

**Frames in Contestation
Domestic Violence Policy Debates in Five
Countries of Central and Eastern Europe**

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THE RESEARCH PUZZLE

- Five countries: Bulgaria, Croatia, Hungary, Poland, Romania
- Domestic violence brought on the policy agenda successfully by feminist NGOs in all of these countries.
- Mobilization of women's NGOs in support of adoption of legislation.
- Legislation and policy plans passed everywhere within a short period of time (2003-2005).
- Nevertheless feminist NGOs perceive the policy outcome a success in only two cases – Bulgaria and Croatia.

THE RESEARCH QUESTION

- What processes of frame contestation have impacted the existent policy outcomes in domestic violence across the 5 countries?
- How are these processes linked to the policy outcomes?
- What gender equality is constructed to mean (Lombardo & Meier & Verloo 2009) in the field of domestic violence in the five analyzed countries and how this process of construction happens?
- What happens to the understanding (framing) of domestic violence claimed by feminist advocates in the contestation process?

THE RESEARCH

- Analysis is part of a larger project aiming to explain outcomes in domestic violence policies by analyzing actors and processes in making these policies
- Framing seen to be factor in understanding policy outcome and also a factor that casts light on policy processes
- Documents analyzed within QUING complemented with other important documents and interviews with key actors

BULGARIA

- Strong NGO role in defining the dominant frame and in work towards social learning
- Little frame contestation throughout (1995 – 2005)
- Dominant frame: de-gendered human rights (in the 2005 Law)
- Implicit gender equality framing: in the Program 2007-2008, COE campaign declaration, 2008 Handbook (women victims)
- Children often mentioned as specific victims group but not in exclusive terms
- Gender equality framing comes into the picture through implementation. Recent amendments propose funds for NGOs for implementation (effective January 2010)
- Family and privacy protection (minor frame in 2004 debates)
- Structural gender equality frame: not found. More to learn about NGO debates

CROATIA

- Little frame contestation
- Strong continuous mobilization of NGOs and wide coalitions with women politicians lead to piecemeal change of policy from 1999 onward until adoption of law and strategy in 2003-04. Social learning.
- Dominant frame in the Law (2003): de-gendered human rights, supported by NGOs. Transformative HR frame in some speeches
- Strategy: transformative gender equality frame (women's right and capabilities)
- Important implementation role given to NGOs: recognition of independent victims' advocates
- Pre 2000 Family Code – exclusive children's rights frame

HUNGARY

- Initial frame: structural gender inequality. In a strategic move becomes de-gendered human rights with just implicit elements of gender equality (see National Strategy)
- Dominant frame in current legal framework is de-gendered human rights with some elements of family protection frame (introduced with the recent amendments 2009)
- High contestation coming from: family-children's interests frame and perpetrator's rights-privacy frame, but also deviance frame. Extremely polarized debate with feminist NGOs loosing out
- Voices representing family-children's interests frame are the main state sponsored agents in implementation. Disempowerment
- Stronger gender equality framing comes back to the picture in the contestation after strategic period

POLAND

- Long history of strongly polarized debate: alcoholism frame, perpetrator's rights frame and family frame all contesting gender equality frame. No social learning
- Several un-successful draft laws (framing?)
- Outcome: de-gendered human rights frame - weakly implementable, watered down restraint of perpetrator element but nevertheless containing all pillars of action (2005 Law)
- Contestation to the Law from all sides: Including open contestation of absence of gender from law
- National Action Plan 2006: implicit elements of gender equality – references, women victims
- Implementation process: strