with solid skills and capacities in strategy design, analysis, planning, and coordination. By including participation of advocates from this region, we also sought to enlarge the power and influence of the global movement for women's human rights. We viewed our task of building the capacity of organizations to use the human rights framework as a tool to advocate for greater government responsiveness to women's needs and concerns as a contribution to the construction and strengthening of civil society in the region. By using "human rights" in the manner outlined above to effect changes in the laws, policies and practices of national and local government authorities and to bring them into line with human rights norms, advocates promote a stronger democracy at national and international levels, greater state responsiveness to women's demands and ultimately, greater government accountability for failures to protect and promote citizen's rights.

Content

Like the pioneers before them, the challenge to any new advocate consists of learning to use international instruments and mechanisms to foster change and hold national and local authorities accountable for violations of women's rights. In developing our program we attempted to systematize the learnings and develop a body of knowledge gleaned from the practice of those who had already broken ground in this field. As facilitators of the process we were challenged to *identify the central and most indispensable concepts* an advocate would need to:

- identify a human rights issue,
- propose a policy solution using the human rights framework (instruments and mechanisms),
- design a strategy capable of achieving the proposed solution, and
- apply the skills needed to implement the strategy.

The project required participants to master a complex set of concepts and skills and to implement a coherent project that brings these concepts and the skills together in an integrated and effective manner. There is an infinite amount of information available about human rights in books, media, on the Internet, etc. In fact, it can be almost overwhelming for advocates who often experience the human rights field as fragmented and disorganized or the proprietary domain of a "chosen" few. Moreover, the useful slogans, such as "women's rights are human rights" are not always self-explanatory. Any of these obstacles can lead the advocate down a dead end street.

Learning human rights advocacy requires a focused effort to sort out the multitude of facts and information available, identify relationships among them and select those most relevant. In our training program we emphasized advocacy-grounded human rights content with special attention to deepening the conceptual understanding of the participants about:

- the main concepts of human rights law;
- the structure and process of the human rights system;
- human rights advocacy skills and concepts;

- practical steps needed to plan, carry out and evaluate an advocacy strategy focused on a women's human rights issue.

In this context, we gave particular importance to *defining of key concepts*. For example: what is a "right"? What is a "human right"? What is a "woman's human right"? what does it mean to work in the "human rights framework"? At the beginning of our training, most participants were hard pressed to sort out the differences. "Advocacy," another critical concept is often incorrectly understood as "lobbying." Unless advocates have these distinctions firmly fixed, their choice of issues, their goals and their strategies can all suffer. Indefensible arguments and misplaced energies can be the result.

We also placed emphasis on the *dynamics of human rights development* in a contemporary context. The critique of human rights as a project of the Enlightenment, and therefore irrelevant to non-Western societies, is bolstered by a view that overvalues the roots of modern human rights in remote European philosophical traditions. By analyzing *contemporary* examples of how "new" rights have been named and clarified and how governments have been held to account for their actions, key concepts of human rights can be made functional to the advocate in a way a traditional approach could not trigger.

There are two central ideas that if internalized inspire activists to identify themselves as—and to *be*—central to the human rights dynamic. First, is the idea that the expansion and refinement of human rights content (including both the nature of the right and what constitutes a violation) is an on-going process of consensus-building. Second, is the understanding that advocates can be (indeed have been!) successful in achieving consensus on important issues. The processes of gaining recognition of violence against women as a human rights violation or rape in conflict situations as a crime against humanity are both dynamic examples of using contemporary experiences to clarify the role of the advocate in human rights and inspire their activism.

Finally, we emphasized the link between advocacy as a process and the dynamics of human rights. This implies understanding the local-global relationship, that is, the conditions un-

der which advocacy can be defined as "human rights advocacy," whether at the local or national level.

In sum, all of the program's content was chosen to increase the capacity of advocates to understand:

- which issues to consider and decisions to make when crafting a women's human rights advocacy strategy;
- the most critical components of an advocacy strategy;
- gender and its relation to human rights advocacy;
- power and tools for analyzing power relationships affecting an advocacy strategy;
- constituency building as part of an advocacy strategy;
- the role of research in developing a strategy;
- creative ways to use human rights instruments and mechanisms as advocacy tools; and
- how to do rigorous fact-finding and documentation of violations as well as to monitor on-going human rights performance.

Methodology

In addition to the identification of key concepts, the project was based on a methodology that put the participants at the heart of the process. WLDT's Human Rights Advanced Leadership Training for Women was premised on the understanding that people learn best in a context that provides opportunities to put the learning into action. In the HRALTW project, structured learning from workshops was reinforced by an experience of working as a team on a women's human rights problem. Recognizing that they needed not just knowledge but skill in working with the concepts and information as well as the self-confidence to know they could succeed, the core method involved the participants, from the very first workshop, in the identification of issues, analysis of violations, design and implementation of the strategies. Subsequent workshops and technical assistance all revolved around the selected strategies. Reinforcement of content, practice with new skills, etc. were all done in relationship to each team's strategy.

WLDP's approach to the program was to make it as experiential and participatory as possible and based on "real life" problems participants face in their own work. The project provided concrete planning and analytical tools, advice, and information about how to craft an effective human rights strategy using well-defined case studies and problems that had broad applicability. In order for participants to create strategies that suited their specific circumstances, the training provided experiences that assisted them in assimilating the training content (concepts, information and skills) and applying it to their own particular context. Participants also received assistance in analyzing their selected issue, making relevant choices, carrying out the strategy and evaluating the results.

The program gave primary value to the articulation of strategies and required the participants to be able to describe and justify different points of the goal and the strategy to achieve the goal. As a final task, the country teams were required to write about their own experiences of becoming advocates: what they learned, the issues they selected, the goals they set, the strategies they chose to follow, the work they actually undertook and the outcome of their efforts.

The results of this process are the case studies contained in this book. These very important contributions provide documentation of the issues, challenges, learning and special insights about the state of women's rights in the region. They also communicate a personal sense of what it means to be an advocate and the learning that took place in the process.

While there is a need for better documentation of women's human rights advocacy experience everywhere, in the CEE/NIS region, the challenge is even greater. On the one hand, there is a whole set of region-specific women's human rights advocacy challenges resulting from the particular historical circumstances and the newness of civil society. On the other hand, we found virtually no documented advocacy case histories from the region, despite the fact that activists had been engaged in advocacy since the period prior to 1989. This lack presented difficulties for trainers and for activists planning strategies. Advocacy case studies documenting experience from faraway regions can be very useful; however, a story from a nearby and known society can have more credibility, particularly for local

activists. The HRALTW program provided a marvelous opportunity to develop and document actual examples from the region and thus provide advocates new content for study.

Context and Challenges

As the papers reveal, women's rights advocates seeking to use the human rights framework to hold governments accountable to women's needs and demands in the CEE/NIS region face a number of specific advocacy challenges:

- Not unlike their Western counterparts, addressing women's rights and bringing a gender perspective to human rights were seen as divisive, and low priority. This approach to human rights did not change appreciably since the collapse of the former regimes—human rights abuses are perceived as gender blind and specific abuses of women's human rights are not on the agenda of human rights organizations and governments.
- Civil society is barely a decade old and relatively weak.
- Deeply-rooted cultural attitudes and beliefs run counter to basic advocacy concepts such as the idea of challenging the authority of governments or other powerful institutions.
- The entrenched historical pattern of securing basic rights and security through alliances with powerful persons rather than appeal to the rule of law (during the communist period and before), combined with the chaotic, dysfunctional character of legal systems in the post-communist era across the region, makes it difficult to uphold women's rights by means of traditional legal strategies alone.
- The massive social and economic dislocations of the post-communist decade have impacted women significantly and differentially, leaving the broad majority of women extremely vulnerable to rights violations.
- The growth of religious and nationalist extremism and the increase in violence and lawlessness in the region

is also contributing to women's increasing vulnerability to rights violations.

On the other hand it would be a mistake to assume that all the groups faced the same challenges and to the same degree in each of their countries. There are strong contextual differences among the projects. In examining the papers in this book, it is suggested that the success of a project should be judged *not* by the degree to which the advocates were able to achieve their goals, but by what they were able to accomplish within their particular context and what they learned in the process. In this light, the successes as well as the difficulties recounted here offer valuable insights and the progress the participants made in such a short period is doubly admirable.

Insights and Lessons

Over the period of the program we were struck by the ease at which concepts that seemed understood at one point could dissolve into confused fragments of information when the context within which they were originally presented changed. This may have been attributable at least in part to the fact that some of the material had been learned in a fragmented manner previously. The papers demonstrate however that the concepts and principles taught in the program became integrated into the strategies and functioned as guides to action to a gratifying degree.

"Naming" the Human Rights Problem

One of the first and most critical concepts to grasp in human rights advocacy is how to identify a human rights problem. In the program it was quite easy for participants to name social, economic, political and other problems women face in their country, but putting these problems in the human rights framework was another matter. It is essential to learn to do so, however, because until a deeper analysis takes place that demonstrates that a violation of a right exists and that the state has some responsibility with respect to the violation, it will be difficult to use the idea, the arguments and the mechanisms of *human rights* to achieve the changes desired.

In the cases of Russia and Bulgaria, for example, it was important to begin with the recognition that enforcement

mechanisms for women's rights are essential; yet, their understanding of the problem and the solution they were able to propose became even stronger when they demonstrated that by failing to provide such mechanisms the state itself was actually contributing to the violations or was the cause of violations. In the case of Uzbekistan, it was one thing to say that women are legally illiterate, but their case became more powerful when they recognized that legal illiteracy is not just a matter of ignorance on the part of the women, but that it represents a violation of women's right to information about their rights and that the state has an obligation to remedy the situation.

Naming the Solution and Setting Goals and Strategies

Related to "naming" a human rights problem to be resolved, a struggle often occurs around the task of deciding what would constitute a solution or remedy. If the problem is lack of enforcement mechanisms, for example, educating women about their rights will not solve the problem—unless accompanied by other initiatives that target enforcement issues directly. Nor would more research about the problem solve it—unless the research is used to propose an alternative to the current situation.

It is not surprising that targeting appropriate solutions, goals and strategies would be difficult for advocates. Often, the solution to the problem requires more time, resources and energy than the group might possess at that moment. It is also very tempting for most of us to do what we already know how to do. Nevertheless, one of the most critical skills people can develop is knowing how to make sure the goals set embody a solution to the problem identified, and that the actions and strategies undertaken have the capacity to lead to the achievement of the goal.

Developing the capacity to target the most effective goal and strategy, given the time and resources available is a key challenge to advocates. Almost all advocacy strategies are partial because few have the capacity to move simultaneously in all the directions necessary for success. Moreover success is often cumulative. To achieve resolution of a human rights issue through an international mechanism or a constitutional court at the national level might require *years* of work and therefore be overly intimidating or not be feasible at all. On the other hand submitting a shadow report to a committee would be more immediate,

but might not get the result needed. What makes an advocacy initiative "strategic," is having a realistic idea of *everything* that is needed to achieve the change desired and then to set interim goals and implement strategies that will contribute the most to the overall objective and still provide some immediate satisfaction. The skill lies in keeping the long-term and the short-term perspective in dialogue and in balance.

The papers in this book reflect the struggle of the advocates to figure out where to put their energies to achieve their goals, given the important issues they identified as critical and their recognition of the multiple areas in which they needed to work at the same time. A number of the country teams chose to focus on advocacy strategies that incorporate a strong grassroots human rights education component, demonstrating a clear grasp of the role of local women's empowerment in building a national constituency for women's human rights. The restricted political contexts prevailing in some of the countries involved in the program constrained participants to choose as a safe and sustainable approach a focus on building citizen participation rather making an overt challenge to the government. They showed considerable interest in developing greater practical and conceptual understanding of how to design and coordinate legal literacy and other rights education programs for women. While these initiatives can be very useful, the continued challenge to the advocates who have chosen this path will be to keep rights education and awareness raising strategies in perspective—so that they never forget about state responsibility and seek opportunities to incorporate actions in their strategies that hold government accountable where required.

Coalition Building and Collaboration

Another of the problems experienced in the program deals with the difficulty women's NGOs sometimes have in collaborating together. The tensions resulting from the demands of effective joint action among different groups in each team at times minimized the enthusiasm of the participants for their projects. Yet, this is a challenge they will always have to deal with—because effective human rights advocacy work *always* involves coalition building and collaborative action. The papers reflect both the struggles involved and the satisfaction advocates experi-

ence when they successfully negotiate their way through the "collaboration challenge."

Learning to be Evaluative

One of the final lessons the papers in this book demonstrate is how difficult but valuable it is to master the skill of being reflective and evaluative of one's work. Personal reflectivity generates and reinforces critical learning, yet it was not easy for the program teams to approach writing their strategy case studies from a personal perspective. Some of the early drafts of the papers were more descriptive than analytical and, therefore, missed some of the most important nuances of their achievements. By telling about their work from the perspective of what they learned from experience, the case studies became much richer and more useful. By recounting their struggles as well as their strategies, the program participants offer the reader a more complete sense of what women must grapple with to become human rights advocates.

The result of this effort is *Becoming an Advocate Step by Step*, a book about both product and process; about the "step by step" learning and the changes effected by "human rights advocacy" on behalf of women in the CEE/NIS region. By telling their own stories about the issues and obstacles they faced as they challenged their governments to respect women's basic rights in word and deed, the participants from the Advanced Human Rights Leadership Training for Women document their transformation from women with concerns about women's rights into advocates and champions for women's human rights. We trust these portraits will serve as both an inspiration and an example from which others can learn and further build the women's human rights movement in this region and around the world.

Chapter 1

Strategies Against Domestic Violence¹

Bulgaria

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The Issue

Several years ago a friend asked me to find a woman lawyer who would be "reliable enough" to hear the story of a violent relationship, and to give advice to the victim, a young woman. I found a lawyer and went to the meeting with the young woman. I will never forget the lawyer's words: "You can't do anything to stop this. There is no legal mechanism to ensure your safety. You can divorce, but think well about it before you do..." Since then, I have heard many times about different kinds of domestic violence. The worsening economic situation in the country creates constant stress that is often transformed into violence. Hearing about so many cases of violence all around us, we began to ask ourselves: "Are we changing, or has this always existed and we just did not notice it?"

In 1997, a group of activists in the women's human rights movement initiated pioneering research to publicize the existence and the extent of domestic violence in Bulgaria. The group was mainly composed of lawyers who sought to influence legislative reform in favor of the victims. For the first time, domestic violence, which had been invisible in society and generally considered a matter of private relations, was identified as a

¹ Drafted by Jivka Marinova

violation of human rights. The traditional understanding of human rights, still prevalent in Bulgaria, is based on the principle of non-intervention by the state within the family, with the exception of extreme cases that constitute general crimes under the Penal Code. In cases of domestic violence, the state simply will not interfere and provides neither a mechanism for urgent protection (e.g. protective orders), nor any remedies for the victim. The existing data shows the inability of the system to cope with this issue. Left to their own personal resources, women victims usually abandon any attempt to contest their predicament.

As a consequence of biological characteristics, such as pregnancy, along with gender-identified social roles, the traditional status of women in the family, and cultural stereotypes, women are more vulnerable to violence in the home, and therefore need special protection. International research and studies on domestic violence undertaken in Bulgaria show that women comprise greater than 80% of the victims of violence between spouses and unmarried partners. The fact that domestic violence is the most widespread form of violence against women in Bulgaria is confirmed by data compiled by centers that provide counseling and support to survivors of violence. For example, among 500 women of different ages studied in Bourgas, 52% had suffered some form of domestic violence.

Violations of the individual's right to physical integrity within the family in most cases go unpunished. Moreover, the law treats crimes committed in the privacy of the family or home differently from other crimes. Article 161 of the Penal Code allows criminal prosecution for moderate physical injury caused by a relative to be initiated by the victim only. *This puts an extreme emotional burden on victims of domestic violence.* What's more, domestic violence is most often characterized by repeated minor to moderate physical injury (in the terminology of the Criminal Code). Many aggressors keep the victim under perpetual stress and fear, but do not go so far as to inflict serious physical injury (according to the Criminal Code terminology), so that the victim is without recourse under the law and remains "suitable" for further torment.

Family relations are governed by the Family Code and the Civil Procedure Code of the Republic of Bulgaria. Neither law

defines "family violence." The term appears as a motif or reason for divorce by fault of one of the spouses, but the ground is ordinary "irretrievable breakdown of the marriage," and it has to be proved by the spouse claiming such a reason. The divorce court has to be convinced that violence is the reason for the marriage breakdown. Thus, violence becomes visible only in divorce proceedings, not surprisingly, as the family is regarded as a private unit. Of course, the divorce court does not deal with the violence *per se*.

It is hard to imagine that legislators are unaware of the pervasiveness of violence within families or between unmarried couples living together. More likely, the problem of domestic violence is minimized or underestimated because of a failure to consider the exceptionally harmful consequences to the victims and children within the family. The issue was not presented in 1985 when the current Family Code was drafted and passed. A revision of the Family Code is now under consideration by the Parliament. Dissemination of information about domestic violence is imperative, so that human rights protections may be included for "private" as well as public acts of violence.

Over the past few years, the international women's human rights movement has mobilized around issues of violence against women, emphasizing the responsibility of governments and communities to address ongoing violations of women's rights. Women's human rights activists in Bulgaria have been involved in the growth of this movement through international collaboration and activism at the national level.

In 1998, women activists from all over Central and Eastern Europe took part in a training seminar for women conducted in Sofia by Women, Law & Development International (WLDI) and organized and supported within the framework of the Network Women's Program of the Open Society Institute. The goal of the training was to strengthen the skills of NGOs and individuals in the region to design and implement effective advocacy strategies for the promotion and protection of women's human rights. It was exciting to meet so many women with such diverse experiences, and to learn from the amazing WLDI team how to deal with international instruments and to organize an advocacy campaign.

The Bulgarian team designed our advocacy strategy to focus on the need we perceived for free legal assistance in cases of violations of women's human rights. Based on previous experience, we decided that organizing various NGOs, lawyers, journalists and women activists would be the first step towards achieving a deeper understanding and awareness among the public at large. The team analyzed the existing situation and the resources available, and clarified our objectives, targets and activities. Ongoing consultation with the trainers throughout the campaign was very helpful.

Research on the Issue

In January 1998, the UN Committee on the Elimination of Discrimination against Women declared violence against women a major problem in Bulgaria. Every year some 60,000 women and girls are victims of violence (rape, physical abuse, etc.)—as many as the population of a medium-sized town. Between 60% and 70% of the assaults are committed by persons known to the victims: colleagues, neighbors, relatives, spouses or friends. In Sofia, 15 women are killed each year in their own homes. The risk of a woman being murdered in her home is many times greater than the hazards she faces on the street. What's more, if a stranger stabs a woman on the street, state authorities will prosecute the assault. Yet, when a woman is attacked by her husband at home, there is rarely any further investigation. The burden of proof always rests with the woman victim.

No provisions in the Bulgarian law ensure the protection of the individual rights of family members as a fundamental principle of marriage and family relations. No legislation or legal procedure, like a restraining order, exists to rapidly remove an aggressor from the family home in a situation of violence. Moreover, when women turn to institutions, they encounter accusations and a complete lack of understanding or confidence, as well as a lack of humanity. Very few official agencies give serious consideration to women's issues. Only women's counseling centers run by NGOs provide sympathetic assistance.

For example, Bourgas is a town with a population of 250,000 people. Every month, the prosecutor's office receives about 25 complaints from women victims of domestic violence.

The prosecutor's authority is limited to ordering the issuance of a warning notice. The intervention of the prosecutor consists of sending the file back to the police and then the police officer issues a warning notice. The warning notice is given directly to the perpetrator and there is nothing more. There is no mechanism for enforcement; the police are in charge of issuing notices only.

Official statistics on domestic violence are insufficient and unreliable. Domestic violence should be expressly condemned and criminalized through the Penal Code. The state must assume full responsibility for prosecution, as well as for introducing special protective measures, such as restraining orders, for victims and witnesses.

Given the lack of express non-discrimination legislation in Bulgaria, or any laws that specifically protect women's human rights, the international conventions that Bulgaria has ratified must be applied. According to Article 16 of CEDAW, the state should take all measures to eliminate the discrimination against women in marital and family relations. Domestic violence is a violation of the human rights of women and the difficulty of access to justice for women represents real discrimination, and therefore, a violation of CEDAW. In 1989, the General Recommendation No 19 of CEDAW was adopted, which deals especially with the issue of domestic violence. In 1994, a new General Recommendation No 21, dealing with the equality in marital and family relations, was adopted. The UN Declaration on Elimination of Violence Against Women, Art. 4(c) calls on states to exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether perpetrated by the state or by private persons. All these conventions, if applied correctly by the responsible state bodies, would produce some remedy on the issue of domestic violence. Stronger efforts are needed to make these guaranties on paper operate in women's lives.

In the context of these facts, the team analyzed the content of the law. In Bulgaria, domestic violence is considered as a private matter. State-initiated prosecution of violence occurs only when the perpetrator is outside the family circle. The burden of proof is on the victim. There is no legal mechanism to

remove the aggressor from the home when domestic violence occurs.

Regarding the structure of the law—its enforcement and application—several weaknesses must be pointed out. The legal system is not accessible—most victims cannot afford to pursue a private lawsuit. The police have neither a right nor an obligation to intervene in a private home in order to help victims of violence. There are no services or processes to help men who are batterers.

Concerning the culture of the law—people's attitudes and beliefs—there are a few important findings. There is a complete lack of awareness about domestic violence in the Bulgarian society. The public generally prefers to deny the existence of this phenomenon. Women know very little about their rights, even when the law protects these rights. Women are ashamed to confess that they are victims of domestic violence. There are no relevant statistics, no gender-disaggregated data relevant to the problem of domestic violence. The patriarchal model of society and of the family is still prevalent in Bulgaria.

As members of different NGOs from various cities in Bulgaria, in particular Varna and Bourgas, we managed to document many cases of domestic violence where a clear violation of the human rights of the women victims could be observed.

Objectives

For Bulgaria, the progressive impoverishment of women and its connection to increasing violence against women are critical areas of concern. Many women live on the edge of poverty and simply cannot afford to pursue the legal process. Others know nothing or very little about their legal options. Our team considered the priorities and decided that the economic situation and the feminization of poverty during the transition period from State-planned to market economy, ongoing for over 10 years are among the main obstacles preventing women from enjoying their rights. For this reason, we chose to focus on the issue of free legal services for women victims of domestic violence.

In formulating our objectives, we took into account the language of the Beijing Platform for Action, which states that

Governments should "Ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty." The words of Margaret Schuler in the WLDI book *Legal Literacy* also made a profound impression on our team: "Legal literacy is the process of acquiring critical awareness about rights and the law, the ability to assert rights, and the capacity to mobilize for change."

Among our primary goals, we sought to make it possible for poor women to exercise their human rights; to show politicians a way to carry out the state's obligations under the international Conventions and other documents signed and ratified by the Bulgarian government; and to raise public awareness of women's rights and the violation of these rights.

We established more specific objectives as well. At the cultural level, we sought to sensitize the police, social workers, doctors, judges, journalists, and women's groups—in short, all professionals with whom victims come in contact, and who are (or should be) involved in the process of protection and redress; and to raise awareness and deepen understanding about women's human rights and especially domestic violence among different groups (e.g. women who already contacted the NGOs working as crisis centers, teenage students, students in social care, professionals in the helping professions without any knowledge about women's human rights).

At the structural level, we sought: to provide Bulgarian women with access to the legal system in order to secure the enjoyment of their rights; to represent, advise and act as advocates for women in individual cases; and to push the government to undertake measures for the provision of free legal aid for victims of domestic violence, as a means of fulfilling one of the requirements of the CEDAW Committee's February 1998 recommendations for action to the Bulgarian Government.

Very specifically, we were demanding that the state allocates funds for legal aid for women victims of domestic violence. We also sought changes to the Penal Code in favor of victims of domestic violence, notably the definition of domestic violence as a public crime rather than a private matter.

The Strategy

Given the short time we had to carry out our strategy, our prior experience, limited financial resources, and high ambitions, we concluded that our best strategy would be to divide responsibilities amongst all of our allies and contacts throughout the country.

First of all, we needed very specific research of recent court files, as well as a survey of lawyers' views of the legal reforms we sought. Therefore, we designed research that included financial aspects of lawsuits, procedures for issuing medical certificates, the percentage of cases in which domestic violence was proved, and the percentage of cases in which domestic violence was the grounds for divorce. We focused our research in four cities where there were women's NGOs on whom we could rely for support as well as awareness of the issues amongst the legal community.

We looked at court cases involving domestic violence for the year 1998 at the Sofia regional court, Plovdiv regional court and Varna regional court. These are the three biggest cities in Bulgaria. In Sofia and Varna, criminal cases were examined. In Plovdiv, divorce cases were the focus. It was very difficult to get access to these files, especially the criminal cases. The questions to be clarified included:

- how many cases of domestic violence have been filed?
- what was the relation between private and public cases in the field of violence? (how many complaints were filed by private persons by reason of violence and how many complaints were raised by the State); and
- in how many cases was violence against women proven?

We created a questionnaire to document lawyers' attitudes in Sofia, Plovdiv, Varna and Bourgas towards domestic violence and the need for free legal aid for victims. The main issues of concern to us were: the amount of the state court filing fees; the costs of the proceedings; the lawyer's fees; and the cost of the medical certificate required to prove cases of severe bodily injury.

The data we collected was systematized and compared with data from previous research. Research on domestic violence was conducted in 1997 and 1998 on domestic violence cases in the regional court in Plovdiv and on forensic medicine in Varna. Organizations providing services to victims of violence also produced data. For example, according to their own statistics, the Association "Demetra" assisted 80 women victims of violence in the years 1998 and 1999. The situation was similar in Varna, and Plovdiv. We work in close cooperation with an NGO in Plovdiv that helped us gain access to the Plovdiv regional court by participating in the research team. During the research phase of our advocacy strategy, this NGO opened the first free legal counseling center for women victims of violence. The center began to provide legal assistance from lawyers working on a totally voluntary basis and is a good example of what we hope to achieve on a broad basis.

Our investigation within the legal community showed that many lawyers were ready to take on cases of domestic violence, but not free of charge. Thus, it was imperative to have state funding for victims in order to ensure protection of their rights.

Using the results of the research and the many materials gathered throughout our previous experience, our team began to prepare the public awareness campaign. We also prepared manuals for the various specialized professions involved in the support of victims of violence.

At the same time, a group of lawyers already involved in the issue of domestic violence undertook a comparative analysis of other countries' legislation and mechanisms for combating violence against women. We knew that we would need all this information and analysis for the lobbying stage of our campaign.

We divided the work according to our experience and the location of our team members. The two team members from Varna and Bourgas undertook to organize the public awareness campaigns in their towns, in cooperation with their NGOs and other interested activists. People from Sofia organized the campaign there, and also prepared the manuals and conducted seminars throughout the country. As interest in the seminars grew, we decided to broaden our outreach by moving some of the seminars from the capital to smaller and more remote, but very active towns, like Silistra and Gorna Oriahovitza.

We asked all the participants in our seminars and campaigns to formulate proposals for changes according to their own regional needs, so we could submit a summary proposal to the decision-making bodies: Parliament; the Parliamentary Commission on Human Rights; and the Legislative Council of the Ministry of Justice. This is not our first campaign for legislative changes even if it is the first concerning women's rights.

Educating the Public and Gaining Support

After initiating the campaign with the first free legal counseling center for battered women in Plovdiv, the next phase involved the seminars, which were held in Varna and Bourgas. We used the timing of local elections to promote the participation of women and to involve potential decision-makers in the struggle for legislative reform in favor of victims of domestic violence. Seminars were conducted for social workers, lawyers, doctors, police officers, and women activists. More than 200 professionals and activists participated in our meetings.

We presented to every professional group a brief manual containing information on how to deal with cases of domestic violence, references to relevant laws, and addresses of counseling centers, police offices and medical care facilities. Before publishing the manuals, we invited feedback from each profession, which was very useful. The manuals were a big success and have been distributed to all the major counseling centers and NGOs that deal in some way with cases of domestic violence throughout the country. To our surprise, the greatest interest came from police offices. The Crime Prevention Subdivision of the Interior Ministry Press Office and Public Relations Service in Sofia promised its cooperation, and asked us to provide as many manuals as possible for all their offices throughout the country.

At the celebration of the 16 days of Activism on Violence Against Women, launched in Bulgaria by the UN in November 1999, we participated in a press conference involving NGOs working in the field. There was also a conference held in Sofia of the European Network of Women in the Police. Members of our team took part in these events and promoted our ideas for legislative reform. Nearly all the round tables and public events

were framed by the struggle against violence. This public arena was very important and enabled us to get our arguments heard by legislators and Parliamentarians.

We also coordinated a petition condemning violence against women. We went to public offices, universities, and large companies with predominantly male employees and we managed to gather several hundreds of signatures.

Just before Christmas 1999, we organized a round table to which we invited judges, lawyers, magistrates, officials and employees from the Ministry of Justice, police officers, and representatives of crisis centers and all NGOs involved in the issue of violence against women. We presented our findings, the conclusions from the research and comparative analysis, and our proposal for change. We emphasized that all legal systems for protection against domestic violence do hold the rights of victims rather than those of the aggressor as the priority. Legislation from other countries generally considers violence occurring in the family as an aggravating circumstance and as more severe than the general crime of assault. Under these legal systems, acts of violence which occur in the home are considered more serious than the general assault causing the same level of injury. A major discussion ensued, especially concerning strategy for proposed changes to the Penal Code—whether these should be short-term, quick, and less radical, or major changes achieved over the long term.

Among the proposals for law reform we formulated as a result of this discussion were:

- to introduce a quick *ex parte* civil procedure for issuing legal restraining orders for urgent protection against family violence. This procedure should also protect people cohabitating outside of marriage, persons in intimate relationships, ex-spouses, and all persons living in a common household;
- the process of proving domestic violence should be simplified for the victim, who should benefit from assistance and support of the police and NGOs;
- non-compliance with restraining orders on the part of the aggressor should be deemed as a crime, which could justify the arrest and detention of the aggressor;

- the act of domestic violence, regardless of the injury, should become a crime under the Penal Code;
- to introduce a system for free legal assistance and representation for victims of domestic violence;
- to introduce a simplified civil procedure for compensation of damages for victims of domestic violence; and
- to improve and increase the role of the police in the prevention and prosecution of domestic violence.

We are well aware that these proposals represent a big challenge for the legislative bodies, lawyers and other professional groups like the police, doctors, social workers, etc., as well as for NGOs already involved in protecting domestic violence victims. That is why we tried to make them as widely known as possible. We are preparing all the documents from our findings in order to present them officially to the Commission for Human Rights in our Parliament, to the Ministry of Justice, and to individual members of Parliament.

Outcomes of the Strategy

The main outcomes of our strategy were:

- We attracted the attention of significant numbers of people from different social spheres to the problem of domestic violence.
- Our domestic violence campaign was covered by local newspapers and television, as well as by *"Zharava"* monthly magazine published by the Women's Association for Development.
- We made concrete progress in investigating the nature and extent of the problem in greater depth.
- We strengthened our own capacity as advocates for women's human rights in the country.
- We developed educational resources including three specific manuals—for the police, social, and health workers—"How to help victims of domestic violence," and different training materials.

- We gained confidence as trainers and as a team and succeeded in conveying the information and our message through trainings to more than 200 people.
- We gained supporters and allies for our mission.

A few days after our last meeting, there were changes in the government. Because of these changes, we could not realize every goal we had envisioned. Given the upcoming regional meetings and the global Beijing + 5 meeting, however, we hope that there will be some accountability in the new structures of power. We hope that there will be receptivity to our ideas and objectives, and that, with the constant and tireless support of civil society, the legislation will ultimately be changed to protect victims of domestic violence, making our state a true guarantor of rights for all its citizens.

On our part, we have designed new projects and new strategies, focused both on victims and on perpetrators of violence. One of our major lessons learned is that violence against women cannot be stopped by legal provisions alone but demands hard work with men to change deeply rooted beliefs about gender roles. In our future work we count very much on the support of already established structures, on voluntary mixed groups, willing to help both women and men, and on our international network from the U.S. and European women's human rights organizations.

Chapter 2 **To Make Formal Rights Real¹**

Bulgaria

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The Issue

Despite the existence of legislation that protects women's rights in the formal sense, our experience of working on women's issues in Bulgaria has shown that women's rights are not upheld in practice. Both discrimination against women and violations of their rights are widespread. Bulgaria lacks an authorized institution to monitor such violations and is thus unable to guarantee equal opportunity for women and men. Many factors convinced us of the need to create a formal mechanism at the national level.

One such factor is related to the political instability that has characterized the past ten years of Bulgaria's transition to democracy. Bulgaria has had nine governments, four parliaments and two presidents. Attempts at making progress have not been sustainable; support often disappears when the political environment changes. Existing structures do not function properly because of corruption and lack of willingness to enforce laws. This lack of action is an indirect violation of rights.

In addition, the transition process has coincided with a major economic crisis and has had a more negative impact on women than on men. Because women's rights are a low priority overall, there is concern that past achievements for women will be eroded.

¹ Drafted by Radka Valkova

Evidence documented by women's NGOs shows that rights violations are widespread. There has been a rise in all forms of violence against women as well as continued direct and indirect discrimination in social, economic and political spheres.

Settling individual cases or protecting some violated rights does not solve the problem itself and is not sufficient to create the changes necessary to protect human rights. In order to have major impact on the status of women, and thus on the whole society, we felt a need to do something more than research and fact-finding.

Taking into consideration the factors mentioned above, we decided to lobby the government to establish a national mechanism to uphold women's human rights and monitor violations. This could do a lot towards making the state develop and accept policies for equal opportunities of men and women. We also felt that lobbying for a national mechanism at a moment when the Bulgarian government was under pressure to make legal changes in order to be accepted into the European Union could work to our advantage.

As a member of the UN, Bulgaria is obliged to protect human rights. The provisions of the Universal Declaration of Human Rights and other human rights instruments, such as CEDAW and the ICCPR, define Bulgaria's obligations as a member of the international community. Building a national mechanism is one of the necessary steps for the government to comply with its international human rights obligations.

Research on the Issue

In the beginning, project activities were research-oriented. Although we felt we had a good understanding of the major problems faced by women in Bulgaria, we knew it was important to hear directly from women on how best to address those problems. To do this, we sought out women of different cultures, educational backgrounds and age groups from different towns and villages. At the same time, we hoped to cultivate support for our long-term goal of creating a national mechanism.

We developed three questionnaires to assess concerns and measure public opinion. These questionnaires gave women the opportunity to express their opinions without fear and initiated an open and on-going dialogue. The surveys were distributed to

hundreds of women throughout the country with the help of the local branches of "Women for Dignity" Union and Rural Women's Clubs, two major organizations involved in the project. Several other NGOs were involved in this effort.

The first questionnaire asked general questions regarding women's knowledge of their rights as defined in national law. We also wanted to hear about their experiences in seeking out institutions for redress of violations. In addition, we questioned them about international human rights conventions and other norms ratified by Bulgaria and if they knew which international institutions they could petition for help.

We found out that 60% of the respondents had some familiarity with Bulgarian laws and consider the Constitution the main document that protects their rights. However, only a very small number of women knew anything about international laws and legal norms. About 20% of the respondents reported that they have suffered violence; 70% of them have not asked any institution for help, either because of lack of knowledge or lack of trust in the institutions; 30% addressed some institutions, the majority receiving no support in solving their problems, and only a small number obtaining some help.

In some cases, the institution to which women appealed had no authority to act. For instance, the police cannot do anything in cases of domestic violence, which is considered a private matter and is not sanctioned by the law. Only the victim can start a case in court.

The analysis proved that women's main problems were connected to the grave economic crisis that worsens the violation of laws and discrimination and violence in the workplace. When companies downsize, women are the first to be fired. The difficult economic situation makes women accept any kind of work under any conditions. Often they are subjected to sexual harassment, and some bear it only to preserve the job they have. Others complain but receive no help and are compelled to leave their jobs. Age discrimination also affects women worse than men. Middle-aged women are not sought for any positions irrespective of their education, qualifications, experience, etc. This survey also showed that women are concerned about the absence of a law making domestic violence a crime. Women felt the need for change in this area of the law.

We concluded that Bulgarian women need more knowledge about the laws and mechanisms associated with the protection of rights. Some women are not even aware that their rights are violated or that they can turn to the law. Many women need encouragement to overcome patriarchal attitudes and to regain self-confidence. A change in culture is required to bring about changes in attitudes toward the law.

The second questionnaire was designed to get more specific information about women's human rights violations and when and where they occur. We also wanted to survey women to determine the level of support for creating a national institution for equal opportunities.

A very important result from the second questionnaire was that 100% of the respondents supported the idea of establishing a government institution to provide and guarantee women equal opportunities with men.

This survey, in addition to our research and education work, showed that the most frequently violated rights are those guaranteed by the Constitution, the Labor Code, and other regulations. This includes rights related to maternity, health insurance, employment and many other rights. While our project deals with inequality and violation of women's human rights as a whole, we cite these concrete examples as evidence of violations and the need for an oversight mechanism. Violators include employers in state-owned or private companies (cases often involve a woman employer) and corrupt administrators. Often women employers violate the rights of their women employees by firing them, not allowing any absence even for medical treatment, etc. At the household level, violators include spouses, male and female offspring and others. Often in cases involving employment and private matters, women fear retaliation and do not report violations.

The third questionnaire was developed through the initiative of a local branch of "Women for Dignity" Union in the town of Kazanlak. It addressed violence towards parents and especially mothers, by their grown children. This survey found that since the beginning of the economic crisis in the country, there has been an increase in this kind of violence in the town and the region. Unfortunately, this phenomenon is connected to both the economic and moral crisis.

During our research work, we established that one of the most drastic offenses to women's dignity and violations of their rights is connected with pornography. Lately, it is being freely published, distributed and exposed, in spite of provisions in the Bulgarian Penal Code for punishment, and of Bulgaria's signing the international convention against it. To check the response of the corresponding state institutions, we wrote an open letter to the Chief Prosecutor of Bulgaria, the Chairman of the National Assembly and the Minister of the Internal Affairs. The open letter was published in the "Dignity" bulletin and distributed through the branches of both organizations ("Women for Dignity" Union and the Rural Women Clubs). There was a wide public response but the media did not take enough interest in the issue. This was easily explainable provided that almost every daily (even the most serious ones) or weekly newspaper as well as many magazines in Bulgaria publish pictures of naked women, and two of the main TV channels broadcast pornographic programs at normal hours when everybody watches TV. To date, there has been no response by the state institutions either.

In addition to examining conditions within Bulgaria, we also did comparative research on existing mechanisms for equal opportunities in other European countries. This was done with the assistance of European embassies based in Sofia, by getting information from our team members participating in international conferences (for example, the European Conference of the Associated Country Women of the World), and through WLDI training seminars. We also contacted women's organizations and institutions in other countries. The Bulgarian Ministry of Justice and the Ministry of Foreign Affairs assisted us with our efforts.

We discovered that Bulgaria is one of the few countries in Europe that does not have a national mechanism for equal opportunities. As much as we are convinced of the need to create one, we are concerned about similar mechanisms in some post-totalitarian countries which do not function properly because they were too hastily created. We want to avoid this in Bulgaria. The national mechanism for equal opportunities cannot be built from top to bottom. Instead, it must be created from the bottom up.

The Strategy

Based on our analysis, we defined our two human rights advocacy issues as: the need to create a national mechanism for implementing and monitoring the existing legal human rights of women; and the need to address society's lack of information on and awareness of human rights.

Clearly, neither of these can be easily or quickly achieved nor are they enough to guarantee the rights of women. In order to take action toward our long-term goals we developed three strategies to undertake in the short-term. These were: public education and consciousness raising; involving local authorities; and lobbying state institutions (Ministries and Parliament).

In order to be successful, we knew it was necessary to work at the grassroots level. We needed to build a broad base of support among groups and organizations in order to lobby effectively for an institution at the national level.

So, our main long-term goal was to work for the development of a draft proposal for establishing a national institution as a necessary requirement to monitor the implementation of laws protecting human rights. We intended to lobby women members of Parliament to bring the proposal to Parliament.

Activities were divided between us at the beginning of the project based on our skills, knowledge and experience. During the implementation of the project, roles sometimes changed. All decisions were made by consensus. We held regular meetings to evaluate activities, plan forthcoming activities, decide changes in strategy, and agree on next steps. In cases where differences in opinion among team members created challenges, we were able to deal with them constructively.

Educating the Public and Gaining Support

In addition to our surveys, we conducted seminars and roundtables in the towns of Vratsa, Razgrad, Biala Slatina, Dobrich and in some villages in the country. The objective of these activities was to better acquaint women with Bulgarian law, international human rights documents and institutions for protection of their rights and for us to learn more about the local situation. Participants included representatives of local women's organizations, local authorities (in most places mayors actively

participated), police, prosecutors, lawyers and the media. There was consensus among the participants that the content of the laws protects rights. However, these laws are often not enforced and applied.

In Razgrad, discussion of the common problem of unemployment and discrimination in the workplace brought together women's organizations (including Roma, Turkish and other ethnic associations.) Here, the round table sparked efforts toward building a local council to work on solving women's problems and this idea was supported by the mayor. Razgrad is a good example of what can be achieved when there is awareness, understanding and joint interest.

Significant issues were brought to light at the Dobrich roundtable. The Labor Office noted an increased rate of violence in families with more than one social problem (i.e., unemployment and serious health problems in the same family). They also made a link between the economic crisis and the increase in violence. A female court representative stated that the courts should address rights violations but that courts cannot do anything if women do not bring cases forward. Participants also openly shared their concerns about a well-known company operating in the town engaged in trafficking in women from the region. The police were aware of this problem but could not take action because there were no written complaints.

At the round table in Biala Slatina, representatives of the local authorities, youth organizations, the Union of Disabled People, trade unions, and a Roma confederation participated. Participants shared cases of drastic violations of women's rights. For example, women workers in a private company say they are treated as slaves and are forced to leave the company when they fall ill and miss days at work. The answer they get from the woman employer when they try to stand up for their legal rights is: "I am the law. If you do not like it, leave." The representative of the Union of Disabled People spoke about violations of the inherent right to work. The cases of domestic violence were treated as a consequence of the economic crisis—women bear it because they lack opportunities to leave the relationship. A suggestion was made that women psychologists be appointed by police to support women victims of domestic violence. The representative of the youth organization emphasized problems of

drug addiction and prostitution affecting the young people in the region. All the suggestions made were unanimously accepted and the participants fully supported the need to build a national mechanism to provide equal opportunities for men and women and to turn their formal rights into real ones.

Our common conclusions from the analysis carried out with the participants in all the seminars and round tables of the three elements (content, structure and culture) of the legal system show that the content of the law gives good possibilities for protection of women's human rights. As for the structure, there is no monitoring of the implementation of laws, which is why a special institution must be established. Concerning the culture, it is evident that Bulgarian women need more knowledge about the laws and mechanisms for protecting their rights. Many women need encouragement to overcome patriarchal models of behavior and to regain self-confidence. There are some very conservative habits in upbringing and in traditions that influence the establishment of equal opportunities and are an obstacle to making formal rights real.

We believe that these roundtables and seminars motivated women's groups and NGOs to work together to spread information about women's human rights to other groups and organizations. The "horizontal principle" of knowledge dissemination is critical during Bulgaria's transition. There is strong distrust of everything that comes "from above." It is essential that women develop the knowledge and self-confidence to take up these issues on their own and with others. Our conclusion is that NGOs have to work mainly in the areas of education, information and leadership development.

As a result of the seminars and roundtables, women's groups in the countryside felt more united and self-confident and acted as such. It was important for them that their opinion and suggestions were taken into account. They organized more meetings locally with other women in order to distribute the information they had received. They also worked to support local authorities forming local councils by suggesting appropriate women to participate, and defining the main issues of concern in their regions that needed to be addressed.

The monthly bulletin *"Dignity"* played an important role in the process of educating and mobilizing the public. It was an

effective way to disseminate information about the progress of our work. We were also able to receive feedback, gather additional information for our research and get support from the general public. The bulletin reached people in all parts of the country. It was distributed by mail and with help from other NGOs and volunteers from Rural Women's Clubs and the "Women for Dignity" Union.

In the "Documentation" section of each issue, we published information about important national and international legal documents on women's human rights. As far as we know, *"Dignity"* is the only publication that covers these topics and many women said that it was the first time they had access to such information. The bulletin also served as a chronological record of the project, providing detailed information on our events, and it was a means to mobilize the public to support the project. We published letters from women expressing great interest in the work. The bulletin also recognized all of the supporters and volunteers who actively participated in the project.

We found the media to be an important ally in publicizing our efforts. The media in the countryside covered many of our local roundtables and seminars. Through newspaper articles and radio and television broadcasts, they helped us spread information about our events and present the outcomes to a broader audience. Our team was interviewed by local television and thus had its first opportunity to raise the issue of a national mechanism. In addition, women in Dobrich initiated their own weekly radio program about women's rights.

At the national level, the media is more commercialized and sensation-oriented and was not so responsive. Some women's newspapers and magazines, for example, did not express interest in women's rights issues. However, they did cover our high-level round table with the Vice President and other important officials (discussed in detail below). Our team's presentation and message about the need for a national mechanism for equal opportunities was covered during a national television news program. *Radio France Internationale*, the *Bulgarian News Agency* and *"Uchitel'sko delo"* newspaper also covered this event. Despite this success, we realized our education activities

must include journalists in order to make them more sensitive and responsive to women's issues.

The public meetings in the country gave us the idea to establish councils authorized to address women's problems. Such councils were established in the towns of Vratsa, Biala Slatina, Razgrad, Dobrich, and the village of Popitsa. Local councils are closer to the everyday problems of women and can provide better solutions because they are more accessible and potentially more effective. This requires, however, that the councils be aware of and empowered to enforce existing laws and regulations.

The councils look for our support. They lack financial resources and work as volunteers. But these local experiments can be used to develop effective practices and structures to be replicated at the national level. This idea was also endorsed by local institutions, authorities, NGOs, representatives of police, prosecutors, and prominent individuals.

The experience of the local councils is of great importance for achieving our goal. They can serve as models for the national institution on one side, and on the other—they can effectively exert pressure on the government to demand such an institution, assisting us in the process of lobbying.

The representatives of some government institutions we contacted (Parliament Commissions, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Labour and Social Policy) are willing to collaborate with us. They expressed a need for the assistance of NGOs especially in disseminating and collecting information about problems at different levels. NGOs are closer to ordinary people and have large networks to be used. Government representatives are willing to provide experts for joint work. Bulgaria's integration into the European Union requires that the government take steps to harmonize domestic legislation with European Union standards including legislation on human rights and equal opportunities. This is another area where the government requires the help of NGOs.

During the project we had support from trade unions and other local NGOs, including ethnic based groups. Some provided us with information and printed materials for the seminars and the roundtables. Others helped in distributing the questionnaires and the monthly bulletin *"Dignity."* All the

seminars, meetings and roundtables in the country were organized with the support of volunteers from the local branches of "Women for Dignity" Union and the Rural Women's Clubs. Trade Unions helped us develop materials based on actual cases. We hope to work with the unions to prepare the proposal for building the national mechanism.

Outcomes of the Strategy

The culmination of our work was a high level round table, "National Mechanism for Equal Opportunities," held in Sofia on December 7, 1999 under the auspices of the Vice-President of the Republic of Bulgaria. Representatives of government institutions (ministries and Parliamentary Commissions), women parliamentarians, trade unions, NGOs and the "Men's Committee Against Violence Against Women" participated in discussions regarding next steps. The most important result was the decision to form a working group of experts from government institutions and NGOs to develop a proposal and coordinate efforts toward creating a national mechanism. Another important result was the promise made by the three women members of Parliament who were present to support the proposal in Parliament. We feel that we succeeded in turning our demand into a social issue supported by a wide range of actors.

The emphasis at the round table was on the mechanism. There was no general discussion on women's issues as these have been documented and discussed for a long time. Also, a great deal of research has previously provided concrete data. It was important that women's problems were recognized as issues that affect the entire society and require the united efforts of government, NGOs, and the whole society. Some male participants felt that more men need to understand women's problems in order to participate in solving them. We consider this to be a step forward that can lead to joint efforts by women and men.

A unique result of our project activities was the building of the "Men's Committee Against Violence Against Women," associated with "Women for Dignity" Union. The committee consists of men intellectuals whose motto is "An offense against women's dignity is an offense against men's dignity, too." The organization works on finding solutions to this problem. It

actively works with the branches of the "Women for Dignity" Union and was a very active volunteer in distributing our bulletin and in forming branches in other towns in the country.

During the implementation of the project, some new ideas for the near future arose. For example, we intend to bring court cases related to discrimination against women when they retire. Winning one case will show that the pension law is inconsistent and contradicts the Constitution. We also want to be a part of the process to create more local councils in the country and provide them with information and methodological assistance. The team plans to find resources to continue and to bring the important work that we have started to a successful end. The next step will be the development, with experts, of a draft proposal for building the national mechanism.

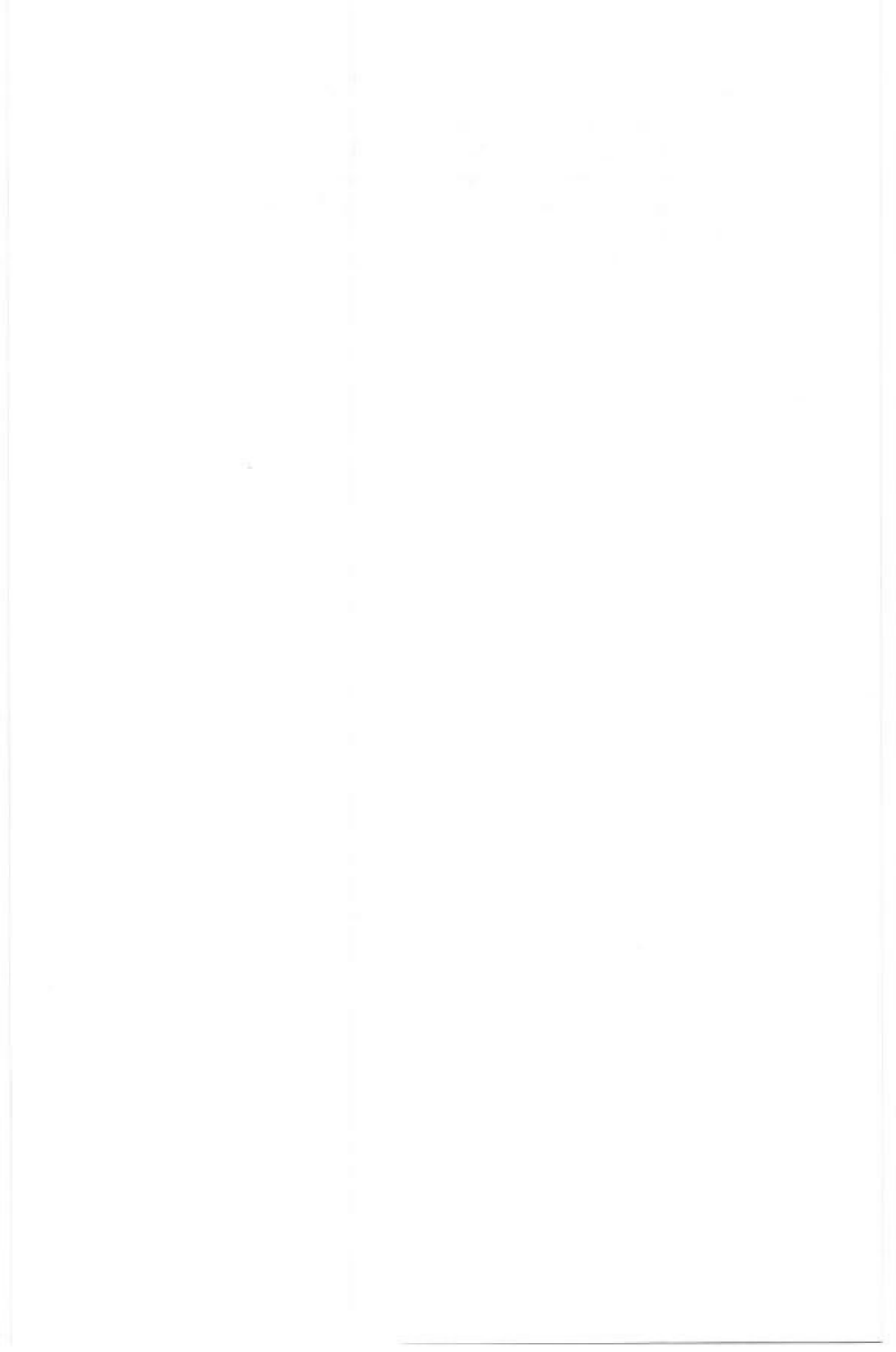
Assessment

From the beginning, we knew we could not meet our long-term goal within the project time period. We were able to make progress by developing short-term strategies. It was very important to focus on outreach to grassroots level women's groups, NGOs, local authorities and government institutions. By timing our efforts during discussions about Bulgaria's application to join the European Union, our issues were talked about in the context of international legal obligations and legal reform. Building a national mechanism for equal opportunities is part of what the government must do to honor its legal obligations. At present, a law on equal opportunity is envisaged. We consider our role to be bringing information about the law for distribution and discussion at the grassroots level so that people's opinions and recommendations are taken into consideration.

In addition, we were able to refine our advocacy strategy during the WLDI training program. Our understanding of the advocacy process deepened. We realized that NGOs, irrespective of their effectiveness or size, cannot solve every individual human rights violation. Protecting rights means every citizen has to be aware and have the skills, knowledge and legal opportunity to make complaints and take action against human rights violations. Working in the area of the culture of the law, especially in informing the general public, is as important as

building the national mechanism. These two paths must be pursued together in order to achieve real success.

We feel we have created the preconditions to build a national mechanism. Success requires additional time and financial support.



Chapter 3

The Right to Health: Breast Cancer

Croatia

Maja Dubljević
Gordana Lukač Koritnik
Lovorka Marinović
Gordana Dragišić Obradović
Irina Stajčić

The Issue

"Women's right to health is everywhere and always at risk. The gender gap in women's health is a fact we must eliminate. We need more and better research directed towards women's specific health needs, and we need a broader understanding throughout the health professions that women and men have different health needs and priorities."

*Dr. Nafis Sadik, Executive Director,
United Nations Population Fund (UNFPA)*

Political change and the transition to a free market economy have caused a deterioration in the status of women in Croatia in all spheres. The war has only made these problems worse, and added new problems endemic to situations of armed conflicts. Among the problems is the inadequate health care system. Women and families feel these inadequacies most. In the Republic of Croatia during the last decade, health care resources were significantly diminished, mostly due to the post-war economic crisis. For illustration, it is worth noting that health care expenditures in Croatia are 7% of the gross national product. In 1998 the per capita gross national product was approximately US\$210.

The reform of the health care system that was begun several years ago in response to the financial crisis has created major problems. First, the lack of resources basically caused public health to collapse. Second, but no less important, is that laws defining patients' rights are unclear, and patients are not informed about them. This means that regulations that are promulgated each year have greater impact than the law itself. Women in particular have been hard hit by these changes.

Croatian women's NGOs that focus on the elimination of discrimination against women have noticed the problem of gender-based discrimination in the field of health. In 1998, these NGOs prepared a "shadow report" for the Committee on the Elimination of Discrimination Against Women (CEDAW) that was mentioned at the CEDAW Session held that year. The Committee stated:

While welcoming the detailed data provided in the report concerning health, the Expert called for its analysis and for more information on the Government's health policy. Cuts in the budget for health services were cause for concern, including the effect of the elimination of State support for essential health services for women. Questions were raised concerning women's equal access to medical care and the cost of such care, including gynecological services, which many women could not afford.

Breast cancer is one of the most significant health problems, if not *the* most significant health problem, faced by women in Croatia. Official statistics concerning breast cancer are not publicly available, nor really even scientifically collected. On the basis of independent information and data, however, it is possible to conclude that we are dealing with a problem of huge proportions. According to independent research, around 1500 new breast cancer cases are discovered annually in Croatia, and 700 women die every year from the disease.

Many studies conducted throughout the world have proven that early detection of minimal, preinvasive breast cancer is the most powerful tool in the struggle against the disease and the key to successful treatment. According to recommendations of the American Cancer Society and similar organizations in other countries, a screening program for breast cancer should

include a breast self examination, clinical examination, mammograms, and other necessary diagnostic procedures. The implementation of such a screening program depends, of course, on the financial and technical resources in the particular country.

Despite the need for primary preventive care aimed at detecting breast cancer, and its demonstrated effectiveness, experience suggests that this type of care is decreasing abruptly in Croatia. Thus, we decided to focus our advocacy strategy on this problem. Certain challenges were apparent from the start: legislation in this field is inadequate; NGOs are generally unaware of the role they could play. What's more, the media rarely if ever covers this problem.

Research on the Issue

In order to investigate the situation regarding women's knowledge of and attitudes towards breast cancer and their experiences with clinical breast exams, we planned and carried out a survey. We interviewed 363 women from Zagreb, Split and Osijek. Of these, 12 (3.3%) presently have breast cancer or have been "cured," and 48 (13.2%) have a family history of breast cancer. Almost 80% of the women surveyed were aware that breast cancer is the most common cancer among women. Only 17 survey respondents (4.7%) said that they had no information about breast cancer. Most of the 346 women who did have knowledge of breast cancer indicated they had more than one source of information about breast cancer. The most important source of information was the mass media—the press and television. Only 156 survey respondents (43%) considered the information they have on breast cancer sufficient.

Preventive breast examination by medical personnel had been performed for 241 (66.9%) survey respondents. Only 30 respondents (8.3%), however, had a medical breast examination at the suggestion of their treating physician. Most commonly, women themselves request a breast examination by medical personnel. Of the 363 survey respondents, 335 (92.3%) said they were willing to get a medical breast examination at the suggestion of their physician, but only 8.3% reported getting such a suggestion. In other words, a substantial majority of women are not receiving preventive care when the evidence suggests that they would do so at the initiation of their treating physician.

Drawing on legal expertise, we also looked at the Croatian law. More than 20 laws and regulations were reviewed. According to Article 58 of the 1990 Constitution of the Republic of Croatia, health care is guaranteed to all citizens. Our health care system and health care rights are governed by the Health Care Act (HCA) and Health Insurance Act (HIA) and by a variety of regulations. The HCA governs the principles, organization and implementation of health care policy, while HIA governs the rights of the insured. According to Article 7 of the HIA, those insured are included in the system without reference to their gender. In practice this means that women with or at risk of breast cancer share the fate of all persons insured in our deteriorating public health system. On the other hand, there are certain provisions in the HCA that explicitly refer to women's health. For example, gynecology, under the HCA is defined as women's health care "regarding pregnancy and birth, motherhood, family planning and early cancer detection."

There are regulations providing for early screening for breast cancer detection, but they are only partially being carried out, according to a team of medical experts involved in our work. These experts analyzed data from the Croatian Institute for Public Health, which is mandated to carry out statistical research on public health. Publicly available data is not, in general, disaggregated by gender, which makes it difficult to gain insight into patterns and trends in women's health. According to the Institute's data, however, breast examination in gynecological care in the period from 1995–1997 was conducted on only 6% of women. The pap smear test was performed for only 17% of women. According to our medical experts, doctors in the primary health care system (including gynecologists) often lack both the necessary equipment for early breast cancer detection and specific knowledge or experience of the disease. Exams have to be scheduled several months in advance. A single gynecologist in the primary health care system cares for an average of 8,895 insured women. In some regions only one gynecologist is available for tens of thousands of insured women.

After the medical and legal research and analysis, we concluded that women's right to health in Croatia is being violated. This includes the right of equal access to adequate health care and health-related services, regardless of sex, race, or

other status; and the right to the highest attainable standard of physical and mental health.

Our government has signed the Beijing Platform for Action and the Beijing Declaration; the Program of Action of the International Conference on Population and Development; The Copenhagen Declaration on Social Development; and the Program of Action of the World Summit for Social Development. The Croatian government is a state party to the Convention on the Elimination of all Forms of Discrimination Against Women and other relevant international agreements that commit the state to meet the health needs of women throughout their lives. Specifically, in accordance with commitments made at the Beijing World Conference on Women, the government is obliged to ensure women's rights to enjoy the highest attainable standard of physical and mental health. Paragraph 92 of the Beijing Platform for Action states:

Women's right to enjoyment of the highest standard of health must be secured throughout the whole life cycle in equality with men. Women are affected by many of the same health conditions as men, but women experience them differently. The prevalence among women of poverty...and their lack of influence in decision making are social realities which have an adverse impact on their health.

Objectives

We want to improve the status of women's health and to increase their access to the medical system. Our long-term goal is to emphasize that women's health, as a specific health issue, is not only an individual problem but a problem of the state and society in general. The government and the health care system have the obligation to provide appropriate care for women's unique health issue—breast cancer.

Our specific objectives are to build public awareness about the problem; to sensitize women to their right to health; to empower women to take care of their own health; to advocate in the Parliament and relevant state institutions to hold the government accountable to its obligations; and to formulate proposals for amendments to existing laws and policies.

Our demands of the government included improving prevention and including preventive measures such as annual gynecological examinations in minimum health standards. We didn't make big changes in our objectives over the course of our work, although we did discuss focusing on only one demand instead of several.

The Strategy

From the beginning we decided that our mission would be to improve the status of women's health and to realize their guaranteed right to health. Our action plan consisted of the following activities: establishing medical and legal expert teams to perform medical and legal research; analysis of existing laws and regulations; establishing a coordination structure between the different partners and creating a partnership with medical, legal and government authorities. After that first phase, we planned to propose draft amendments, organize public forums and press conferences, produce and distribute campaign materials, and conduct lobbying.

After completing the medical and legal analyses, which were the first activities organized by the team, we formulated a proposal on an amendment to the existing laws and policies. We planned lobbying at policy-making levels. The main goal was to have adequate laws, regulations and policies with respect to women's health.

We learned an important lesson for future advocacy efforts in our work monitoring and analyzing how the state's obligations on paper operate in fact. Funding levels approved in the national budget have a critical impact on laws and policies—particularly in the area of health. In the course of carrying out our advocacy strategy, we developed and refined our analysis of the importance of budget and structural factors in realizing women's rights. Under the national budget, there are no funds approved for preventive breast examinations.

On the cultural level, our intention was to sensitize women to their right to health and thus to empower them, and to build public awareness of health issues such as breast cancer. To realize these goals and objectives, we organized surveys, press conferences, round tables and the dissemination of information on breast cancer through educational materials.

Our team is made up of Croatian women's rights advocates involved in the Human Rights Advanced Leadership Training for Women. We also involved medical and legal experts in our advocacy strategy. We organized medical and legal teams in order to conduct legal and medical analyses, and to develop relationships and shared understanding to draw upon in future work on our strategy. The team shared tasks and responsibilities according to our individual skills, professional occupations and areas of work and interests; we found that this was the best way to function effectively. However, we found that our work in different organizations and locations limited the time we had for the project.

Educating the Public and Gaining Support

Our team planned several activities to educate women and health professionals. We met with NGO representatives and activists from the Women's Post-Mastectomy Clubs with whom we established good relationships and agreed to work together. Specifically, we agreed to co-host some public panels. During November 1999, the month dedicated to the struggle against cancer, the Women's Post-Mastectomy Clubs organized a public panel in Split, and we shared with them our materials and the results of our analysis.

In November 1999, our team also organized a round table on the legal and medical aspects of breast cancer. We wanted to initiate discussion of this issue with an interdisciplinary group of experts and to hear their suggestions and opinions about possible strategies for change. The members of our medical and legal expert teams presented the results of their analyses and their proposals for reform. They proposed that the law should be amended to require gynecologists to provide all women with regular check-ups once a year, including gynecological and breast exams. It was interesting to hear the responses and opinions of participants in this round table discussion. One especially noteworthy suggestion was that we take care not to propose solutions that might turn doctors—a key constituency in health care reform—against us. Doctors cannot in fact make a living providing regular annual examinations to all their patients, given the small amount of money they receive from the Croatian Institute of Health Insurance for this type of care. This point

highlights again how the issue of women's right to adequate health care is embedded in the larger issues of public health care in general and state budget allocations for health.

We printed and distributed leaflets informing the public about the issues and about the need for reform, calling on health professionals, NGO representatives, and Women's Post-Mastectomy Club members to support our initiative. We also printed calendars with the information, which we distributed with the help of women's NGOs and others. In cooperation with a local women's initiative in Gvozd (a small town in an area devastated by the war), our team organized a lecture for local women on cancer prevention and consulted with them about our work.

November and December 1999 were the final months of extensive pre-election campaigning in Croatia. We took advantage of that opportunity to present our work in forums organized by the Ad Hoc Women's Coalition for Elections. Several public panels for women were organized in various Croatian cities, including Makarska, Ploce, and Dubrovnik.

Outcomes of the Strategy

What we originally planned as the first phase of our advocacy strategy took more time than we expected. We put a lot of effort into formulating specific legal provisions concerning women's rights to regular, annual breast exams. In the course of conducting our research, we found that the problem is far more complex than we originally thought. Lack of access to adequate preventive breast health care is linked to the overall structure of the health insurance and health care systems in Croatia. In the course of our work, we began to understand how complex these systems are. Our primary national health protection is divided into two separately organized and separately financed realms that are not cooperating sufficiently. In addition, we found 21 different laws and administrative regulations that govern this field of public health. That means we cannot expect to effect a change in women's access to preventive breast health care simply by adding specific provisions concerning the right to regular check-ups. Solving the problem means changing the whole system—the way in which it is organized and financed.

An important outcome of our strategy is the cooperation we established with medical and legal experts. This will be useful for future work. We also agreed to work with some NGOs on the issues. Unfortunately, we were unable to conduct the media campaign planned due to limited funds and the fact that we spent time on a non-partisan election campaign—which was successful. We hope our new government will be more responsive and cooperative on women's health issues.

Assessment

We consider our strategy a success given the unique circumstances in the country during the time we organized it. As mentioned, it was a pre-election period, and everyone—political parties, citizens, even donors—was interested solely in changing the ruling party. So, it was very difficult to find colleagues who shared our belief that women's rights advocacy is an inseparable part of democratic change. Almost all NGOs were involved in the pre-election activities. It was obvious that Croatian society as a whole needs global political change, and people were not interested in "details." We anticipate that there will be new opportunities for advocacy on health care issues under the new government, which is resolved to tackle the problems that dominate Croatian society.

In evaluating our process, we realized that some parts of the strategy weren't well organized. For example, we didn't make good connections or build coalitions with other NGOs. This is part of why it was difficult to generate a mass media campaign. Most significantly, and something that became completely clear when we began to evaluate our work, is the importance of commitment and a very clear strategy.

Chapter 4

Model Legislation on Domestic Violence¹

Czech Republic

Petra Ledvinkova
Darina Lisuchova

Introduction

In the Czech Republic, women's rights were not an issue of interest until the early 90s. Prior to that time it was inconceivable for most of the Czech population to think openly about enjoying human rights and basic freedoms. After the change to a democratic political system, many NGOs promoting human rights emerged and began to uncover cases of violations of rights. Many people were shocked by the serious violations of human rights uncovered in a brief period of time. It was hard to realize that such things could be happening in our society. There remain many problems concerning human rights and women's rights in the Czech Republic.

The Issue

Both of us had experience working on the problem of domestic violence. Petra had been serving as a free legal advisor to ROSA, an NGO in Prague that provides psychological help to victims of domestic violence. Darina first encountered the problem of domestic violence when she was working as a coordinator of a project organized in cooperation with the Alliance of Women from Slovakia and Amnesty for Women from Germany. The aim of the project was to involve women lawyers from the Czech Republic and Slovakia in work on

¹ Drafted by Darina Lisuchova

domestic violence and trafficking in women, with a view to establishing specialized legal assistance in these fields. The seminars organized during the project featured several lecturers from Germany and Austria. The Austrian experience was particularly interesting and inspiring to us. The women's NGOs there succeeded through lobbying efforts in passing a domestic violence law and amending the civil code to include a restraining order procedure as a protection for abused women.

In the Czech Republic, domestic violence is not recognized a public offense. The attitude of the state towards the problem of domestic violence could be described as willful ignorance. We are often told that this problem does not exist, that it is impossible that something like this could exist in Czech society. If a responsible government official admits that domestic violence does exist, it is not considered a public problem but a private matter, which has to be solved by the victim and the offender themselves.

Legal provisions on violence in general are limited to physical injury that incapacitates a woman for more than seven days. There are no legal mechanisms that protect a woman victim of domestic violence who initiates a complaint against the offender. Thus, the laws are inadequate to respond to the real situation of women seeking to take legal action. This reality runs counter to the international instruments that the Czech Republic has signed. Under international law, the Czech government has the obligation and responsibility to ensure that women victims of violence are protected by national laws and enforcement mechanisms.

Therefore, the basic problem we sought to address was *the lack of adequate legal protection for women victims of domestic violence*. We thought that legislation specifically addressing domestic violence would provide women victims with access to justice and enable them to realize their right to personal security in the home.

Research on the Issue

When we began our work, we found that there were quite a number of NGOs working on domestic violence by providing women with psychological help and support. Only a very few of these were also providing basic legal assistance. Mostly, they

informed women of how to protect themselves and then advised them to hire an attorney. It is, however, very difficult for most women victims of violence to pay for legal help. Most have children and are escaping from their own homes with only few personal belongings. As in many other countries, there is an acute shortage of shelters.

Discussion of the issue of domestic violence with key officials of the state had already begun when we started to work on our advocacy strategy. In 1998 four NGOs promoting women's rights filed a petition on domestic violence and trafficking in women in the Parliament of Czech Republic. In November 1998, there was a hearing in the Petition Committee of the Senate of the Czech Republic (the upper chamber of Parliament) on the issue. Many senators were interested and willing to cooperate. They promised to start cooperation with the women's NGOs. They were very surprised at the existence of this problem in our society and at its magnitude. Despite the generally positive reception, some of the senators questioned the validity of the evidence presented because of its narrow scope.

This highlights a major political challenge we found facing women's rights advocates working on the problem of domestic violence. NGOs lack the kind of research and data needed to persuade the representatives of state to recognize the seriousness of the problem. Each NGO has its own statistics relating to victims of domestic violence within its own experience. The Czech Republic still lacks national data on the prevalence of domestic violence within all spheres of society.

So, considering all these challenges, we decided to concentrate on promoting change in the Czech legal system. We decided to focus our strategy on using our skills as lawyers to try to promote changes in legislation on the issue of domestic violence. Specifically we sought to include domestic violence as a crime in the Criminal Code, and incorporate into the Civil Code a restraining order as a form of protection for victims of domestic violence as well as some specific remedies for victims. We also decided that we needed to support our arguments with sociological research documenting the prevalence of domestic violence throughout the country.

As part of our research, we analyzed the legal dimension of domestic violence. Domestic violence violates the following rights:

- Right to life and security of person;
- Right to freedom from torture or cruel, inhuman or degrading treatment;
- Right to equality before the law and to equal protection of law;
- Right to physical and mental health;
- Freedom from violence; and
- Right to equality in the family.

These basic human rights are universally protected by the Constitution of the Czech Republic and by the List of Basic Rights and Freedoms, an integral part of the Constitution. These rights are also guaranteed by international conventions and declarations signed and ratified by the Czech Republic, including:

- Universal Declaration on Human Rights (especially Articles 3, 5, 7);
- Convention on Elimination of Discrimination Against Women and General Recommendation No. 19;
- International Convention on Civil and Political Rights (Articles 2, 6, 7, 12);
- International Convention on Economic, Social and Cultural Rights (Article 12);
- European Convention on Human Rights; and
- Declaration on the Elimination of Violence Against Women.

There are a number of options within the civil and criminal law for a victim of domestic violence. One option is to initiate divorce proceedings. The Czech Family Code permits the dissolution of the marriage when it is so deeply and permanently broken down that a revival of marital coexistence of the spouses cannot be expected. In cases where there are children under 18 years of age in the family, the courts will not dissolve the marriage until there is another court's decision in a separate

proceeding saying who of the two parents will bring up the children after the divorce. The Family Code also provides for a so-called "easy" divorce. A court will dissolve a marriage without finding out the reasons for its failure if the spouses can work out an agreement between themselves regarding custody and support of the children, disposition of marital property, and living arrangements.

The laws on housing exacerbate the vulnerability of victims of domestic violence. Under Czech law, if one spouse is a tenant of a flat before the marriage, the other spouse automatically becomes a tenant of the flat. A tenancy of one becomes a common tenancy of both spouses. During the marriage both spouses have the same right to the flat where they live. Neither has the right or legal option to prevent the other one from using their common flat, even when domestic violence occurs regularly. Only after the spouses have been divorced can one of them file a petition to the court to abolish the common tenancy. When deciding about the future tenant, the judge has to take into consideration the interests of the children. Usually in such cases the courts decide in the following way: the wife is the sole tenant of the flat for the future, and the husband must move out of the flat as soon as he is offered another flat. Similarly, under the Czech Civil Code, an offender, even if sentenced, does not lose his rights to the flat he has shared with the victim before going to jail. After release, he goes back to live with the victim and the violence resumes or even worsens for the woman.

This situation makes it very difficult for a woman victim of domestic violence to protect herself. She cannot prohibit her husband from coming back home and probably attacking her again. The only thing she can do is to flee with her children from the home to a shelter. The lack of shelter facilities is a major problem. From a shelter she can initiate proceedings concerning the raising of her children after divorce, divorce proceedings and, finally, after the divorce, court proceedings concerning the tenancy of the flat. These proceedings can last for more than 5 years. For most women, these are five years of insecurity, fear and homelessness.

The criminal law has several notable gaps as well. Domestic violence is not mentioned as an offence in the Czech Criminal Code. Violence in the family can result in various

offences, including assault, blackmail, rape or even murder. In criminal proceedings involving crimes, which could be considered domestic violence, there are a few details that are different from standard criminal proceedings. According to the Criminal Proceedings Code, if the victim and the violator are in a close relationship (relatives, partners, etc.) criminal proceedings can be initiated and continued only if the victim consents. If the victim does not give consent, the criminal proceedings must be stopped immediately. The victim can withdraw her consent to the criminal proceedings any time prior to the decision of the appeals court. The victim consent rule does not, of course, apply in cases where the criminal act resulted in the death of the victim.

We believe that the victim consent rule runs counter to the obligation of the state to investigate criminal offences and to punish the criminals. There is no such thing as a private offence in the Czech Republic. Therefore, as soon as the police are given notice about a criminal offence, it is the duty of the state agencies to carry out the investigation, gathering evidence, putting the offender before the court and, in due course, punishing him.

One of the first problems the victim faces after being abused is the attitude of the police. The police and courts are not willing to get involved in what they view as private matters. When victims find enough courage to go to the police or to a lawyer about violence they are experiencing, they are often told that it is a private matter and there is nothing that can be done to help them. It is a closed circle and it is very difficult to get out of it. The police generally try to avoid involvement in domestic violence cases and often try to persuade the victim to think carefully before accusing her partner. If she insists, she has to give written consent to the prosecution of the offender three times. Requiring the victim to consent puts her under great pressure from the offender, and sometimes from relatives and lawyers involved in the case. Very often she cannot bear it and withdraws the petition and returns to live with the offender. In practice, the victim consent rule also means that the police do not take the investigation of domestic violence very seriously. They know that the victim can withdraw her consent to the proceedings at any time, and all their hard work on the investigation and gathering of evidence might be a waste of time and effort.

The public does not recognize the problem of domestic violence. It is considered a problem that has to be solved within the family. Nobody is willing to interfere with anyone else's family matters. Many people connect domestic violence with unemployment, alcoholism, drugs and poverty. According to research done by different NGOs, the first three factors are relevant in most cases, but in fact many women victims of domestic violence come from higher social spheres.

The belief that violence is a private matter extends to victims of violence as well. A victim often will not talk about what has happened in her own home, about her abuse. She is ashamed of what happened to her and does not want anyone to know and point at her. Frequently victims are also materially dependent on the violators. These factors affect a woman's ability to pursue a legal case. Another factor influencing a woman's decision to file a petition or not is the position of relatives and other people who are close to her.

Many of the challenges uncovered by our research are embodied in the following case:

Mrs. M. is a woman in her forties and has three children. She came to NGO ROSA completely down, nervous and burned out. Crying, she shared her story with us. Her husband had an affair with another woman and Mrs. M. found out and got jealous. In order to take revenge she told him that she had a lover too. Her husband became extremely jealous and aggressive and wanted Mrs. M. to tell him the name of her alleged lover.

Mr. M. forced his wife to get into his car, drove her out of town to a lonely place in a forest and tore off all her clothes. It was the middle of winter. He left her alone naked in the middle of nowhere. After half an hour he returned, gave her back her clothes and took her back into his car. On their way back home he again asked about her lover. After such a shocking experience Mrs. M. couldn't stop crying. Her crying made her husband even more furious. He hit her with his fist, then turned his car around and drove back to the forest. Then he repeated what he had done to her before. This time Mrs. M. waited naked in the freezing cold for more than an hour. The husband's mistreatment of his wife

didn't stop there; it became even more aggressive. After beating her, he showered her fully clothed with ice cold water, threatened her with a knife saying that he would kill her, and finally brutally raped her.

In this case the police took seriously the criminal offence notice prepared by NGO ROSA and the husband was taken into custody. This whole case was resolved comparatively successfully thanks to the NGO ROSA. ROSA provided Mrs. M. with free legal assistance for both the criminal and civil proceedings. ROSA also provided Mrs. M. with social and psychological help. The court found Mr. M. guilty of rape, an offence against health, blackmail, violence and other serious crimes and sent him to jail for two years.

Objectives

Our over-arching goals are the *recognition of domestic violence as a public offence* by the state and a *change in legislation* in order to adequately protect and provide remedies for women victims of violence.

Our long term goals were and are: raising public awareness and promoting public understanding of the problem of domestic violence, raising awareness among police, judges, prosecutors and legislators and, ultimately, changing their attitudes about the problem of domestic violence. In addition to these we identified the following short term objectives: to maintain our NGO alliances, especially among women's NGOs; to establish relationships with legal professionals, especially judges and prosecutors; and initiate contacts with the state administration and the Parliament in order to lobby for legislative change. Our specific advocacy demand is to include domestic violence as a crime in the Criminal Code, and incorporate into the Civil Code a restraining order procedure to protect victims of domestic violence as well as some other specific remedies for victims.

The Strategy

Our strategy is focused on changing the attitude of society and the responsible state bodies towards domestic violence and its victims, and ultimately effecting a change in the law. Our planned activities included generating allies and engaging as many

people as possible, conducting a media campaign, conducting sociological research and providing legal support in cases filed by victims of domestic violence.

In the beginning, we wanted to coordinate activities with existing women's rights NGOs working on domestic violence. These groups mainly provide victims with psychological help and shelter. We felt that we could complement these services by offering victims legal assistance. Throughout 1999, however, we had serious problems maintaining allies among the NGO community. An abrupt rift within the women's movement in the Czech Republic caused by personal conflicts affected relations among NGOs and, unfortunately, impacted our work as well. Some NGOs viewed us as competitors, so we had to start to look for other allies. All this took time and delayed our progress.

One positive consequence of the experience is that we have found strong new allies. We became members of an association of women lawyers called ATHENA. ATHENA was established by a group of women attorneys from the law office of a well-known women's rights defender. Its aim is to promote women's rights and give free legal help to needy victims of domestic violence. It provides free legal assistance for the duration of legal proceedings to women who cannot pay for a lawyer. Those who can pay for a lawyer receive legal advice and a contact with a cooperating attorney.

Another important part of our strategy involves dealing with the media. The media helps us to raise public awareness about violence. We both gave interviews on Czech radio on violence against women. Petra wrote several articles for the newspapers. We took part in several events promoting women's rights, including an important roundtable on violence against women held on March 8, 1999. The roundtable included representatives of women's NGOs, members of Parliament, representatives of the state administration, the governmental plenipotentiary for human rights, and the head of the European Union Delegation. Unfortunately, the outcome was not as big as we expected.

Sociological research on domestic violence is the most significant part of our strategy. We spent a lot of time discussing how to structure the research. At first we thought about commissioning a public opinion research group to conduct the

research. After getting several cost estimates, we had to change our plans. We then decided to contact the municipal departments of social welfare and advice and psychological help centers for women in several big towns in the Czech Republic (with a view to reaching the entire country). These departments and centers are in touch with victims of domestic violence daily. In order to get data on the number of cases of domestic violence and some relevant socio-economic data on age, education etc., we asked these centers and departments to distribute our questionnaire among abused women who contact them. The idea was good but after considering it carefully once again, we felt it would not produce the kind of evidence needed to support our legislative proposals. Conducting the research in this way would produce data only from abused women. No other women would get the questionnaire.

We were very lucky because one of the members of ATHENA has a friend in a public opinion research agency. She is interested in women's rights and is willing to help us conduct the research for a reasonable sum of money. We plan to use a draft questionnaire that was prepared by psychologists and sociologists in Finland for a domestic violence research survey in all European Union countries. These researchers would be interested in the outcomes of our survey as well.

We consider the sociological research very important. Nothing like this has been done on a national level. Most NGOs dealing with domestic violence conduct their own research, but it is done only on small scale, in a limited geographic area and produces data about a limited number of women. With results of research from the whole Czech Republic, we shall have evidence that a problem exists within the society, which is needed when dealing with the state administration and the Parliament. It is also important that the outcomes of the research be comparable with similar research conducted in the states of the European Union, which the Czech Republic plans to join soon.

As mentioned, there is a pressing need for legal help for victims of domestic violence. Legal assistance costs a lot of money and there is no interest in these cases among attorneys. The court proceedings take a long time and the outcomes are uncertain. A victim of domestic violence can withdraw her consent to criminal prosecution at any time.

This is a place where ATHENA could focus. Women victims need support and encouragement to pursue court proceedings up to the end. They also need legal counsel. This would give other women the courage to take legal action against their abusive partners. Within the framework of ATHENA, we have been reaching out to other attorneys to obtain their cooperation in defending victims of domestic violence. There are even several male attorneys willing to take on these cases. We are cultivating contacts with the bar association, trying to get free legal help for victims of domestic violence. We are also trying to establish contacts with judges in order to educate them about the problem of domestic violence.

We are also focused on the long-term goal of changing the law in order to promote efficient protection for victims of domestic violence. In particular, we demand the inclusion of domestic violence as a crime in the Criminal Code and the inclusion of a restraining order procedure into the Civil Proceedings Order. The restraining order should prevent the person accused of domestic violence from approaching the victim or her home, even if the home in question is *his own home*. The restraining order should last at least until the end of the investigation.

We also need to change how the law is applied and enforced. There is still some reluctance to enforce existing laws. If police forces and judges have the will to do something, victims of domestic violence can obtain some protection through the application of existing criminal and divorce laws. Most women reject criminal proceedings because they do not want their partners to be accused and detained. Also, the court proceedings take a very long time (which is a common problem in the Czech court system). The fact that a victim has to be represented by an attorney who usually costs a lot of money does not encourage women to go on with the petition. It is a very difficult decision because of the victim's psychological state and the financial implications. We believe that changes in the content of the law could ease the situation of victims of domestic violence and promote their protection.

Finally, we are working to change public perceptions of domestic violence. People consider domestic violence a private matter, not to be mentioned in public. The attitude of the state

authorities is more or less the same. Ignorance of the problem is a major obstacle to progress. Mass media campaigns, and education programs for lawyers, judges and attorneys, as well as police forces and medical doctors are needed urgently.

In our team we shared our tasks. Petra practices law in a firm, therefore she cooperates closely with abused women who need legal help. Darina works in the state administration and has contacts and experience in dealing with the government and the Parliament. Together we cooperate with several NGOs concentrating on domestic violence and are both members of ATHENA.

Educating the Public and Gaining Support

We have not yet conducted any educational activities ourselves on a large scale. Petra is cooperating with ROSA, which has published several brochures on domestic violence. Darina has worked on materials highlighting the problems of domestic violence and trafficking of women. We are planning to publish the outcomes of the sociological research through ATHENA. There is also a possibility of compiling a set of legal opinions on cases of domestic violence and publishing it.

We have identified a few sympathetic journalists, who could be of great help to ATHENA informing the public about domestic violence in general and the help ATHENA offers to victims of domestic violence.

Outcomes of the Strategy

The public discussion on the problem of domestic violence has intensified. There were several television programs aired with authentic stories of abused women. Most of the magazines and newspapers also publish articles on this issue and the public is slowly starting to think about it. But there is still a lot of work to do in the future.

The state authorities are beginning to realize that there is a problem. The discussion of how to solve the problem has not really started yet. We consider the steady government and media interest in the topic an improvement.

There has been a change of approach to domestic violence among some professionals. ROSA has started new collaborative efforts with other NGOs including an organization

originally concerned with lobbying on ecological issues. Now they have started to focus more on human rights in general. This helps to fill the gap that exists in providing help to abused women. ROSA now provides not only free initial legal advice to victims of domestic violence, but also provides the victim a lawyer who assists her through all the court proceedings for free. In addition to this legal help, ROSA offers the help of a psychologist, group therapy and a room in a shelter with a secret address.

The most significant outcome of our experience is our cooperation with ATHENA. Even though there were serious problems in maintaining ties with existing NGOs, and we did not quite succeed, we managed to find new allies. The members of ATHENA are young women lawyers, who have the same goals and approach as we do. These factors unite us. On the other hand, we are not at all opposed to cooperation with other NGOs or with men lawyers interested in the problem of domestic violence. There are already some men attorneys co-operating with ATHENA.

One of the members of ATHENA is involved with the Department of International Public Law at the Law Faculty in Prague on legal clinics. Through her, ATHENA has the opportunity to educate students of law and involve them in our work. This is a great chance to raise the awareness of legal professionals. Newly graduated lawyers with an understanding of domestic violence will be able to work with victims without any prejudice. Another member of ATHENA is working in the Institute for Criminology. A great part of her work is sociological research on crimes and the prevention of crimes. Several of the members of the Institute are attorneys or assistants to attorneys who can represent victims of violence during court proceedings.

Assessment

Our group had to face serious problems identifying NGOs with which we could cooperate. We learned how to overcome these problems and to stand up for our opinions. We feel that this experience will prove very useful in dealing with representatives of the government, Parliament and other state agencies. In the end, we made allies among other NGOs and are continuing our work on domestic violence.

Not everything we did was successful, but we were able to change the strategy in order to reach the best result. This flexibility was important for identifying allies among NGOs, as well as for choosing the best way to conduct the sociological research.

At the very beginning, we thought we could do everything ourselves. During our work on the strategy, we realized that we cannot do everything on our own. We realized that dividing tasks is more efficient and brings more significant outcomes. We hope to use our skills obtained during the training as well as international contacts with women NGOs from Central and Eastern Europe in our work.

Chapter 5 **Women's Political Participation'**

Kyrgyzstan

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The Issue

The political system of post-Soviet Kyrgyzstan is going through a complex process of transformation. In the past, quotas for elected bodies guaranteed the representation of women (at 30%), national minorities, and other vulnerable groups at each of the various levels of the political system. The authorities created a political elite made up of women carefully selected according to age, education, nationality, employment, etc. Thus, housewives, engineers, teachers and workers became members of Parliament.

Under the Soviet-era system, of course, there was no chance for anyone outside the hand-picked political elite to win elective office. The results of each election were definitely known in advance. During the Soviet period, people became accustomed to the idea that they are unable to change the political or electoral systems and also became completely indifferent. Thus, women did not really develop any leadership skills or experience in conducting electoral campaigns.

In 1991, Kyrgyzstan became an independent state with its own legislation and electoral system. The election law of the former Soviet Union lost its effect. No quotas or reservation policies guaranteeing women's political representation have been

¹ Drafted by Rozetta Aitmatova

established. In the national parliamentary elections of 1995, however, about 87 women stood for office. Only 4 of the 105 seats were actually taken by women. The situation is similar at other levels of government. The women in power are generally willing to promote the interests of women, but there are so few of them that they cannot impact the situation yet.

The transition which has given rise to our long-awaited independence and the establishment of civil society has also brought social and political costs. These are reflected in women's poverty and withdrawal from public life. Despite the potential for positive change resulting from the formation of the new state and the creation of civil society, a variety of social factors and high levels of poverty among women in Kyrgyzstan prevent concerned organizations from addressing these issues in the public sphere.

The members of the Kyrgyz team, five women representing different NGOs from various parts of the country, were competitively selected to participate in the Human Rights Advanced Leadership Training for Women organized by the Open Society Institute's Network Women's Program and Women, Law and Development International. Thus we found ourselves at a workshop in Kiev in July 1998 and got acquainted with each other there. We agreed to form a unified Kyrgyz team. During that workshop we also decided to choose the most pressing issue for the country and work out a strategy to address the issue. We felt strongly that the most burning and important problems are usually the prerogatives of high levels of power, which lacks women's participation. That is why we came to the conclusion that we should work on promoting women's political activity. And to achieve this we needed to work on the realization of women's election rights.

Thus, we undertook an advocacy strategy designed both to draw the public's attention to the disparity in representation and generate support to address it, and to expand women's capacity to influence changes in the social, political and economic situation in order to improve their own lives.

Research on the Issue

The Kyrgyz Parliament, called the *Jogorku Kenesh*, is our highest legislative and representative body. Representation in the

Jogorku Kenesh should provide the opportunity for working out and pushing for the adoption of new laws, with due regard for the interest of the electorate, including women. The Kyrgyz Parliament ratified the CEDAW Convention in January 1996. Though women officially enjoy the right to participate in all election campaigns, referenda, and the like, and to form and work in NGOs, in reality, women's rights to equal representation and to participation in government decision-making and political life are still not realized.

In our view, the government is not living up to its obligations under CEDAW to take measures needed to change public attitudes about women's participation in elections, which leads to the violation of human rights. Women have a right to participate in elections under the International Convention on Civil and Political Rights. Stereotypical ideas about the behavior of men and women are very strong in our society. Society is not ready to support politically active women. CEDAW also provides that special measures, such as quotas and reservation policies, should be taken in order to further the achievement of real equality between men and women.

Although Kyrgyzstan has created a legislative framework that is favorable to women's political activities, the laws and policies of the state do not in fact facilitate women's participation. At the same time, unofficial forces and mechanisms exist that prevent "undesired persons" (in many cases women) from seeking political office.

To develop a strategy, our group used several methods to educate ourselves more about public opinion. We conducted two sociological surveys, and held dialogues with communities and individuals in order to identify the major problems. This process also gave us the opportunity to get in touch with potential women leaders.

The first survey was designed to help us gain a better understanding of the current state of women's political participation. The survey was conducted in the cities of Naryn and Talas, as well as in several villages. There were 288 people involved in the survey and 272 of them were women. The survey revealed several obstacles:

- A sense of political apathy, a legacy of the Soviet era, is widespread. Citizens are indifferent, because they feel they cannot change anything.
- The political illiteracy of both the electorate in general and potential women candidates in particular is a major obstacle to involving women leaders in politics.
- Patriarchal attitudes about the role of women hinder their participation in public life.
- Many women are not able to overcome the psychological barrier of dependency and the belief that "somebody will decide for me" and therefore do not seek elected offices that would allow them to make decisions.
- Women's economic dependency on their husbands and struggle to meet their basic needs make it impossible even for interested women to get registered and/or to run election campaigns.

Just after the October 1999 elections to the local *keneshes* (local governments), we conducted a second survey among women leaders who came from different parts of the Republic to a seminar on women's leadership held in Bishkek. We just took the opportunity to poll all 120 women participants.

When these women leaders were asked about the recent elections, they responded that the elections had changed considerably for the better. There was less violence on the part of the local government authorities, but there still were some more complex and subtle obstacles to women's participation.

Objectives

Our team's mission was to change public opinion about women's participation in elections, and to increase women's representation in elective office.

Following our research, the working group identified four inter-related strategic objectives to achieve our double mission:

- Lobbying the President to amend the Election Law to include temporary quotas for women;

- Conducting human rights training for voters with an emphasis on gender sensitivity;
- Identifying, training and supporting women leaders seeking political office; and
- Working with political parties and other organizations.

Our fourth objective was aimed at promoting women through the party lists, because the election of women through political parties was quite new for our area. The objective was to show women the opportunity to be active through the parties. And at the same time, we wanted to teach the parties how to make use of women's talents and energies and demonstrate to them what benefit they might gain from including women on their party lists.

The Strategy

Taking into consideration the experience of the October 1999 elections, and the results of our research, we designed our original advocacy strategy for promoting women's participation in elections. We remained flexible and revised the strategy as we went along. We ultimately decided to focus our strategy around the national Parliamentary elections scheduled to take place February 20, 2000.

Lobbying the President to Amend the Election Law to Include Temporary Quotas for Women

At various conferences and round tables, our working group brought up the idea of making amendments to the election law to include temporary quotas for women. Our research showed that women face multiple obstacles to political participation—obstacles that cannot be removed in the immediate future. This led us to conclude that quotas for women's representation should be set at various levels of government.

The discussions at a conference held in February 1999 entitled "Woman Parliamentarian: Her Way," sponsored by the one of our partner organizations, led to a spirited debate on the topic of a quota. The Chairman of the Central Election Commission, Mr. S. Imanbaev, and a former Head of the President's Administration's Department for Analysis and Social

Policy, Mr. M. Jangaracheva, were present, as well as representatives of international organizations, members of Parliament, representatives of different political parties, and NGO leaders. There was no rural representation.

Some participants in the debate considered the idea of quotas to be in contradiction with democratic norms. Others felt that such quotas would result in discrimination against men, and that in order for women to achieve equality with men they must compete and succeed in the same environment as men and without special measures. Still others supported the idea of training for women but did not see the need to create favorable conditions for women's political participation through the reservation of a set number of seats in elected bodies for women.

Despite the lack of consensus, our network felt that temporary quotas were necessary to allow women to participate in the political sphere and pushed ahead on the issue. We presented the results of our research to the President of Kyrgyzstan at a conference held on March 8, 1999 and called for the introduction of temporary quotas. The President expressed support for our proposal and put the issue to the Parliament. At the time, however, our Parliament, which was 96% male, rejected the proposal.

This led us to seek strategies to increase the number of women in elected offices. We turned our attention to the new election law. This law, adopted in April 1999, introduces a system of election by party lists. According to the system, 15 of the 105 parliamentary seats are apportioned to party nominees. The remaining 90 seats are for deputies elected through the mandate of their local constituencies. Thus women can be elected by constituencies and by inclusion in the party lists.

Currently there are more than 20 parties. But for many reasons only 5-6 parties participated in the February 2000 elections. Only six women became deputies, three of them from the party lists.

We were not able to incorporate information about the party list system in all of our educational work because the final version was not published until August 1999.

Conducting Human Rights Training for Voters with an Emphasis on Gender Sensitivity and Identifying, Training and Supporting Women Leaders Seeking Political Office

These two objectives were critical for our strategy. We decided to work in rural areas where people have little knowledge and information about elections, human rights and civil society. We also wanted to identify potential women leaders from rural areas and did in fact identify 18 women interested in seeking seats in the national Parliament.

Our group decided to:

- Form target groups in the city of Naryn and each local area of the Naryn oblast;
- Hold training sessions for voters and potential women candidates;
- Conduct research on the Parliamentary elections in these localities; and
- Design a strategy to be used in other parts of the Republic.

During our early training programs in Naryn oblast, we focused primarily on drawing attention to the situation of women and on human rights. At first we focused our attention primarily on women's status in society, saying "look at women's situation"—not explaining the reasons, but just declaring.

The situation of women in Naryn turned out to be very difficult due to the severity of the mountainous topography and the bleak economic picture in the region. All this led to very big emigration and unemployment. When we had chosen our target group in Naryn, and started the training, the participants in the seminars made the point that the economic crisis in the Republic affects men as well as women, and asked why we did not speak of men too.

This response led us to the conclusion that we had to switch our focus to gender issues, and we decided to change the content of the seminars. Beginning in January 1999 we devoted our seminars to building understanding of gender. And at the seminars the participants themselves came to the conclusion that women are relegated to the margins of the society.

Our training sessions became very popular with men and they ultimately represented half the participants. In some places there were more men than women. So we developed special exercises, and the participants gradually got involved in the work,

made an accounting of women's contribution and wondered that they had never noticed the level of women's workload. They agreed on the fact that women were lagging behind men in terms of political development and that this was unjust. By the end of one seminar a man stood up saying, "Now I know what gender is, I will go home and tell to my wife and children about it. I will explain that our men must respect and take care of women." The assessment of the seminars showed that 78% of the participants noted that they especially liked the revised format and content.

Role-playing was an important part of our training sessions. We held a mock "Candidates' Forum." Volunteers from the seminar group, some of whom expressed interest in seeking political office, pretended to be candidates. Usually two men and two women were chosen. In most instances, the men defeated women in the debates, leading the other participants to conclude that women are weak candidates. Our survey results indicated that public perception of candidates is influenced by their ability to speak in public. Women need assistance in preparation to run for office.

At the same time, we also organized programs in Talas oblast. In December 1999 we held a round table discussion devoted to the 20th anniversary of the CEDAW Convention ratification. We discussed the issue of political participation of women. The round table was attended by representatives from all the regions of the Republic and by women leaders from Talas oblast. The round table took place at the time when candidates were registering for election to the national Parliament. Through discussion we found out that it was common practice for local authorities to use their influence to persuade local election commissions to discourage "undesirable people" from participating in the elections. Many of the "undesirables" were women. Participants in this round table adopted a document in protest of these practices. They also sent a letter to the election commissions asking them not to interfere with election campaigns. The letter was also published in the newspaper.

At-Bashi Women's Center (a local women's organization in At-Bashi in Naryn oblast,) organized a candidate's forum. The voters liked the idea and the meetings were packed with

people. Two women deputies were elected out of a total of 25, whereas there were none in the previous elections. Although the results are not as striking as in some other places, the local population became much more interested in the election process. This is an important first step.

Work with Political Parties and Other Organizations

As a first step, we decided to discuss our ideas with interested parties. In September 1999, the Women's Support Center, the Development of Humanitarian Space, and the Soros Foundation held an international conference called "Women and Elections 2000." The participants included representatives of international organizations, women's and human rights NGOs, political parties, members of Parliament, businesswomen and the media. The conference gathered people from Central Europe, the regions of Russia, the Baltic and Central Asia. At the conference there were three topics of discussion: women and women's organizations; women and the mass media; and women and political parties. Each sector considered the opportunities for promoting women's participation and interests during the election campaign. We wanted to draw other interested organizations and institutions toward promoting women's involvement in the elections. Thus on the one hand we worked with the population and on the other hand we involved different organizations in the promotion of women. The outcomes of the conference allowed us to identify common interests and find ways to work together.

One woman seeking a position in the local kenesh, J. Umarbekova, in Kara-Bura had a reputation for being "inconvenient." She often criticized the local governors. A local official suggested to her that she withdraw her candidacy. She refused. She was subsequently invited to a meeting of the Council of Aksakals (Older People) where the chair addressed the issue by saying: "Let us know our place. Women, take care of your houses." After this meeting the woman withdrew from the election campaign as it is considered improper to disregard the words of the elderly.

A similar situation happened on another level. A high-ranking, experienced and well-educated woman was running

a campaign for the Legislative Chamber of Parliament. In this case, her direct supervisor said to her: "Let us know our place. Withdraw and support Colonel M. If the Colonel does not succeed during the election, say good-bye to your current job." Given the high level of unemployment, the woman withdrew her candidacy and supported the colonel.

The Strengths and Weaknesses of the Team

Our group of five NGO representatives worked together for 18 months. At the very beginning we agreed orally on the conditions for participation of the five representatives. But we did not develop any written document outlining the responsibilities of each participant. This oversight led to some difficulties when we started doing specific tasks. Difficulties included:

- Differing organizational goals,
- Inequality of available resources,
- Personal ambitions, and
- Lack of coordination of activities.

The lawyers on the team were to provide consultative services, as they did not have any experience working in rural places and conditions. During the seminars women asked many questions related to the new system of agrarian land reform, taxation issues, and many other topics. For these purposes the presence of professional consultants was very helpful.

The rest of the group members had considerable work experience in rural areas and very strong skills in interactive methods of adult education. Their responsibilities were to organize and hold seminars. They divided up the tasks: forming the target groups; developing the methodology for the training; organization of the seminars; serving as trainers; developing the strategy; coordination of team work; developing the educational programs; analysis; and production of a research summary. Other specialists were involved in implementation, including an accountant, and a group of sociologists from the Women's Support Center.

Once we made a clear division of responsibilities, the effort ran more efficiently. We had lawyers who could consult with both the women and our working group. Also we had

practitioners who could work with the rural population. We were able to take advantage of our varying backgrounds to collectively manage the different phases of the strategy. Our collaboration enriched our vision, gave us new ideas, knowledge, skills and made us better understand the local conditions. It is worth noting that the locally based coordinators had a very high level of trust among participants, which was important to achieving our goals.

An outside onlooker would easily observe strong teamwork among the groups. Each group brought different skills and experiences to the project.

Educating the Public and Gaining Support

Our allies included rural women's NGOs, four deputies of the national Parliament (R. Atchylova, A. Pronenko, A. Madumarov and J. Jeksheev), the local authorities in the areas where we worked (Naryn, Talas and Chuiy oblasts), business people, international organizations (IFES, the Soros Foundation, Counterpart Consortium, the Eurasia Foundation, UNDP, UNIFEM, the Westminster Foundation, the Democratic Fund Commission at the US Embassy, and others), and government agencies (the State Commission on Women Affairs).

Our group has developed materials including training modules on "the CEDAW Convention and the Election Rights of Women," the training program, methodological references, articles on strategy implementation and women's political participation, and the project experiences and outcomes, all of which are being combined in a book.

We published two major articles on the elections in the newspaper *Argument*. One of the articles described the findings of our sociological research. The other article focused on the election procedures and the new election law. In addition to this, media representatives attended and wrote about the conference we sponsored. Seminar and round table materials were broadcast on TV and radio programs.

Assessment

We consider our strategy a success. Specifically, we count the following among our achievements:

- Public opinion towards women's participation in elections is improved. In the two *oblasts* where we worked, the number of women elected to the local *keneshes* has increased—from 6.2% to 15% in Naryn and from 4.2% to 11.9% in Talas.
- In the national elections held in February 2000 women candidates were strongly supported by voters in Naryn and Talas. And we dare say that this is due to our work in these regions.
- We were able to help increase the number of women running for political office.
- We convinced the local authorities to change their attitudes about women. After attending our seminars, some local authority representatives encouraged the communities to promote women.
- We were able to expand and strengthen as five new NGOs joined our network. Specifically, women's NGOs of Ak-Tala and At-Bashi actively worked with the voters during the campaigns. They used the methods and materials we developed.
- We were able to apply our experience in Naryn to other areas. We worked simultaneously in Talas (another mountainous area), Chuy and Djalal-Abad (a remote area with a large population).

In the 1994 village elections in Kyzyl-Jyldyz, 19 men were selected for local office. Before the local elections of 1999, we held meetings and dialogues with the local community. Six of the seven women leaders that subsequently stood for office were elected. In addition, a woman became the head of this kenesh.

The Democratic Women's Party of Kyrgyzstan was active in the last Parliamentary elections. Two candidates won elections and became members of the Kyrgyz Parliament. We made comparative analysis in all *oblasts*. This party achieved the best results in the *oblasts* where our team of NGOs had been operating. This fact demonstrates the effectiveness of our work.

We made several changes to our initial strategy. Initially the local authorities reacted negatively to our work because they perceived us as political opposition and a potential threat to their power. By inviting them to participate in the seminars and training we demonstrated our goodwill, our capacity to raise women's issues and promote women's political participation, and showed them that it was not our purpose to agitate against the local authorities. As discussed above, we also have changed the content of the training sessions.

Reflections on Advocacy

Our initial understanding of advocacy was a narrow one. We associated the term with influencing the law in order to protect human rights. Our early civic education seminars were based on this understanding. Through our participation in the training seminars facilitated by WLDI, we came to realize that advocacy also means looking at the implementation and enforcement of the law, as well as examining public perception and understanding of the law.

This led us to think more creatively about our strategy and we changed the content of our seminars to focus on expanding support for women's political participation. We have had some initial success with this new approach, but need to do more to have a broader impact on public opinion. We have seen how influencing public opinion can lead communities themselves to advocate both for changes in the law and for better implementation. We have learned that this is a very long-term process that requires a careful and thorough approach, a deep knowledge of the material, and a carefully crafted methodology.

Chapter 6

Women's Rights in the Labor Market

Lithuania

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Monika Kosterinaite
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The Issue

With the transition from a planned to a market economy, Lithuanians face major problems of unemployment. It has become difficult to compete in the labor market, especially for women. According to Statistical Department data, the average income for men is 1.4 times higher than that of women. The key to long-term equal opportunity and economic growth is a high level of female labor force participation in the national economy. Women constitute 54% of the labor force. Job vacancy advertisements are not gender neutral. There are many legal provisions designed to protect women employees, especially pregnant women and those with small children. Although this system of guaranties exists, it is not always beneficial to women. In fact these provisions can lead to even more sexual discrimination in the labor market. Employers, aware of all their obligations, tend not to employ women. It is very difficult for women to find a job if they are more than forty; qualities of physical attractiveness are often preferred over skills, experience and qualifications. Young women are often forced by their employers to sign declarations stating that they will not get pregnant during their time of employment. Newspapers are filled with gender discriminatory advertisements, such as "young good looking accountant is wanted to work in a private company" etc.

A new law on the "Equal Opportunities of Women and Men" was passed in the Lithuanian *Seimas* (Parliament) in December 1998. It is worth mentioning that this is the first law of this kind in Central and Eastern Europe. An Ombudsman's office charged with implementing the law started its activity in May 1999. To gain actual gender equality, it is not enough to have the law. Therefore the Lithuanian team decided to work on *Pregnancy Discrimination, Age Discrimination and Sexual Harassment of Women in the Labor Market of Lithuania*.

Research on the Issue

It was evident from the gender discriminatory advertisements in the newspapers that the problem exists. We collected more than two hundred advertisements from different national newspapers where sex, age or physical attractiveness were indicated for job vacancies. Also, women coming to the job placement agency at the Women's Employment Information Center were complaining about discrimination.

In order to clarify the scope of this problem we decided to conduct research. We worked out a questionnaire, which was distributed to women through trade unions and women's employment agencies. We analyzed 122 questionnaires which were filled in properly. According to the research results, 46% of respondents stated that they were not accepted for job vacancies because of age. More than half of the respondents—55%—had higher education. Ninety-four percent of the respondents stated that discrimination against women in the labor market exists and they have experienced it themselves or know for a fact that their work colleagues or relatives have experienced it. Our survey showed that most of the women respondents did not know about existing labor laws and mechanisms that might protect their rights. We also analyzed the results of other investigations of discrimination. According to some research, every tenth advertisement in the newspapers states the sex, age or physical attractiveness required for job applicants.

Violations of women's rights in the labor market are very hard to document because the employers usually do not state explicitly their main reasons for not employing women.

One of our tasks is to investigate if national laws comply with international standards. We have asked a Member of

Parliament who is a lawyer specializing in labor law to assist us with this. According to our investigation the content of the law seems to be all right. The Lithuanian Constitution, labor laws and the newly adopted law on equal opportunities protect the rights of employees. The main problem lies within the culture of the law and the under-utilized enforcement mechanisms. So our team decided to work mainly on the culture of the law—expanding the legal literacy of women in the labor market, conducting a media campaign, disseminating *"Know your rights"* leaflets and building a constituency for adequate enforcement and application of the law by reaching out to other women's NGOs, trade unions and political leaders.

Objectives

Our main objective is raising awareness regarding violations of women's human rights in the labor market and women's human rights on the whole. First of all, we decided to raise awareness of the victims themselves. According to our investigations, not all women knew their rights, and they didn't know where to turn when they believed their rights had been violated. The Equal Opportunities Ombudsman's office just started to function in May 1999 and is quite a new institution. The civil servants working in the Ombudsman's office were not well informed about its functions and about how to file a complaint. Nobody even mentioned this problem in the mass media. Patriarchal traditions are very much alive in Lithuania, in part because of the dominance of the Catholic religion. It is quite common to consider men the breadwinners of the family.

Another objective of ours is to decrease the number of gender discriminatory advertisements and to make employers accountable for them.

The Strategy

Our strategy included the activities aimed at public education and coalition building to gain support for our initiative.

Informing the Public About the Problem Through the Mass Media

We wrote or initiated fifteen articles in national newspapers and magazines about pregnancy discrimination,

sexual harassment and age discrimination against women in the labor market in Lithuania.

Gaining Support from Governmental Institutions

We started to cooperate with members of the Women's Parliamentary Group and Equal Opportunities Ombudsman's office. MP Roma Dovydeniene agreed to advise us on leaflets about discrimination in the labor market. Ms. Ausrine Burneikiene, the Equal Opportunities Ombudsman, agreed to cooperate with our team and participated in several round table discussions and social events that we organized.

Outreach to Women's NGO Networks

We shared information about gender discrimination in the labor market with women's NGOs through cooperation with the women's NGO umbrella organization "Women's Information Center" in Vilnius. An article describing our work was published with our contact information inviting other women's organizations to make contact with us. We also worked with women's NGOs in other parts of Lithuania. In Taurage, we helped establish a similar organization by providing financial and technical support. In Mazeikiai, we worked with a center for women and youth providing job-retraining programs to young women. We provided seminars on human rights and women's activities. In Marijampole we gave seminars at a small cultural center. At all these events, women were informed about our work and provided with leaflets on gender discrimination.

Finding Allies Among Sympathetic Journalists and Politicians

Permanent contacts were established with journalists from *Kauno Diena*, *Laikinoji Sostine*, *Lietuvos Rytas*, a private FM radio station, TV program *LNK*, TV 3 and the Lithuanian Social Democratic Women's Union as well as the New Democratic Women's Party.

Public Education through Trade Unions

Two meetings were arranged with commercial workers' trade unions in Kaunas and Kedainiai, where the majority of members are women. At these meetings, trade union members

were informed about our work and about the Office of the Equal Opportunities Ombudsman. We disseminated our leaflets.

Organizing Round Table Discussions

Round table discussions were organized with the Ombudsman's office when we started our efforts. There was agreement on the need to work together, sharing information and organizing a conference in May 2000 on Women's Rights. We also organized two round table discussions on women and decision making in Kaunas, inviting women from different parties and journalists. One of the round tables was held before the municipal elections, a second one was after the elections. The results showed that fewer women were elected than during the previous elections. As a result it was decided to establish the Women Politicians Club at Kaunas Municipality. Women of all political parties are members. It is important to ensure that women in decision-making are able to react quickly to events around us, such as these election results.

Organizing Social Events in the Context of Political Elections

A reception was arranged on the eve of the 8th of March, International Women's Day, in the pedestrian avenue in Kaunas. This was before the municipal elections, so we invited female and male leaders from different political parties to express their views on gender equality. A press conference was arranged before the event. We achieved good media coverage (articles in newspapers, TV programs). The social event was sponsored by several private companies.

Using Mass Events to Distribute Leaflets

Two hundred leaflets were disseminated during the international women's fair, "Women's Project 99," in Kaunas. At the fair, women were consulted about their rights. There was also an information booth for the Women's Employment and Information Center, where the leaflets were distributed, and women were asked about their rights and what could be done. We also handed out leaflets at the International Women's Day event. The Ombudsman's Office distributes our leaflets.

Educating the Public and Gaining Support

Our public education efforts were carried out through dissemination of leaflets and during face-to-face meetings and consultations with women's groups, members of trade unions, employment agencies, women's job clubs, women in rural areas of Kaunas County, and through a consulting center on wheels. Our public education work was not solely concentrated in the main cities of Lithuania (Vilnius and Kaunas), but reached other parts of Lithuania.

Our team achieved good results involving the media. Several journalists we worked with have become permanent supporters of women's rights issues. Through them, we have informed the newspapers about their responsibility to refuse to publish gender discriminatory advertisements.

Outcomes of the Strategy

First, we noted that the number of gender discriminatory advertisements decreased greatly. We plan to produce statistical comparisons to measure the impact of our work. More women became aware of their rights in the labor market, and they are ready to fight for them, according to the numbers of women in the unemployed women's club.

Second, the term "Women's Rights" is not a taboo any longer. We can see this by the number of sympathetic news articles. For example, there is one male journalist who changed his position and became more respectful in his coverage of our issues. With a few exceptions, journalists were very supportive and provided accurate and sympathetic coverage of the problem.

Third, we worked extensively with the Equal Opportunities Ombudsman's Office. In fact, our biggest ally in this effort was the Equal Opportunities Ombudsman. We have a close working relationship with the women's caucus of the Social Democratic party. The number of male politicians who are now supporting women has increased, due to our outreach activities.

Assessment

We have learned that in order to change the culture of law, joint efforts of NGOs, governmental institutions, politicians, the mass media and the public are needed. It is a long-term

process, and we are just at the initial stage of realizing our desired results.

At the beginning of our work on our strategy we planned to file a case in court on a violation of woman's labor rights. This proved difficult because of the lack of evidence and women's unwillingness to stand up for themselves in court. We are now encouraging women to document their experience, and collect evidence regarding rights violations they suffer in order to address these issues through legal institutions in the future.

Our analysis of our experience also suggests that we need to reach out to more potential allies and supporters in rural areas of the country. Also, more gender-aware women and men are needed in decision-making positions in order to change existing attitudes in the society.

Our next steps include establishing self-help support groups for women through the Women's Employment Information Center. There is also a need to do more education with trade unions. We will examine a "train the trainer" model to use for women's labor rights trainings. We want to develop our analysis of human rights violations by state action and inaction and extend the analysis to private companies and corporations, especially during Lithuania's privatization process, so that we can truly realize women's economic rights.

Chapter 7

Remedying Women's Working Conditions

Mongolia

Terbish Amgalan
Munbish Gereltul
Batchuluun Khishigsaihan
Solongo Sharkhuu
Pureviin Tssetsgee

The Issue

We believe that women's human rights are violated in various spheres in Mongolia. We decided to focus on the rights and working conditions of women workers in garment manufacturing factories owned by foreign companies. The broadcast media have brought some of these issues to public attention, saying that women at textile factories are paid less even though they work overtime and under adverse working conditions. For example, one woman who was a former worker at a garment factory said on television that women have to work in a room with no lights, insufficient space, and no air conditioning. She complained to the factory owner, saying that it was illegal to make people work in such poor conditions. Soon after that she was fired for no reason. That's why we decided to act to improve women's working conditions.

Since 1990, Mongolia has undertaken political and economic reforms and our country has privatized industries as a part of the transformation from a centrally planned economy to a market economy. The government's privatization program began with light industry. This change in ownership resulted in many formerly state-owned factories going bankrupt and closing. In 1993, a foreign investment law was adopted which stimulated investment and created opportunities for workers to be once again employed. Nevertheless, the negative aspects of these

changes are also clear: working conditions are terrible, and social insurance has been simply eliminated.

Research on the Issue

We had neither sufficient data nor a clear basis for our strategy, so we decided to conduct research in order to clarify the situation of women workers. We first examined a list of factories with foreign investment and discussed which factories to choose for our research. We decided to focus on the working conditions at sewing factories. We employed the following criteria to select individual factories for further study:

- Factories where trade unions are active. (We planned to obtain information about the factories through their trade unions).
- A balance of recently-established sewing factories and factories established many years ago, in order to compare the situation at factories created by the recent influx of foreign investment with that of older factories.
- At least one state-owned factory in order to compare it with private ones.

Following these criteria, we selected the following factories: *Temuujin Mench*, *Ta Tex*, *Tyani Temuujin*, *Gobi* and *Five Star*. While Gobi is state-owned, the others operate with foreign investment from the United Kingdom, Hong Kong, South Korea and China. We faced a number of obstacles in conducting our research. First, the management of the Five Star factory refused to cooperate with our research, so we selected two other factories—*T Un* and *Diorva Mongol*. During the research, we also met with some difficulties. In order to enter factories, we had to ask permission. On one occasion, the Mongolian factory directors advised us to hide from the foreign directors in order to conduct our survey of tailors. Sometimes we had to conduct surveys during holidays when the owner was not present. Sometimes we received the assistance of trade unions in the factories. We adapted our approach to the challenges presented and conducted the research as semi-structured interviews, which gave us the opportunity for discussion with the research

participants. We also used the opportunity to provide interested workers with basic information on their labor rights, particularly with regard to working conditions.

Sometimes tailors wholly refused to be involved in our survey because they were threatened with firing if they gave any interviews to us. Other times the tailors claimed that they had no knowledge of inadequate or unsafe working conditions, even when their basic rights were clearly being violated.

Through our interviews, we collected background information on the workers, asked them questions about their working conditions and their ability to exercise their legally guaranteed labor rights. We found that 58% of participants in the research were under 30 years old, and 74% of the under-30 group had finished their secondary education. Sixty-two percent of the people we interviewed worked as tailors. Half of the respondents said that their working conditions were inadequate but could or would not tell us why. Nevertheless, 68% of the total group interviewed worked under conditions that clearly violated labor laws. Our survey found that workers had no knowledge of human rights or international human rights instruments.

From our research and analysis, we determined that the main reasons for the violation of labor rights in factories with foreign investment are, first, the responsible governmental organizations allow the violations to occur, and second, the workers are totally unaware of their rights.

We consulted with other organizations to find appropriate allies and agreed to work together with Confederation of Trade Unions of Mongolia, the Social Welfare and Labor Monitoring Agency at the Ministry of Health and Social Welfare, and some activists from various NGOs that work for the promotion of human rights.

Objectives

Our main goal was to improve the working conditions for women in the foreign-owned factories. We intended first to draw people's attention to the issue and to increase the public's knowledge of women's human rights generally. Our specific demand was focused on the enforcement of the law. We aimed to hold the Social Welfare and Labor Monitoring Agency at the

Ministry of Health and Social Welfare, and the Foreign Investment Department accountable for their obligation to enforce Mongolian workers' rights to a safe and healthy working environment.

The Strategy

We focused on clarifying the issue by gathering concrete data, building the workers' understanding of their rights (such as the right to work in a safe and adequate environment), and through lobbying and advocacy. We aimed to reach an agreement with government agencies to improve their monitoring and enforcement system.

Accordingly, we organized human rights workshops; developed and published simple brochures and a handbook on workers' rights (focused on working conditions); used the media to draw public attention to the problem; invited factory owners, worker representatives, the government's foreign investment department and law enforcement officials to a round table discussion about the need to amend relevant laws; informed appropriate public officials by writing them letters; and prepared trainers to organize workshops in cities and local provinces. These responsibilities were divided among team members according to their abilities and opportunities. Team members cooperated very effectively to gain from the experiences and methods of each other. We collaborated with other NGOs and trade unions. We involved volunteers in conducting our research.

Educating the Public and Gaining Support

In order to achieve our goals, we felt it was crucial to gain the support of the women workers, their families, and even the Foreign Investment Department, law enforcement agencies and factory owners. So we translated into Mongolian and distributed to the owners materials on labor laws and decisions. To expand the workers' understanding of their labor rights, we prepared simple brochures and organized training workshops. We published and distributed placards, including an explanation of basic rights set forth in the Constitution of Mongolia. We used the media, including television, radio and newspapers, to broadcast our educational message. In particular, we prepared a four-part radio series highlighting the story of a woman whose

rights are violated, her fight for justice, and her ultimate victory. The series explored the following questions:

- What are the national and international laws that apply to a specific labor rights violation?
- How do you know when a human rights violation has occurred and how can you use national or international laws or conventions to change the situation?
- How and where can a worker complain when labor rights are violated? (The heroine tells her story and it is analyzed.)
- What is human rights advocacy?

In recognition that we needed to expand our base of allies, we organized a "training of trainers" workshop to prepare trainers to conduct women's human rights seminars. The participants were officials from the trade unions, national and international NGOs, and local leaders. The content of this workshop was drawn from the Human Rights Advanced Leadership Training for Women in which we took part. All together, the participants organized three workshops in the local provinces, training 60 women. We are preparing a simplified handbook and leaflets laying out international and national laws on labor rights.

We collaboratively organized an essay competition with the theme "Women's human rights in Mongolia" for the 20th anniversary of CEDAW. About 30 people got involved in that competition, aged from 16-80 years old— 18 were women, and 12 were men. A woman from a local province took first place and a famous Mongolian writer took second place. Two thirds of the essay topics dealt with domestic violence and the rest focused on labor rights. The competition gave us insight into how people think about and understand women's rights. The local Soros Foundation was one of the sponsors for that activity and the award ceremony was publicized on Mongolian National TV.

Most recently, we organized a training for workers on labor rights and working conditions, which involved inspectors from the Labor and Social Welfare Monitoring agency.

Outcomes of the Strategy

As a result of our advocacy strategy, we believe that workers' knowledge and understanding of their human rights has improved. Some trade unions in the factories we targeted are now working more actively. Women workers have contacted our team regularly through the trade unions. The unions are requesting special training for workers on human rights generally and labor rights in particular. Recently, we organized a training workshop for 20 workers from 10 garment manufacturing factories and the participants expressed their interest in working with our team in the future. They plan to share their knowledge and understanding with other workers in their factories, and to distribute the manuals and handouts we have prepared. It is exciting that the workers are now interested in supporting our advocacy.

Through the advocacy strategy, public attention was drawn to women's human rights issues in general. We also consider it an achievement that we involved inspectors from the Labor and Social Welfare Monitoring agency in our work as trainers for women workers.

Assessment

Our cooperation has been one particularly successful aspect of our strategy. Prior to this effort, there had never been cooperation among NGOs on such a concrete issue. In this instance, women's human rights NGOs worked together on one problem. This cooperation clearly built the advocacy capacity of women's NGOs in Mongolia. We have expanded the coalition further to include trade unions and other women's NGOs in the struggle to improve working conditions in foreign-owned garment factories. Moreover, we were just five individuals when we started, but now we have a whole network of trainers, and even groups in local provinces and cities that support us.

Through the advocacy process we gained valuable experience and knowledge that will help us in our work on a variety of issues. We learned that teamwork is important because different members of the team bring different perspectives and capacities to the work. Impact at the national level demands teamwork on a large scale, in the form of coalitions, which we

developed in the course of explaining our goals and activities to allies such as trade unions and other NGOs.

Through our participation in the women's human rights advocacy training and the process of carrying out our strategy, we gained experience and knowledge which will enable us to address other problems.

Chapter 8

Protection for Women Victims of Rape

Poland

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Beata Zaduminska
Agata Zakrzewska

The Issue

The advocacy team met for the first time at the Human Rights Advanced Leadership Training for Women workshop held in Warsaw in November 1998. In order to achieve our goal of shaping and implementing an effective advocacy strategy, we knew the most important element would be close cooperation among the members of the team. This would be possible only if the problem we chose was relevant and important, but not overwhelming for us. We also wanted to choose a problem that would attract allies—other NGOs and women among the general public. Therefore, we spent a lot of time discussing violations of women's rights in Poland, including the antiabortion law, the lack of protective orders to prevent domestic violence, as well as discrimination and sexual harassment in the workplace.

We agreed there are simply not enough women's organizations focused on women's human rights, so we initially decided to try to establish such organizations in each of our cities. This idea was quite successful and was supported by the Women's Rights Center (WRC) in Warsaw. Over time, four local branches of the WRC were established.

In addition to the establishment of organizations, we wanted to deal with an issue that was important, relevant, and challenging for our newly established organizations. We originally

planned to address the issue of protecting the rights of women victims of domestic violence who were living in shelters. The media gave heavy attention to this issue, pointing out issues relating to the freedom to work, freedom of religion (residents in Catholic shelters were required to participate in prayer), and the lack of options for victims. But in gathering information on women's rights in shelters we found out that a similar project was already being conducted.

We re-grouped and, after great discussion, decided to break the silence on the government's inadequate and improper response to the problem of rape. We chose this issue primarily because one of our friends was raped, and although she was convinced that the crime should be reported, she refused to do it. As a lawyer, she knew the legal procedures and was afraid to go through the traumatic experiences required by police and court procedures. The fact is, women in Poland dare not seek justice in the case of rape.

Statistics obtained from the Ministry of Justice show that few rapes are reported to the police each year, and fewer still are prosecuted. Clearly, rape often goes unreported in Poland. Real statistics simply do not exist.

Rape is defined in Article 197 of the Polish Criminal Code (adopted in 1998), which states:

Who, by means of violence, unlawful threat or deceit, forces a sexual act on another person shall be liable to penalty of 1 to 10 years imprisonment.

If the perpetrator, in a way described in Paragraph 1, makes another person submit to another sexual action or perform such an action, shall be liable to penalty of 3 months to 5 years imprisonment.

If the perpetrator commits a rape with particular cruelty or together with another person, shall be liable to penalty of 2 years to 12 years imprisonment.

On the books, Polish law provides assurance to rape victims that if convicted, perpetrators will be prosecuted and punished. Legally, rape can be committed both by men and women, within marriage, within both heterosexual and homosexual couples, it includes the rape of prostitutes and is

generally progressive in many ways. In comparison to the Penal Code in force before September 1998, however, the penalty was lowered. Under the new code, rape constitutes a misdemeanor, not a felony, and a motion from the victim is needed in order to bring charges against an alleged perpetrator. If a woman presses charges but later decides to withdraw them, the prosecutor can still decide to take the case to court (if the woman was pressured to withdraw the charges).

A number of factors, however, discourage women from reporting rapes to the police. First, the criminal procedure itself is intimidating. Women are forced to recount their experience several times, usually in front of male police officials. The woman's role in the crime is closely examined and it is often suggested that she, not the perpetrator, was responsible for what happened. Police are not given specific training on how to deal with women who report a rape. Second, support systems for women simply do not exist. As a result, women seeking justice often experience additional trauma and humiliation during criminal investigations that can be as damaging as the rape itself. This is why women who are raped are afraid of the criminal justice system and attackers go unpunished.

Research on the Issue

The law on the books appears to protect victims of sexual violence, so we decided to look into the state of the law *in practice*. In order to do this, we organized a meeting with NGOs dealing with rape victims, police, prosecutors, psychologists, and victims who would share their experiences at the police stations. An article in the main Polish newspaper appealed to rape victims and their friends and relatives to support our research. But only a few victims of rape agreed to reveal their story and we had to find different sources of information.

We decided to initiate a survey of police officers and prepared a questionnaire containing 26 questions to clarify their role in the criminal investigation process and their attitudes toward rape victims. A total of 65 interviews were conducted in Warsaw, Cracow, Lodz, Gdansk and Czestochowa.

Answers given by the police officers were very revealing. According to the research, the victim is generally interrogated several times before the case is brought to court. Although not

stipulated by the law, women are questioned by prosecutors after being subject to in-depth questioning by the police. The victim must confront the alleged perpetrator during the hearing. Accusers are brought face to face with alleged perpetrators in order to identify them for the police. During the hearing, accusers and alleged perpetrators are present in the same room and asked the same questions. Accusers are made to recount what happened in front of the accused. In the majority of cases, hearings are conducted by male police functionaries. Only in Warsaw is a regulation in force stipulating that policewomen should handle rape cases.

In addition, research showed that women are not given medical or psychological help. Police do not assist women in getting medical examinations. Women have to find doctors on their own and ensure that the results reach the police. The victim is practically deprived of medical help. Women are not informed about medicines to prevent pregnancy that can be taken after intercourse or about how to deal with potential HIV infection and other sexually transmitted diseases. The victim rarely has access to psychological help even when she is in deep shock. Psychological experts are only called in order to determine whether the woman's testimony is credible. They do not counsel women.

It was also clear that police have negative preconceptions about rape victims. The attitudes of police (both women and men) toward rape victims are full of stereotypes. For example, they tend to blame the victims for going out too late at night, for attending parties where alcohol is present, for wearing short dresses, etc.

Based on the interview results, we determined that several human rights principles are violated during criminal investigations of reported rape. We selected the following three rights as the basis of our advocacy strategy: 1) freedom from torture and cruel, inhuman or degrading treatment (guaranteed by the Polish Constitution, the International Covenant on Civil and Political Rights, CEDAW General Recommendation 19; 2) the right to privacy (guaranteed by the Polish Constitution and the International Covenant on Civil and Political Rights); 3) the right to health (guaranteed by the Polish Constitution, the

International Covenant on Economic, Social and Cultural Rights, and CEDAW 12: Equality in Access to Health Care).

Objectives

We tried to establish objectives that would bring visible, realistic results to improve the situation of victims. Although ideally we would have aimed at changing the culture of the law by sensitizing all the participants in the legal process (police officers, prosecutors and judges) as well as society at large, we decided to focus on police and their attitudes towards victims. This seemed crucial to encouraging women to report the crime, since police officers make the first contact with victims.

We sought to establish special training for police in order to sensitize them to victims' situation and needs. We could not offer a program of sensitivity training ourselves because of a lack of financial resources. Therefore we concentrated on creating a working relationship with police and trying to establish a new program on sexual crimes in police schools. We decided to collaborate with local governments to gain their political and financial support. Ultimately, one of the newly established branches of WRC received financial support for these trainings as part of the "Save the City" program.

In addition to our general objective, we established the following complementary objectives: to encourage authorities to treat rape as a serious crime and not as a hidden, taboo problem; to encourage women to report rape; to create more sympathetic social attitudes towards rape victims; and to start building a system of support centers for rape victims.

The Strategy

The specific strategy we designed was to meet with the Chief Commander of the Police to present our report and seek his cooperation in implementing new regulations. We would then have legal and psychological experts review the draft regulations and hold a working conference with both academics and police functionaries to prepare the final version of the regulations. Following this, we would then organize gender training sessions for policemen and policewomen dealing with rape cases, and provide information to women regarding their legal rights.

We recommended that several provisions be included in the new regulations: female victims should be interrogated by a specially trained police officer (preferably a woman); women should receive clear and timely information about what actions can be taken against pregnancy, HIV and other sexually transmitted diseases; accusers should not be forced to confront the alleged perpetrator and if the alleged perpetrator must be identified by the victim it should be done through a one-way mirror; victims should be accompanied by a support person during all stages of the criminal procedure (at the police station, at the medical examination, and at the prosecutor's office); and victims should be informed about this right and given contact information for institutions where they can receive assistance.

We asked representatives from different professional backgrounds (police officers, prosecutors, psychologists, legal experts, gynecologists and doctors) to make suggestions about the new procedures. We tried to find people in authority who wanted to support our advocacy efforts and participate in the seminar we coordinated. We sought support from other women's organizations to build a strong lobby for implementing the new police regulations. We plan to publish our experts' recommendations for use as training materials (after consultation with police authorities) and we will also publish leaflets providing information to victims about remedies available to protect their health.

As our strategy is entering its final stage, we plan to engage mass media on a large scale. We know that the police care about their public relations image. If the police ultimately refuse to consider our findings and proposed regulations, we are prepared to publish the report and hold a press conference to create political pressure on the police authorities. When the new regulations are implemented, we intend to conduct a media campaign to inform the public and encourage rape victims to report their cases to the police.

Educating the Public and Gaining Support

On July 7th 1999, we organized a meeting at the Women's Rights Center in Warsaw, inviting journalists, representatives of the police, the Appeal Prosecutor's Office, and several NGOs, including the Federation for Women and Family Planning,

Association Against Crime "Blue Line"—a hotline for victims of violence. During the meeting, we discussed different aspects of rape including its medical, social and psychological consequences for victims, social attitudes toward rape victims, criminal policy, and the lack of rights for accusers/victims within the criminal justice system. The meeting gave us new ideas about what can be done to change police procedures and practices to ensure that women who report rapes are not further traumatized.

We gave interviews to the newspapers and radio to discuss the silence about rape in Polish society and the difficulties faced by accusers and victims within the criminal justice system. We prepared a set of materials on rape for the press and distributed them to various newspapers and magazines. Articles were published in the main newspaper in Poland, *Gazeta Wyborcza*, as well as many local newspapers regarding violation of the human rights of rape victims.

We used two brochures to educate the public about their rights in the criminal process—one published by the Polish Association of Legal Education ("If You Are a Victim of a Crime") and another published by the Women's Rights Center ("If You Are a Victim of Rape"). NGOs and other institutions that assist victims distributed the brochures. The brochure "If You Are a Victim of a Crime" is also available in Warsaw Court.

We designed a poster—explaining that rape is a serious crime—to display in five cities. It was displayed by our WRC offices, other cooperating NGOs, police and prosecutors' offices, courts, and in public places throughout the city. We also produced a series of leaflets with anti-rape slogans that were distributed during the demonstration on International Women's Day in Warsaw and at a conference in Lodz.

We contacted people from the police and prosecutor's offices to build a lobbying group to support our initiative. Thanks to good working relations with the police officers and prosecutors who took part in the WRC training program on domestic violence and sexual assaults, we now have allies within the system. They now have a better understanding of our demands and they can effectively support our advocacy work. They are giving us their own suggestions and proposals for change.

We planned to work with the leading human rights organization in Poland, the Helsinki Foundation for Human Rights, if we found victims whose cases could become a precedent. Although the Foundation has not yet worked on women's rights, it supports our goal to change those procedures that violate rape victims' rights. For the general public, we planned an anti-rape event during the demonstration on Women's Night (Walpurgis Night) on April 30th, with the display of posters and the distribution of leaflets. We received support from a young feminist group, The Witch, to prepare the event (they have experience in organizing similar events including a march against sexual violence in the past). There is a great need to train psychologists to deal with rape victims. We realized there is no institution to provide such specialized psychological training.

Outcomes of the Strategy

Our first success was in attaining a commitment from the Chief Commander of the Police to work with us to establish new procedures. The strategy will be fully successful when the implementation of new regulations causes more women to report the crime of rape.

We also feel that we achieved important changes in social attitudes. We used our contacts with the media to publicize the regulations and encourage women to seek justice. Further, our efforts with the media did help break the silence on the problem of rape and it is no longer considered a taboo subject. One of the most important lessons from this experience has been the importance of cooperation with the media. We hope to continue using the power of the press to keep the public informed on our future work in this area.

In addition, more raped women are seeking legal and psychological support through the Women's Rights Center and its new branches. Recently there were parliamentary initiatives to increase the punishment in the case of collective rape from two years in jail to three years. Although this was partially a political move in connection with a proposed pornography law, rape was finally discussed as a serious crime. Both public policy and the policy debate are finally headed in the right direction.

Chapter 9 Women's Rights in the Private Sector

Russia

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Introduction

Over the past decade Russia has undergone unprecedented socio-economic changes that have profoundly modified the labor market and altered the structure of employment. The growth of the private sector (instead of monolithic state economics) fostered the development of new types of employers and employees and new labor relations that never existed in Soviet times. Unfortunately, these changes in labor relations and the emergence of small businesses further aggravated the discrimination women already suffered.

At the Second Independent Women's Forum in 1992, women NGO activists identified the challenges women faced because of the male-oriented social and economic transformation process then underway. They identified "growing discrimination in salaries, hiring practices, professional growth, layoffs, the feminization of poverty [and] increasing job segregation."¹

Now, eight years later, as a result of continuous economic decline and the privatization process, women's position in the private sector has significantly deteriorated. The new owners of enterprises possess unlimited possibilities to determine work-

¹Anastasia Posadskaya, "The Women's Dimension of the Social Transformation: from Forum to Forum" in: *From Problems to Strategy. Materials of the Second Independent Women's Forum*. Dubna, 27-29 November 1992., Moscow: Hilversum 1993.

ing conditions. Governmental bodies currently have only very weak influence on employers and are unable to ensure employees' rights guaranteed by law. As a result, employees are unprotected from employers' arbitrary actions. It should be noted that about a half of existing jobs and the majority of newly created ones in Russia's small business sector belong to the secondary labor market with its low wages, restricted professional training and promotion opportunities, and precarious employment security. At the present time (according to expert opinion) Russia's small businesses employ about 10 million workers legally and about 5 million illegally.² Approximately 63% of them are women. As a result of women's employment in the small business sector there has been a decrease in women's professional status since 1990 in Russia. Unfortunately, official statistics do not provide any data concerning gender and age distribution in small business. According to expert evaluation, however, there are currently about 5 million women occupied in the small business sector and we foresee that this group of women workers will continue to enlarge as long as existing women's employment structures persist.

Regrettably, neither government, nor public opinion has confronted the danger of marginalizing women's employment and violating women's economic and labor rights. There is no remedy for the negative social consequences of a reduction in the working population. Russia's highly professional women's labor resource is being squandered.

Women's groups associated with the Independent Women's Forum Coalition and several gender studies centers in Russia initially paid much attention to violations of women's human rights in small business, especially to sexual harassment in the workplace. But unfortunately they failed to specify the violations of women's labor rights. That is why we were very anxious to participate in the Human Rights Advanced Leadership Training for Women and to cooperate with Women, Law and Development International (WLDI). We considered this opportunity a perfect vehicle to design and implement advocacy-research work on women's labor rights in the private sector. Moreover, this opportunity could not have been better timed, taking into ac-

² See M.G. Lapusta, Y.L. Starostin *Small Business*. M., 1999, p.26

count the new presidency and inevitable future transformations in economic and social policies.

The Issue

From its outset in the mid-80s the process in Russia of radical reforms in various spheres of life affected all social sectors, including women. The underdeveloped infrastructure in most of the provincial towns, unemployment, low wages, and lack of professional training and retraining systems all restricted opportunities for professional development. Moreover, the "double workload" requiring women to manage all household chores and revived stereotypes of "natural destiny" made the position of women in the labor market especially vulnerable.

Government officials in Russia assigned small business an important role in reaching strategic goals and implementing socially innovative and sectorally significant projects. That is why the national Plan for Improving Women's Rights in the Russian Federation (1996) pays much attention to small business. This sector was expected to absorb women's employment from other sectors.

In the initial stage of reform, private sector small businesses offered unskilled jobs to women. Most of these small businesses introduced forms of employment closely associated with low earning capacity and lack of training opportunities, which resulted in lost career and professional opportunities. As this sector expanded in Russia the proportion of the women relegated to the economic periphery increased. Fewer and fewer women employed in small businesses are now covered by standard labor legislation and are thus not entitled to such social guarantees as minimal terms and conditions of work and social security. Even when legal provisions are available, the difficult economic situation has been such that women workers are not likely to press for them.

Female labor migrants from Ukraine, Moldova and other newly independent states are even more vulnerable than Russian women. Sometimes they are ill-informed about the conditions of work and become victims of unscrupulous agents who arrange jobs without contracts.

We initially identified six main problems for women workers in the small business arena. First, the absence of labor

agreements is a widespread practice among employers in the private sector. Second, remuneration levels in the small business private sector are all out of proportion to labor input and working conditions. Third, the private sector fails to support social guaranties, so no sick leave (including maternity leave) or paid vacation benefits are available for women workers. Fourth, working conditions (especially in outdoor and small shops) are unsatisfactory and fail to meet labor inspection requirements. Fifth, female vendors are subjected to sexual harassment from their employers. Sixth, women workers are generally dissatisfied with their work and with their rate of earnings.

Research on the Issue

In our research we interpreted the women's labor rights framework not only as a set of norms and sanctions provided for in legal documents but also as a special methodological instrument which is helpful to reveal the gender asymmetry in labor relations.

We used in-depth interviews of employees as well as employers and authorities as the key method of getting information. All the conversations were recorded and transcribed. The transcribed texts were analyzed by reviewing and coding. We also identified specific information important for analysis. Every case was compared with others. The main aim of the research was not simply to demonstrate the violations but to show their significance and meaning in real women's lives and what the impact of violations mean to women. The interviews with employers aimed to obtain contextual information as well as detailed information about the issue.

A questionnaire containing 50 questions was used in the survey. It should be noted that the women were interviewed anonymously at their workplace. Having introduced themselves, the interviewers explained the goals and objectives of the survey. Most of the respondents were willing to talk and were frank enough. On average each interview lasted about an hour and a half. In some cases (about 20% in each town) the interviews were interrupted by the owners. The respondents were frank in describing their experiences. However, they seemed to find it extremely difficult to identify their labor rights. It became clear that

many of the women workers were not aware of their labor rights or are unprepared to assert them.

Some of the problems we initially assumed to be crucial were not confirmed by our research. For example, women actually do not fear losing their present job because job availability in the small business sector is much greater than demand. In addition, the absence of labor agreements is typical only in medium and small towns (such as Arzamas and Naberezhnye Chelny), while in the Moscow region and St. Petersburg employers resort to informal labor agreements only with migrant workers. Paying employees under the table, however, is a widespread practice.

The main aim of our research was to identify women's labor rights violations in small businesses, to analyze their origins, and to expose the extent of violations. In addition to the survey data and case studies, we analyzed other available statistical data on the issue and we studied existing legislation to identify its compatibility with international law. As a result, we identified several human rights that are consistently being violated, including the rights to:

- work and receive wages that contribute to an adequate standard of living;
- protection from unpaid, forced labor;
- adequate, safe conditions;
- a clean and safe environment;
- legal limitations on working hours;
- professional education;
- freedom from discrimination based on sex and age;
- unemployment protection and social security;

Besides these, there are some rights have been violated which we determined to be specific to women, such as the rights to:

- freedom from sexual harassment in the workplace;
- enjoy maternity and women's reproductive rights;
- protection during pregnancy from harmful work;

- equal rights within the family including shared responsibility for childcare.

We recognize the violation of women's human rights as discrimination,³ that is, the valuation in the labor market of personal characteristics of the worker that are not related to productivity.

We also found that there is a gap between current Russian legislation and internationally recognized guarantees for women workers in the private sector. There are several major problems with existing legislation and regulations in Russia. First is the lack of legislation and enforcement mechanisms for gender quotas in the case of company lay-offs as well as the absence of anti-discriminatory regulations and procedures in hiring workers. Also, there are insufficient legal norms protecting women from sexual harassment at the workplace. In addition to inadequate legislation, there is a lack of enforcement mechanisms related to the Labor Code and other governmental regulations.

As a result of our research, we concluded that the state is responsible for all the violations of women's labor rights that result from its failure to enact and implement adequate law enforcement mechanisms needed to protect women's labor rights. Employers who do not follow the existing legislation also have responsibility for women's labor rights violations.

The Strategy

We set our advocacy goal as achieving effective legislation and law enforcement mechanisms for women's labor rights in the private sector. The strategies we decided to engage in included the formation of an interregional, multi-sectoral advocacy group to promote the issue of women's labor rights in the private sector; the establishment of dialogue with primary target audiences (women workers and persons responsible); the creation of a database and organization of research activities; working with the mass media to attract public attention on the issue; dis-

³ We use the N.M. Thornborrow and M.B. Sheldon definition of discrimination (see *Women in the Labor Force*. In: *Women. A Feminist Perspective*. Ed. by Jo Freeman, Mayfield).

semination of advocacy positions; and building support from the non-governmental sector.

First, we formed a multi-sectoral group comprised of participants in the Human Rights Advanced Leadership Training for Women Program. Members of our team came from different geographical regions of Russia and from NGOs involved in varied activities. This diversity provided an opportunity for uniting our intellectual and informational resources and professional skills and allowed us to spread our advocacy activity farther than we could have as individual groups. From the very beginning, we considered our team to be the core of a network capable of influencing policy and policy makers at the federal and local levels.

However, the process of team formation involved two types of obstacles. First, we had to confront the differences presented by our varied social and professional experiences and dissimilar understandings of advocacy. Initially, we also lacked teamwork skills. We overcame some of these obstacles on our own, but, due to the tactful help and support of Margaret Schuler, Galina Venediktova and other members of the WLDI staff, things turned for the best in a short time. The other obstacle related to communication. At first we learned to use the Internet to exchange the outcomes of our current work. Afterwards, we organized three meetings in Moscow and St. Petersburg and used the excellent opportunity to work together with our trainers during three training sessions in Sofia, Ulaan Bator and Budapest. Thus, building teamwork skills and learning to work together to achieve the common tasks of the group became the first important outcomes of the project.

The leading organization that provided logistical and informational services is Women's Public Association "Femina". The Moscow Center of Gender Studies, the League of Women Voters and Crises Center for Women participated in the project as informational resource centers and supported the advocacy activities with their human, intellectual and organizational means. We also obtained great support from 25 women's NGOs, which are the members of Association of Women's Independent NGOs, as well as the Information Center for Women's Independent Forum, the International Women's Consortium and the Association of Crisis Centers for Women. Together with these organizations we participated in hearings held by the State Duma

of Russia regarding the modification of Russia's Labor Code. We were also involved in the arrangement of round table talks at the Ministry of Labor and Social Development, and in other actions. We are grateful to the Institute of the Social and Economic Research of the Population and its director, Professor Natalia Rimashevskaya, who helped us publish the results of our report in academic publications.

Second, we established contacts and dialogue with members of the State Duma as well as its committees, the Gender Expertise Department of Council of the Federation, the Ministry of Labor and Social Policy and the Heads of the local economic and employment departments. We found out that the officials whom we contacted had very different, often not official but personal, standpoints concerning the issue. While many of the federal officials and deputies of the State Duma agree that women are now facing difficult times in the private sector, they have various views as to how to deal with the situation. For example, the former Head of the Duma Committee for Women's Rights, a deputy from the Communist Faction, believes that the difficult situation with female labor in the private sector should be resolved by way of eliminating the private sector.

Soon after the round-table meeting at the Ministry of Labor and Social Development, at which non-commercial sector representatives discussed the new Labor Code (the meeting was presided by a Labor Minister deputy, a former women's movement activist, who provided a great support to Russian NGO's), the Labor Minister, having been criticized by the experts of the independent women's movement, prohibited his deputy to carry out "any informal social activities during work hours."

The main lesson we learned in dealing with governmental officials at different levels is the absence of common viewpoints on women's situation as a result of the absence of a national mechanism to improve women's situation. Very often we heard the personal opinion of an official about "the woman's natural function." We believe the national mechanism must comprise a few important components, such as structures, budget, permanent commissions and committees. Also important are "inherited traditions" about the women's role. It is usually a single individual who keeps it all going. An official quitting may result in the disbanding of a committee or a commission. On the other hand,

with the coming of a new official the policy regarding an issue may take a U-turn. In some cases, after years of great effort by NGOs to build serious and fruitful cooperation with legislative and executive bodies, this laborious work has to be done anew as officials change. The situation in Russia is far from being stable, which is a great impediment to the Russian women's movement and leads to altering strategies and tactics. In Naberezhnye Chelny the Director of Small Business Support Fund of the City Council declared publicly: "As long as I occupy this post no woman is going to get credit, because business is not a woman's affair".

When we talked to local authorities they expressed negative attitudes about the content of the existing legislation but seemed to be satisfied with the enforcement mechanisms and the existing forms of control for implementation of the law. At the same time, the private sector is an area of clear administrative abuse. We have evidence from one of the entrepreneurs from the Moscow region that his small enterprise was checked up by different controlling bodies of the local administration 332 times in 1999 alone. It is not surprising that employers are strongly opposed to the idea of any form of control in this area. Curiously, in the case above, no violations were investigated or rectified, but it gave the "appearance" that workers legal rights were being observed.

The third part of our strategy consisted of conducting outreach activities and informal-expert work, organizing press conferences and disseminating press-releases to inform the public about the outcomes of the advocacy activity and our research of the problem. Informational materials and leaflets were prepared for distribution. In addition, we participated in meetings and conferences and in public and parliamentary hearings devoted to the violations of women's human rights.

The following is a list of specific activities organized and carried out by our group:

- Arranging personal meetings with authorities at different levels;
- Organizing a round table meeting with the Institute of Socio-Economic Study of the Population staff to discuss the issue;

- Providing information about the goals of the advocacy strategy to the Moscow Center of Gender Studies for their meeting with women candidates;
- Gaining support from international women's NGOs, such as the Women's Environment and Development Organization, Women for a Common Future, Karat Coalition, and Mama-86 in promoting gender justice in labor relations;
- Lobbying and disseminating information on our advocacy to the international women's community at the CEE/NIS "Beijing + 5 Prepcom" held in Geneva, January 2000; and
- Presenting the outcomes of the research to the Conference on Gender Economics (Moscow Center of Gender Studies, January 2000).

The research findings were also used in the following educational programs:

- Promoting Gender Knowledge, Moscow Center for Gender Studies.
- Women's human rights training, jointly coordinated by the Union of Don Women and Femina.
- An educational program on labor law for senior students of the Training and Production Complex (Arzamaz).
- A video-School on Human Rights ("Femina").

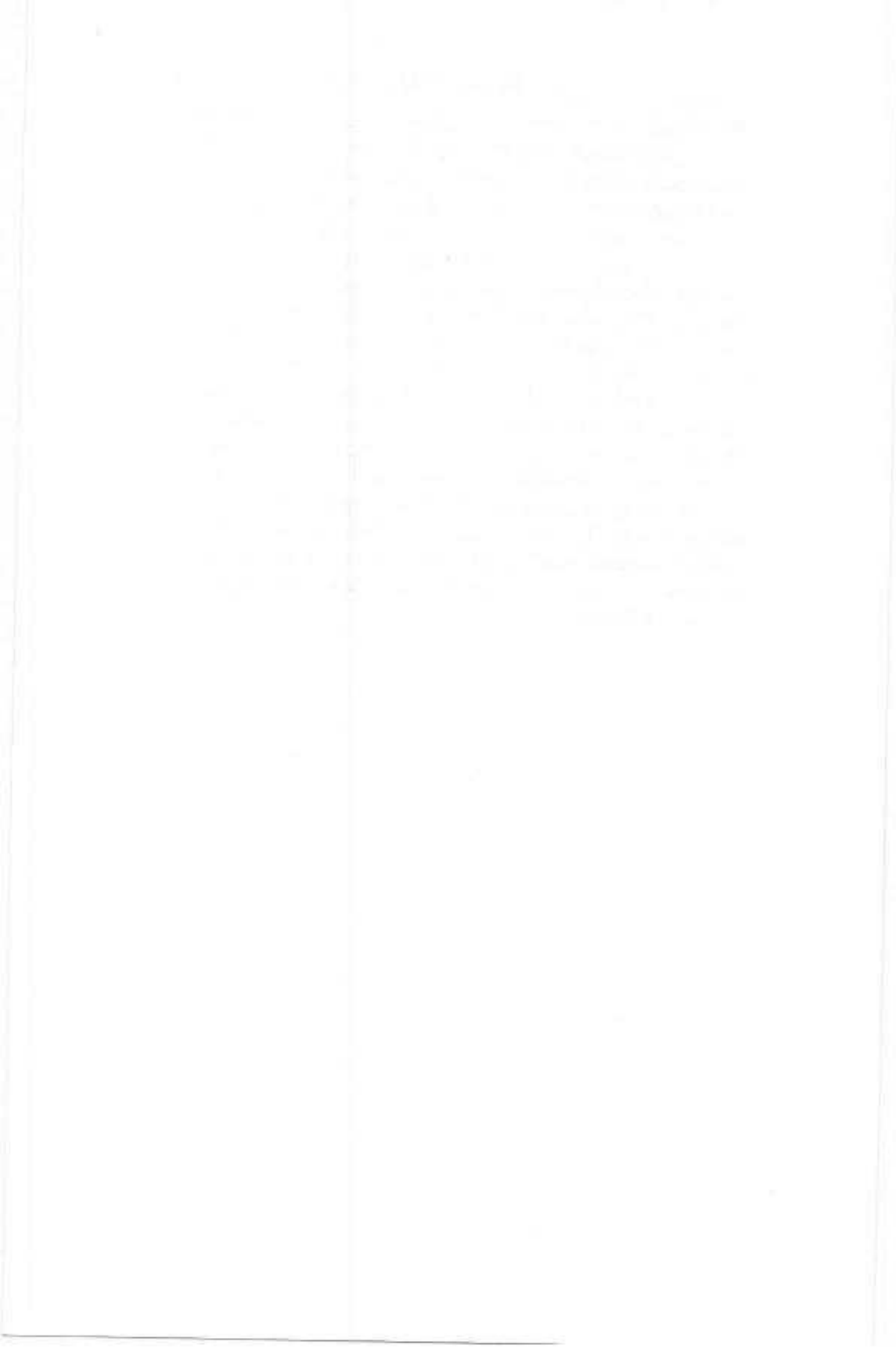
Outcomes of the Strategy and Assessment

The completion of the above activities of the advocacy process now brings us to the point of preparation and publication of our recommendations to improve the enforcement mechanisms of the law by identifying the cultural and structural components of the law that prevent gender balanced legal norms from being effective in practice.

In Russia's current political and economic situation, it is difficult to assess the outcomes of our chosen strategy, given the meager resources involved and the comparatively short period

over which it was carried out. Political processes in Russia have been rapidly developing over the last few months and have caused some shifts in our work. For example, the preparations for parliamentary and presidential elections— while affording some opportunities— also presented certain impediments to our advocacy campaign. The most challenging problem was the changing of key figures which caused frequent shifts in the social and economic policy, and changes in the attitude towards NGOs. This situation and the knowledge we were gaining resulted in alterations to the project, which we assess as positive.

It should be emphasized that the most important knowledge we gained in the training was the ample information regarding the advocacy concept. It helped the participants become more aware of the human rights system and also assisted them in understanding the importance of developing democracy globally and nationally. The participants got a clear view of the importance of using advocacy to raise the social, economic and political status of women with the final purpose of ensuring gender equality in Russia.



Chapter 10

Rights Education for Civil Servants'

Ukraine

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The Issue

The participating organizations had differing experiences and goals and were located in different regions of Ukraine, so it was extremely difficult to find a human rights issue that would be both interesting and topical to all the team members, and which could be effectively addressed by our joint efforts.

While each member of the team had her own preference, we did agree from the start that whatever issue we chose for our project, it should be realistic to resolve given our constraints, as well as pressing to Ukraine. We were restricted by the constraints imposed on us by the overall framework of the training program. The project could not last longer than a year; the funds available for its implementation were limited; and unfortunately our tight schedules and responsibilities outside the project did not allow us to carry out additional fundraising efforts. We also decided that the project must be pressing to Ukraine and concern most Ukrainian women so that an improvement in the chosen area would bring a significant positive change to their lives.

After considering a variety of issues (e.g., domestic violence, trafficking in women, sexual harassment in the workplace, discrimination against women in the privatization process, etc.), we concluded that while all are extremely pressing

¹ Drafted by Natalia Biletska

and, in principle, each could be the basis for an advocacy strategy, we could not effectively work on any of them as a team because of our varying organizational backgrounds. Whichever we chose, we felt that some of the participating organizations would be at a disadvantage, as they would have to deal with an issue they knew little about. Thus, we returned to the starting point and added a third criterion: universality. We agreed that each organization should be able to bring equal expertise to the joint effort.

We found that, despite their differences, our organizations did share a common element. All had a strong training capacity and extensive experience in conducting various educational activities, such as trainings, workshops, seminars, lectures, etc. It also appeared that we all had good links and working contacts with state officials who were responsible for implementing governmental policies and programs for the improvement of the status of women in Ukraine.

At that point, we felt we had found an issue to which each member of the team could contribute equally in resolving: the ignorance of Ukrainian civil servants in the area of women's rights. By "civil servants" we meant the officials who were working at the local and national levels for the Committee for Family and Youth Issues, as well as the State Centers for Social Services for Young People and the State Agency on Issues of Minors. It was extremely important to reach the employees of these organizations, because they are the first place women are likely to turn to with their problems if they believe that no actual crime was committed against them. Frequently, women look for help when they lose their jobs and need financial assistance and training, but the actual scope of issues addressed by these agencies is extremely broad, including incidents of domestic violence, trafficking in women, disability of a family member, etc.

We felt it was realistic to develop a program for training civil servants in women's rights and to conduct pilot trainings based on this program within the given time frame. The ignorance of most civil servants concerning women's human rights is a pressing problem in Ukraine, as many violations occur because neither the officials nor the women who turn to them with their problems have an adequate knowledge of their rights. All the team members would be able to participate equally in the

work, since developing training materials and conducting educational sessions are strong points of our organizations. Finally, we believed that carrying out this strategy would result in significant long-term change; if successful, we would be able to include our materials in the standard program for training Ukrainian civil servants. This would enable women's rights information to reach a maximum number of officials, both at the national and local levels.

Objectives

For some time, it had been clear to us that civil servants lacked knowledge of women's human rights concepts and relevant documents, and that this was a serious problem. In fact, whenever any of our organizations conducted educational events for state officials, when the topic of women's rights was mentioned, there seemed to be no end of questions. We could clearly see that on one hand, there was a pressing need to provide our trainees with this information; and on the other hand, the framework of our previous projects had not allowed us to concentrate on these issues. Nearly all our organizations were making the same compromise—we could not significantly change the content and the schedule of our trainings, because they had been quite strictly defined by the objectives of our ongoing projects. However, we started incorporating more and more information on women's rights in the training handouts, including analytical articles and original documents, to allow our trainees to at least acquaint themselves with these materials through private study. Thus, by the time we started designing our advocacy strategy, which was eventually called *"Developing an effective and accountable government mechanism for enforcing women's human rights,"* all of our organizations had a significant collection of training materials.

We regarded both the interest of the civil servants in the issue and the availability of the training materials as factors that would facilitate the project's implementation. But the actual reason for selecting this issue was different.

As mentioned above, officials from various governmental agencies—such as the Committee for Family and Youth Issues and its local bodies, the State Agency on Issues of Minors and State Centers for Social Services for Young People—although

very cooperative and enjoying good working relations with most women's organizations, had little knowledge of the human rights framework. At the same time, they were the key actors in addressing various women's issues in society.

We all know that women's rights are commonly abused in Ukraine. To name just a few of these abuses: women are regularly discriminated against both at work and at home; they are denied the right to equal pay and employment; they have difficulty finding justice in court, especially in cases that involve sexual violence and/or harassment; educational and training opportunities for women have been decreasing over time; and trafficking in women and domestic violence have long been commonplace.

Meanwhile, as a rule, state officials dealing with women's issues had no idea that such things constitute violations of women's rights, and therefore they lacked the proper perspective to respond adequately to these problems. Instead of a broad picture of human rights abuse, they saw only pieces of a "mosaic" that they were unable to put together.

Our analysis revealed a problem in the content of the laws and regulations on civil service. The program for educating civil servants in Ukraine is strictly governed by a number of regulations issued by the Ministry of Education, and human rights issues are not included in the training programs for state officials. This, in turn, results in a fault at the cultural level—the legal illiteracy of civil servants leads to impunity for violations of women's rights. It is also impossible for women to become aware of their rights, as they too have inadequate access to information. The situation is especially difficult in rural areas where there are almost no NGOs that can help women.

Taking all this into account, we began shaping a strategy which would enable us to achieve the following three objectives: 1) raise awareness of civil servants as to the international accords on women's human rights and human rights mechanisms; 2) develop a training methodology on women's human rights for civil servants; and 3) include human rights issues in the training program for Ukrainian civil servants.

The actual governmental structures with which we planned to work were the State Committee for Family and Youth Issues and its local bodies, the State Agency on Issues of Minors,

the State Centers for Social Services for Young People, and the Ministry of Education.

We considered the first three agencies as our clients, who would receive the trainings and materials, while the Ministry of Education was the target entity where we would present the demand to amend the state program on civil servant education.

The Strategy

In order to achieve our objectives, we developed a strategy that consisted of four major components. One was to conduct a series of pilot seminars for civil servants in different Ukrainian cities using our training materials. These seminars had two goals: to respond to the interest expressed by concerned civil servants by providing them with rights education, and to refine our materials and training techniques. Another component of the strategy was publishing the materials and presenting them to the appropriate state bodies. A third component was lobbying to incorporate a course on women's rights in the standard training program for government officials in Ukraine. The final component was working with mass media to attract public attention.

While drafting the project plan, we became immediately aware of the problem of communication among our organizations. Except for the two groups located in Kharkiv, our organizations were located in different cities in Ukraine. We needed to find a means for effective coordination. Initially we thought that it would be sufficient to draft a detailed plan, with clear objectives, deadlines and a precise division of responsibilities. It seemed that the most efficient way to organize our work was to divide the planned activities according to region. Each organization would be responsible for conducting training sessions, contacting government bodies, and distributing publications in the city where it was located and surrounding areas. The overall coordination of the project was to be the task of the Women's Information and Consultation Center. Its location in the capital, Kiev, meant that it was in a good position to establish contacts and negotiate with national governmental bodies.

Planning and sharing responsibility, however, was only a part of the solution. Indeed, it was impossible to anticipate

everything, and in the course of carrying out the strategy there was still a need, though limited, for weekly (if not daily) communication. Telephone was the means most used in the beginning. However, it was not very efficient since most of the telephone lines in Ukraine cannot support teleconferences (i.e., conversations between more than two parties). At a certain point, it became frustrating.

Fortunately, a solution came with the start of an Internet program. By the fourth month of our project, all team members had acquired Internet and e-mail access. That meant we had the opportunity to organize a virtual office! From that point on, almost all coordination was done via Internet. Using standard features of communication programs, we organized our own micro mailing list, to which we sent news of our progress and events. We found it useful to write not only about our project activities, but also to give information on other events held by our organizations. In addition to e-mail, we attempted to use an Internet pager program, which made it possible to send instant messages and have chat sessions. But that proved too time-consuming and not everyone had an adequate connection. In the end, we all felt that the careful planning we had done at the start of the project enabled us to work effectively without extensive personal communication. We decided that e-mail was adequate for our purposes.

Another much more important problem we faced was that in the course of its implementation, our strategy had to go through a certain transformation. In the initial stage we planned to present issues of women's human rights in general without giving special attention to any particular kind of abuse. Once we began the pilot seminars, however, we found that participants were most interested in one particular issue that inevitably evoked heated discussion—the problem of domestic violence. So, in our later seminars we started to organize our materials and presentations to highlight this issue.

We even published a collection of academic writings on the problem of domestic violence² that attracted significant interest among both academics and practicing lawyers and

² *The Problem of Domestic Violence: Legislative and Social Aspects*, 212 pages (Kharkiv, 1999).

evoked great public reaction. Indeed, it is frequently referred to by mass media, academic writings, and in conference presentations. This book was in such high demand that its entire first printing was distributed within a month. We are very proud of this book because it is the first such publication dealing exclusively with the issue of domestic violence in Ukraine. Apart from this fundamental work, we published a number of articles on the topic in the Academic Newsletter of Simferopol State University and in the media.

Outcomes of the Strategy

The results of our strategy can be divided into three main groups: the results of our educational activities; those of the negotiations with state officials concerning our particular demands; and results from our publishing activities.

The educational and training activities were among the most important things we did in our project. The team conducted a series of seminars, trainings and roundtable discussions for civil servants on women's human rights issues. A total of 21 events were organized in Kiev, Kharkiv, Zaporizhya, Simferopol, Kherson and Dnipropetrovsk. From the very first trainings, we could see that civil servants were very interested in the issue of women's rights. We clearly had been correct in identifying the existence of an information gap. In fact, although our seminars and trainings were planned first and foremost as pilot events to refine our methodology, we felt such a pressing demand for information that we had to review our work plans and increase the actual number of educational events.

It was very important that the training was enthusiastically received by lower ranking civil servants. We had been certain that we would enjoy a good response from higher ranking officials since our organizations had excellent working contacts with them even before this project got underway. However, we expected some resistance from their subordinates. Our first trainings showed this expectation to be wrong. We always had a substantial and attentive audience, and we often found it difficult to end the sessions on time because participants asked so many questions. We believe that this positive response can only partly be explained by the high quality of our training materials and presentations. We did put our best skills and knowledge into

drafting the training program; but that wasn't everything. The most important reason for the huge success of the seminars was that there had previously been a shift in the mentality of the state officials. They already had a sense that they needed the knowledge we could give them in order to carry out their duties more effectively. We organized the training at the right moment. Thus, our action was like throwing the stone that starts an avalanche. We gave a long-needed push to the heavy official machine and it started moving in the right direction.

This feeling was even further strengthened when we began negotiations with the Committee for Family and Youth Issues, so that it would apply to the Ministry of Education to include human rights training in the educational program for Ukrainian civil servants. We came with our suggestions at a very propitious moment, as the Committee was already feeling a need for a similar training program. They recognized that they needed a clear human rights perspective to carry out their own programs, such as the *National plan of action for improving the status of women in Ukraine for 1998-2000*, and a section in the *Program for the prevention of trafficking in women and children in Ukraine*, for which the Committee is responsible. Consequently, it was relatively easy for us to reach an agreement to introduce human rights training. Unfortunately, at that exact time it was revealed that the Committee's budget would suffer considerable cuts, so the final decision had to wait until the adoption of its budget for the year 2000. When the budget was adopted in March 2000, the trainings were approved. The number of hours dedicated to the specialized course on human rights for civil servants is not large (about 10 hours total), but we regard it as a good beginning. We are quite satisfied with the result, and we believe that we have achieved an important breakthrough that will make it much easier to increase the number of hours in the course.

As we advanced with the trainings and lobbying, we also actively published materials on women's rights, including articles by prominent Ukrainian human rights experts and texts of some of the most important international human rights documents. This aspect of our strategy enabled us to increase our outreach and involve other organizations that did not participate in the actual trainings. Most importantly, we distributed the publications not only in cities, but also in small towns of the

various regions. Now all the relevant local government agencies in these regions have at least one copy of the materials.

Our project was primarily oriented toward civil servants working in four major Ukrainian cities: Kiev, Kharkiv, Zaporizhya, Simferopol. We include, however, occasional participants from small towns and rural areas in our training, and from what they told us we realized that it was even more necessary to take human rights education to those areas. The isolation of small towns and villages in terms of their lack of information is simply unbelievable. Given the generally difficult economic situation (almost all the factories and processing plants that once existed are now closed), high unemployment, and near absence of any sort of non-governmental organizations that could defend the rights of women living there, it is not difficult to see that women living in these conditions are totally defenseless.

Assessment

In addition to the tangible results of our strategy, we gained something else. We became a real team, and this was probably the most important achievement.

The main challenge for our team was the differing interests and backgrounds of the team members. Essentially, the most important thing in our story is not the actual achievement of the objectives, but rather what we did to become an effective team, and the insights we gained while working together. Working on the project taught us to transform our differences and varying areas of expertise from a weakness to a strength. The key to our success was openness to new ideas and views, and sharing responsibility so that tasks were delegated according to the strengths of each team member.

The advocacy strategy allowed us to develop a very successful scheme for communication between team members, using Internet facilities. We ended up with a "virtual office" that connected our five organizations into an effectively functioning network, making distance unimportant. This coordination has enabled us to become a visible force at the national level. We are very proud of this because it is something that gives us a huge potential for further growth and cooperation.

One of the most important lessons that we learned while working on our advocacy strategy was that it is important to focus on small towns and villages and not just urban areas. This understanding was so acute that it actually pushed us to develop a new project to organize human rights resource centers in more distant localities, where local women's NGOs are just starting to emerge. Our strategy on women's rights literacy for civil servants helped us find partners for this undertaking. We believe it has been one of the most successful examples of cooperation among local and regional NGOs, and governmental bodies in Ukraine.

We generated ideas for new projects that we would like to work on together, we found new partners for our future activities and we gained a better understanding of the advocacy process, which came from both our practical work and the training we received through the Human Rights Advanced Leadership Training for Women.

Not everything in our work went smoothly. We had to solve quite a number of problems before we could start to perform effectively. Reconciling our different interests and coordinating our activities were probably the most important, and most difficult, of all. Thus, while we have not attained all the planned goals of our advocacy strategy, we are sure that our time has not been wasted. Instead of five different organizations, there is now a team of partners capable of handling the most complex and ambitious tasks. And we hope that our experience in achieving this will be both interesting and useful to other organizations that need to work together to achieve a common goal.

Chapter 11 Women's Legal Literacy¹

Uzbekistan

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Julduz Yarkubova

The Issue

In 1998, we were selected by the Network Women's Program of the Open Society Institute (the Soros Foundation) to participate in the Human Rights Advanced Leadership Training for Women. It was during the first training workshop in Kiev in July 1998 that we were introduced to the concept "Human Rights are Women's Rights." Also at that workshop, we learned about international and national mechanisms for the protection of women's rights and about international human rights activism and the human rights movement.

During the training sessions, we were given the opportunity to design a human rights protection strategy for our country. In preparation for this task we tried to describe the situation of a typical, average Uzbek woman and found out:

She is a woman with (at least) a secondary education, having on average 5-6 children. She is economically dependent on her parents, her husband, or the relatives of her husband. Her opportunities depend on the customs and rules of the community she lives in. She is constantly busy with unpaid and uncounted housework, with bringing up the children,

¹ Drafted by Inobat Avezmuratova, Mavluda Shirinova, and Julduz Yarkubova

following the traditions, and in most cases with carrying out religious rituals. She is a good mother and a good wife. She has taken to heart some of the sexism that surrounds her, but in terms of social production, works in a strictly gender-segregated labor market.

Next we made an initial analysis of all the existing legislation and regulations of the Republic of Uzbekistan relevant to women's rights and gender equality. We found out that women in our country enjoy equal rights according to the Constitution. Under the law, they enjoy all the civil, political, social, economic, cultural and other rights as well. But in spite of all these laws, in reality women are not always able to protect and defend their rights. Stereotypes and thinking formed over centuries dictate that "an Uzbek woman should be submissive and an obedient slave for her husband, for his relatives and the keeper of the family fire."

Taking this all into consideration, we defined the common problem our strategy addressed—the legal illiteracy of women, in particular, rural women. Our personal experience as well as the investigations carried out as part of the activities of key women's NGOs (SABR, SABO, GRC and others) showed that the problem of the legal illiteracy is a national problem. Women in Uzbekistan are the most progressive and organized part of the society. They make up 51% of the total population of the country. In spite of this, in rural areas especially, women are not aware of the basic principles of democracy or of laws concerning their rights. Without this understanding it is extremely difficult for women to mobilize and defend their rights.

Research on the Issue

In order to gain a more detailed understanding of the problem and reconfirm our choice of problem through additional investigation, we decided to conduct social research in three regions: Samarkand, Syrdarya and Tashkent. We developed a questionnaire designed to investigate women's understanding of their rights. Some questions helped to clarify the attitudes of women about their rights and to check their knowledge of international and national documents on human rights and women's rights. The research also aimed to reveal leaders with

the interest and capacity to advocate for women's rights in their areas. We then went to the rural areas to question and interview women. Forty-five questionnaires were distributed in each area. In total, 135 women leaders were interviewed. We discovered that many women had never thought about their situation or about violations of their rights and how they themselves might protect and defend their rights.

Further legal analysis showed that although the legislation and regulations regarding the protection of women's rights have been adopted and function *de jure* in the Republic, *de facto* women are not able to realize their rights. While there is a national platform guaranteeing women's access to information about their rights, neither state bodies nor representatives of women's NGOs have any sort of nation-wide program on women's rights education. The state officers responsible for carrying out civic and legal education among the population do not fulfill their tasks properly especially in the case of women.

We think that in this case there is a violation of women's right to information concerning international and national mechanisms for the realization of women's rights. Women's legal literacy and consciousness about rights is very underdeveloped. Women themselves usually perceive any violation of their rights as something that must be endured, because of the tradition of submissiveness and obedience formed over the centuries.

All these insights into the need for and lack of rights education among women were discovered in the course of our research on the issue. Taking all of this into consideration, we then designed an advocacy strategy aimed at building women's ability to understand and exercise their rights. We decided to develop and carry out a series of training workshops on national and international mechanisms for the protection of women's rights for selected women leaders in three rural regions. Through our research and investigation we were also able to identify women leaders in the three target rural areas who would benefit from rights education.

Objectives

The key objectives for our group were:

- to raise women's consciousness, legal literacy and ability to take action by conducting training on women's rights;
- to build skills and understanding of mechanisms for legal protection of women's rights;
- to identify women leaders who are eager to advocate for the rights and interests of rural women in the future;
- to introduce changes into government policy and practice on gender; as well as
- to attract women to participate actively in social and political life.

Following an attempt made on the President's life, the Government imposed temporary restrictions on carrying out activities involving many people. Our advocacy demand, given the restrictions on meetings, was to be given permission to conduct a pilot program of rights education for women.

Educating the Public and Gaining Support

In carrying out our initial research we found that we faced some opposition from the local authorities. Their lack of understanding of gender and the concept of women's rights made them suspicious of our work. Another obstacle to carrying out the actual training workshops was presented by the Government's temporary restrictions on activities involving many people.

As a result of these obstacles, we had to introduce several changes into our strategy. First, we involved local authorities and their allies in our work. We involved trade union representatives, who are trusted by the local authorities, in interviewing women leaders in the rural areas. We also invited the Chairs of the Women's Committees in each area, who are fairly high-level officials, to participate in our training workshops. Another great help was a special letter from the Director of the Open Society Institute in Uzbekistan requesting assistance and support in carrying out training on legal issues for rural women leaders. The letter was addressed to the head of each local administration.

We also studied the relevant Presidential decrees, state programs and regulations to see what support they might provide. The decree of the President of the Republic declaring the year 1999 the Year of Women as well as the state program to increase women's status in society (some articles of which mention the legal education of women) were of great help to us in defending our strategy. It is also worth noting that personal contacts were useful in overcoming initial resistance to the idea of rights education for women.

Outcomes of the Strategy

The main task of our strategy was to select 45 women leaders from the three areas and to carry out a training workshop on women's rights in each region. In the course of researching the issue, we organized a series of meetings with rural women, to interview and to question them. In this way, we identified and selected workshop participants.

In preparation for the training workshops, we developed materials on national and international instruments and mechanisms for the protection of women's rights. We also developed the program and the methodology for the training. Some documents and laws dealing with human rights and women's rights were translated into Uzbek. Several chapters from the book *"Women's Human Rights Step by Step"* were translated from English into Russian as well as some materials of the Human Rights Advanced Leadership Training for Women workshops held in Kiev and Almaty.

We also had to rent premises for the two-day training workshops, arrange for travel and accommodation of the women leaders who came to participate from different rural areas of the three regions. We had a grant to cover the costs of our work.

Before the training and in the course of it we worked closely with the media. We jointly prepared and published some articles for local papers, conducted several interviews with our workshop participants and appeared on television. This helped to highlight the objectives of the legal literacy program.

We found that the work involved in the selection of the women leaders, preparation for the training workshops, and team discussion and planning is time consuming and requires cooperation and hard work from each team member. As every

team member had her own job-related responsibilities besides carrying out the advocacy strategy, there was always a shortage of time. Though each of us worked independently in a single target rural area, we kept in close contact. Everyone was aware of each other's difficulties and obstacles. We found time to get together several times to define our next steps and jointly worked out tactics.

Thus, we managed to reach our goals:

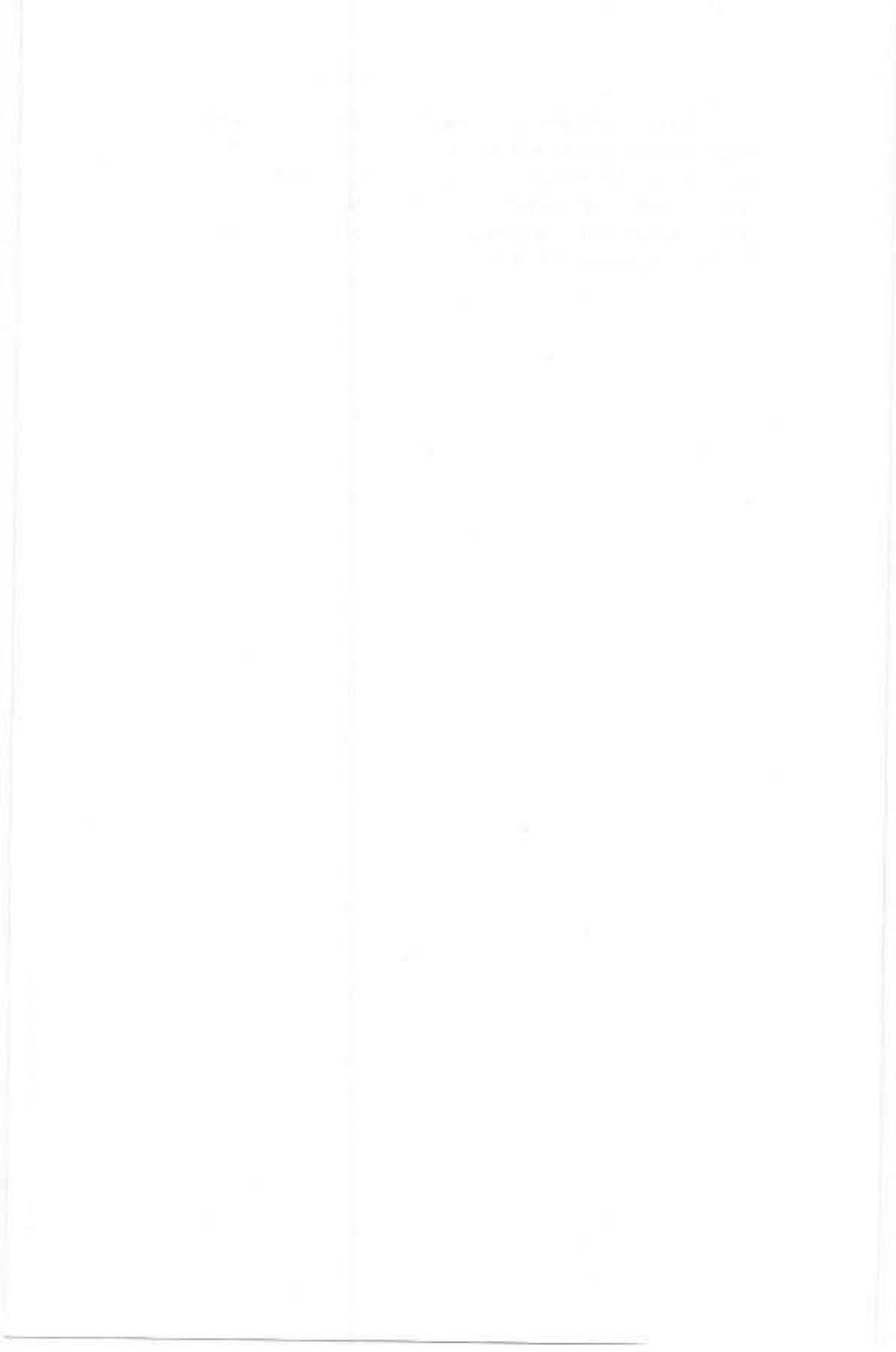
- to select 15 women leaders in each of the three target areas;
- to get permission to conduct workshops on women's rights;
- to plan and carry out three training workshops.

Assessment

The main result of our work was to raise the legal consciousness of 45 women leaders. We were able to build skills and understanding of national and international mechanisms for the protection of women's rights. At the end of the training, several of the participants came to us with the request to continue the work. In their evaluation of the workshops, the participants said that the handouts they got would help them in their future work on women's rights. They expressed their desire to learn more about how to use the law to improve women's situation. They also stressed that the seminars filled them up with new energy and raised their self-esteem. They have even changed their outlooks as a result of participation in the training workshops. They are more hopeful and confident, and have started to plan future activities in the sphere of women's rights.

We ourselves also gained a great deal through designing and coordinating the strategy. We gained valuable training experience. Through our work together, we have developed lasting linkages. Important links have also been forged with women working at the local level. We learned through the training that women leaders in rural areas are currently carrying out some activities related to women's rights. For the present, we have managed to identify 15 women out of 45 trained who show leadership potential as advocates for women's rights and interests, and as educators of other women.

After careful analysis of the work carried out to address the problem of legal illiteracy of women, we feel that the strategy we chose was the right one. One critical and promising outcome of our work is the interest it has generated among NGOs, donors and international institutions in legal literacy as a strategy for realizing women's rights.



Chapter 12 **Poverty and Violence**

Yugoslavia

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Introduction

The Women's Action Center is a group dedicated to the strategic development of, and education about, women's human rights in Yugoslavia. The group started to work together after the Human Rights Advanced Leadership Training for Women in Poland in November 1998. The members of the team are women's human rights activists from various groups working to promote and develop the political, social, legal and economic status of women, to initiate coalitions and networks among women's NGOs in Serbia and Montenegro, and to provide mutual support for common projects and programs.

The Issue

Although Yugoslavia has signed the international conventions guaranteeing fundamental human rights, there is no national legislation on domestic violence. Domestic violence is not recognized by the government as a serious or illegal act, and there are no legal or social protections for the victims of family violence. In addition, Yugoslavia has no status in the United Nations, has been expelled from all international institutions, and is subject to economic and political sanctions. The total isolation of the country and its people from the international community contributes to many problems, including domestic abuse, the most invisible form of violence.

On the other hand, there are more than 30 women's grassroots organizations dealing with domestic violence issues. Specifically, they provide legal and psychological assistance for victims. Their work with government institutions, however, is limited to the extent of their individual or personal relationships. Their ability to help women victims of violence depends in some cases on their personal relationships with people who are in a position to make decisions. We wanted to form an effective coalition to promote a comprehensive proposal for changes in domestic violence law. The proposal was drafted by an NGO in Serbia, the Victimology Society.

The proposal calls for the criminalization of domestic violence, the implementation of protective orders, and other measures to ensure the victim's safety. The proposal includes a broad definition of domestic violence, interpreting it as violence involving persons who are or were in a close personal relationship, regardless of their sex or age. The term "domestic violence" includes physical, psychological and sexual violence, with a wide range of consequences, from mental damage and physical injuries to murder. Since the legal approach to the problem of violence was new to women's NGOs dealing with the issue, the initiators of the proposal needed to get together with representatives of grassroots women's organizations. We identified the need for coordinated action by professionals who provide services to victims of domestic violence and women's human rights activists. A united advocacy effort would in itself make a strong case for legal and social change in this sphere.

Research on the Issue

Practical experience and expert research have shown that a great many women in Yugoslavia are affected by domestic violence. The problem is acute in economically underdeveloped communities where women are out of work, or working in the black market, or economically dependent on their husbands. Nevertheless, the issue is virtually invisible to the majority of the population. Unfortunately, the prevailing opinion among the general public is that domestic violence is a private matter. Therefore, we identified a need to raise public awareness of the issue and sensitize the public to the situation of victims.

We also found no concern about this problem on the part of the government. No serious official action has been undertaken on domestic violence, and even those institutions that directly encounter the problem—police, judges and prosecutors—do not seem to take it seriously. The government, like the public, considers the issue to be a private matter. We concluded, therefore, that we first had to gain public support if we wanted domestic violence to be recognized by the state and addressed through positive social and legal change.

Although there are many grassroots organizations dealing with the problem of domestic violence—providing hotlines for women, centers for women victims of violence, shelters for women, safe houses, etc.—there has been virtually no comprehensive research done in this field. One study conducted in 1993 on violence in marriage surveyed 192 women in Belgrade and found that 49% of women were psychologically abused in marriage, 19% were physically abused, and 19% were the victims of rape or attempted rape by their husbands. Factors identified by the study as contributing to this behavior included: war, refugee status, use of alcohol, the financial situation in the family, the economic instability of the country, jealousy, and diversity of ethnic background within the marriage.

Yugoslavia has been engaged in direct or indirect military conflicts continually since 1991 and is isolated from the international community. Meanwhile, the problem of domestic violence is growing worse and becoming less visible, hiding behind the widespread poverty and destruction. At the same time, the struggle for mere survival is a part of everyday life for most people, which can further deteriorate relations within the family.

Objectives

We agreed that expanding cooperation among women's NGOs was a major goal. We wanted to introduce the proposed legal changes to women's NGOs, build their understanding of the problem of domestic violence and discuss opportunities for lobbying for changes in their local surroundings. We set as our objectives: to build a coalition of women's NGOs to advocate for the proposed changes in the law to Serbian Parliament and their effective implementation; to facilitate the exchange of

information and communication, making sure that women's NGOs know about each other's work; to participate in the campaign on domestic violence and monitor its effectiveness; and organize women professionals who provide services to victims of domestic violence to make their own strategies and plans for future.

The Strategy

We first gathered women's NGOs from the whole country for the purpose of discussing the problem and introducing the proposed law for the protection of victims of domestic violence. We organized a one-day symposium in Belgrade, where the drafters of the new legislation—members of the Victimology Society of Serbia—presented their proposed changes and amendments to representatives of 20 women's organizations. As a result of this symposium, the women's NGOs gave their support to the proposed changes by signing a "Statement of Mutual Support for a New Model of Protection for Victims of Domestic Violence." The Statement was addressed to the Commission on Lawmaking and to the opposition parties in Parliament.

The activities of our group were interrupted by the eleven weeks of NATO bombing of Yugoslavia. At that time it was almost impossible to travel across the country and very hard to keep in touch with other women's human rights activists since many of the bridges were knocked down and some central telephone stations were demolished. All our activities were cut back practically to our own neighborhoods. NATO's actions and the conduct of the international community struck an additional blow to organizations dealing with human rights issues in the country. Many people were killed. Factories were destroyed and approximately 800,000 workers lost their jobs. It is commonly understood that women were the first to lose jobs, and simultaneously they were expected to take on sole responsibility for the well-being of their families. In some Serbian towns, half of the workforce are now unemployed or are employed in the "gray economy." The problem of domestic violence is now more deeply overshadowed by the everyday violence perpetrated against men and women by both the domestic regime and

international forces, which affected the entire social and economic infrastructure.

We concluded that, under the circumstances, the broad-based campaign on domestic violence we had planned for April 1999 would not make any sense and would instead probably be counterproductive. People, especially women, had more pressing issues to take care of, such as surviving the war and feeding their families.

Consequently, we needed a new strategy that would adapt the methods of reaching our primary goal to the new circumstances. We determined that in these circumstances we had an urgent need for economic, social and political empowerment of women. We organized a second forum to promote the proposed legislation for the protection of victims of domestic violence in the provincial town of Subotica. This time we invited professionals—lawyers, judges, social workers, trade-unionists, as well as the representatives of local municipalities. We presented the proposed changes to them, followed by discussion and exchange of experiences in this field. The event garnered some media attention. Several articles were published in the newspapers, and we had radio and television coverage of our activities. During the roundtable, the authors of the proposed legislation explained their proposal and agreed with the other participants that there was a pressing need for mutual action in support of legal and social changes on domestic violence.

Exchanging experiences with professionals and people from the media, we confirmed our perception that women needed political and economic change. As a result, we decided to shift the focus of our efforts to the economic security of women, taking into account the strong indications that the country would suffer from even deeper economic, political and social crises. There is strong evidence that in times of post-war crisis, violence against women increases dramatically. We believe that one important condition for a violence-free life for women is the realization of their economic and social rights, and especially their economic independence. This led us to adopt a new, broader and more all-encompassing strategy with the goals of developing a structure through human rights advocacy for women victims of violence to achieve post-war economic

security, and educating women about their political rights and empowering them to take an active part in public life.

As a next step in our new strategy we decided to organize a symposium to analyze the relationship between women's economic status and domestic violence, mapping the need for legal, social and economic reform in this field. The outcome of the symposium, entitled "The Economic Status of Women and Its Impact on Domestic Violence," was an agenda for action. The strategy evolved to include the Yugoslav Future Search Conference, five one-day training sessions with women trade union activists, and a two-day regional conference to explore "The Economic Status of Women in the Region."

We obtained financial support from the Open Society Institute, Mama Cash and King Baudouin Foundation. The first small grant enabled us to begin the project and its initial activities, which have developed rapidly and intensively.

In partnership with another women's NGO, "Women's Studies and Creativity" from Subotica, we organized a four-day Future Search Conference, entitled "Building A Better Future—Women's Position in Yugoslavia in the Year 2020." Twenty representatives of women's NGOs, trade unions, women's hotlines and women journalists from Serbia and Montenegro analyzed past successes and their hopes and desires for a better status for women in the future. They envisioned what this might be, creating positive images of a desired future, such as a prosperous and tolerant community. The participants planned new projects relating to the elimination of domestic violence, the development of women's human rights, women's entrepreneurship, their participation in politics and decision-making, and creating a tolerant multiethnic society. Groups of participants made one-year action plans on the above issues and joined together to form a national network of women's NGOs consisting of smaller, issue-focused networks.

The network dealing with domestic violence will continue the campaign to raise public awareness on this issue, building new connections with other NGOs dealing with the issue, and launching new projects. One of the follow-up activities planned is a Second Future Search Conference, to be held in November 2000, to gather all the participants in one room again to evaluate and renew their projects.

The Future Search Conference generated a great deal of attention from the press and public. We also took a video of the conference. The public discussions were provocative and were intended to draw maximum numbers of participants, including representatives of legal institutions and social service providers, into the debate.

The members of our team are also activists in an ad hoc coalition for the promotion of women's political rights. This coalition gathers women activists and women politicians to educate women about their political rights and motivate them to take an active role in the public life of Yugoslavia. By conducting seminars, conferences and workshops in different towns in Serbia, we intend to form a women's front with the aim of creating political pressure from women to make deep but crucial changes. The idea of these seminars, held throughout Yugoslavia, is to connect women from different social and professional spheres in the same town, and then to form a network among women from different towns. That way we will have women connected horizontally and vertically working on promotion of women's human rights and empowerment of women.

Outcomes of the Strategy

Looking back at the objectives defined a year ago, we see that we succeeded in building cooperative relationships among women's NGOs, social workers dealing with the issue of domestic violence, and women's human rights activists. We also proposed domestic violence law reforms and debated these ideas with interested professionals and the general public. The "Statement of Mutual Support" concisely expressed women's support for legal and social change to combat domestic violence.

Through organizing the Future Search Conference, we built a network of women's NGOs, trade-unionists, politicians, journalists and professionals which works for the protection of women's human rights. Through symposia, open public discussions, and other educational activities, we raised people's awareness of the need for crucial changes in our society. A number of women have recently joined our efforts to achieve social and political change. We take heart in watching people's reactions to the mere existence as well as the actual content of our leaflets.

The present political circumstances in Yugoslavia, including the loss of international affirmation for the regime and the complete absence of democratic institutions, make positive changes in any direction almost impossible. When the actual political situation changes to create openings for democratic participation in the political process we are prepared to advance our cause.

As a logical continuation to our advocacy strategy, we are now working on a new project related to the long and hard economic crisis in Yugoslavia and its impact on women. Poverty and violence are two dominant phenomena in our society; they are deeply and indisputably connected. They are also rooted in men's way of ruling and place the greatest burden on women. The social invisibility of their consequences for women makes them even more dangerous and difficult to eradicate.

Appendix A

Other Strategies

Due to space restrictions, only a selection of the most well-developed case studies are included in this publication. It is important to note, however, that a great deal of valuable women's human rights advocacy experience emerged from the Human Rights Advanced Leadership Training for Women. Below are very brief descriptions of the work carried out by other participants in this program.

Albania

The Albanian team is working to clarify, expand and realize women's social benefits. There is a great deal of confusion about women's rights to social assistance, not only among women at large, but also among lawyers, NGOs and others who deal with this issue professionally. The team is working to identify necessary legal changes and, at the same time, organizing a public education campaign. The team has developed a relationship with the Ministry of Labor. A hot line and center for legal assistance have been established to help women, both urban and rural, understand their rights to social benefits. The team feels that it has achieved some success in increasing women's awareness of their rights to social benefits.

Armenia

The Armenian team is working to address discriminatory labor practices. The extensive research that the team has conducted confirmed that work place discrimination occurs during the processes of hiring, promotion and dismissal. The

team plans to prepare a proposal for law reform to punish gender discrimination in the workplace. The team has held round tables with local NGOs and authorities and hopes to establish a working group of representatives from the Ministry of Social Security, the Ministry of Justice, the Ministry of Statistics, the National Assembly and municipal governments. Increased contacts with other NGOs, the mass media and government have been an important success for this group.

Azerbaijan

The team from Azerbaijan is addressing poverty among households headed by women. In their analysis of the problem, the team discovered that although many of these women are highly educated and work in "white collar" jobs, they are still unable to earn an adequate living for themselves and their families, in part because of the impact of the transition to a free market economy. The team sought to educate women about their rights and raise public awareness of economic rights violations through meetings, round tables and seminars for NGOs, the mass media, government representatives and women in general as well as through the publication of articles and informational bulletins. In addition, they discussed the issue with candidates who were running for municipal election in December 1999 to encourage their support. The team is in the process of learning about other countries' programs for women and poverty, in order to prepare a proposal for such a program in Azerbaijan.

Belarus

The team from Belarus is working on violence against women. They sought to study the various aspects of domestic violence, increase public awareness of the nature and extent of the problem, and provide assistance to domestic violence survivors. The team found that women have little confidence in the ability of public institutions to take action against perpetrators of violence. The team has established important relationships with law enforcement officials, social agencies and medical facilities. The team has completed educational outreach activities and provided legal and psychological consultations for victims of violence.

Bosnia & Herzegovina

The team from Bosnia and Herzegovina is working to promote awareness of economic discrimination against women. The team has completed extensive analysis of the Dayton Peace Agreement, the Constitution of Bosnia and Herzegovina, and the international agreements that form an Annex to the Constitution. Their study indicates that the rights and protections of women in the area of labor and employment enumerated in these documents are not recognized in fact. The team cites the dominance of male decision-makers as one reason for the inadequate implementation and enforcement of these rights. The team has established a Center for Free Legal Aid for women which deals with cases of maternity leave, alimony, housing, taxation, health benefits and pension problems, among others. The most recent initiative of the team has been a Small School for Women's Human Rights, which has attracted women and men equally, media interest, and support by women Members of Parliament.

Georgia

The Georgian team has taken up the issue of trafficking of women. Their research indicates a close link between trafficking and the larger economic hardships within the country, and the consequent mass emigration of labor. Experiential data suggest that many women who migrate abroad, particularly those who reside abroad illegally, are being exploited in the sex industry and other sectors. There is currently no law prohibiting trafficking in Georgia and the problem is aggravated by patriarchal social attitudes discouraging open discussion of the issue. Because the issue of trafficking is almost invisible in Georgia, the primary objective of the strategy was to research the issue and clarify its causes, consequences and dimensions, as well as to make the problem of trafficking more visible. One major achievement to date has been more open discussion of the topic among civil society and the government.

Kazakhstan

The advocacy team from Kazakhstan addressed the issue of women's deteriorating economic status by formulating a demand for the government to adopt a progressive policy on

social benefits for women. Research into the root causes of women's worsening economic situation showed that women are currently eligible for fewer benefits than before independence because of large reductions in the government budget for social spending. Women are also struggling to adapt to changed conditions including the increased likelihood of being the sole or primary breadwinners for their families. The team has worked to develop a coalition with other women's NGOs in Kazakhstan around the common goal of addressing women's poverty and they have had an important ally in the Head of the Governmental Committee on Women's Affairs. One major challenge identified by the team is resistance to the gender-specific dimension of economic rights violations and little recognition of the need for programs specifically targeting women.

Macedonia

The Macedonian team is focusing on the issue of sexual harassment of women in the workplace. There is inadequate legal protection from sexual harassment in Macedonia and women are uninformed of their rights and often unable to recognize sexual harassment when it occurs. The team is working to promote awareness among women workers and to establish legal protections. The team has initiated a "How to Say No to the Boss" campaign and has worked with other NGOs from Macedonia, Croatia and Slovenia on its implementation. Team members believe that they were successful in raising awareness about the issue, as well as in gaining the trust and cooperation of women who have experienced sexual harassment in the workplace. They now feel ready to work on implementing legal changes.

Romania

Romania was represented by a one-woman team, Nicoletta Bitu, who took up the challenging task of developing a participatory process of organizing Roma women in order to analyze the national strategies of different European countries concerning Roma population and the way they address the Roma woman specifically. Nicoletta has collaborated with other women's NGOs and Roma specialists in organizing a Human

Rights Training Seminar for Roma Women in the framework of a larger Roma international event.

Russia

The members of the second Russian team have chosen to work on discrimination against women in Russia's reformed pension laws. Initial research confirmed this team's practical experience that, under newly reformed law, the basis used for calculating state pensions did not allow for just compensation for women. The team forged alliances with women's NGOs, veteran's councils, and local and regional social service organizations and managed to make the problem visible in Russian public discussions. The team has yet to start working towards the actual exclusion of discriminative norms in pension legislation, which would involve legal reform addressing both the Labor Code and the Family Law.

Tajikistan

Domestic violence was the issue addressed by the team from Tajikistan. Although domestic violence is generally kept hidden due to religious and other cultural traditions, evidence indicates that the most serious crimes against women in the country are the result of domestic abuse. The team focused their efforts on changing the prohibitively high court fee for divorces, which prevents many women from leaving violent marriages. They produced a booklet of legal information for women who experience domestic violence and were working to train police and doctors to respond appropriately to the needs of domestic violence survivors. Although Parliament has not yet approved the team's proposed changes to the Family Code, it has approved a declaration to eradicate all forms of violence against women as a result of the team's efforts.

Turkmenistan

The team working in Turkmenistan is seeking an amendment to the Marriage and Family Law to eliminate the six-month waiting period required of a woman filing for divorce even if she has experienced domestic violence. Research done by the team indicates that during the waiting period women remain subject to violence. Given their political context, the team is

presenting their advocacy demands within a larger process of legal reform being undertaken by the government. The team is establishing alliances with other NGOs and building awareness of the problem of domestic violence among the government, private sector and civil society organizations. The team is drawing from Turkmen cultural traditions to expand the understanding of domestic violence as an unacceptable, destructive force for families.

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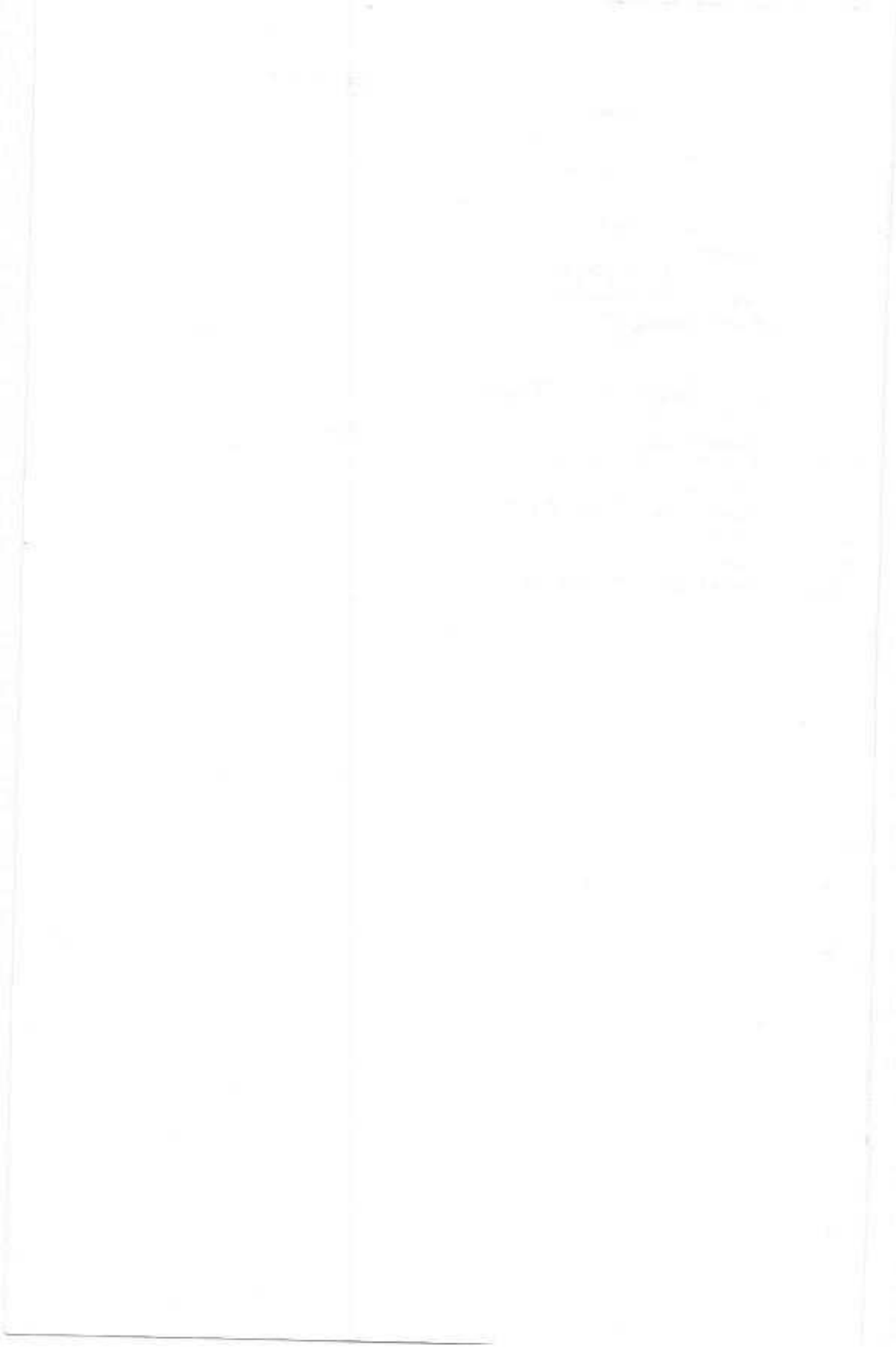
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Becoming an Advocate Step by Step

Women's Experiences in Central and Eastern Europe and
the Newly Independent States

This book is about the struggles and strategies of women grappling to become human rights advocates capable of effecting changes in law and practice to uphold women's basic rights. In *Becoming an Advocate Step by Step*, champions of women's rights from Central and Eastern Europe and the Newly Independent States tell their own stories about the opportunities and challenges they faced as they engaged their governments in the profoundly democratic process of human rights advocacy. This book is as much about their experience and "step by step" learning as it is about the policy changes effected through advocacy. It is about both product and process.

"In spite of the difficult political and economic situation in the country, I am still very motivated to work on women's human rights because I see that I can achieve the goal if I walk step by step."

An advocate from Yugoslavia

"We trained women and opened their eyes to the fact that their destiny is in their hands, that they have to fight for their rights instead of sitting and waiting for the government to help them."

An advocate from Kyrgyzstan

"Before I thought that one had to have a special education in order to be involved in advocacy. But now I understand that the main thing is strategy and the other very important is a team."

An advocate from Russia

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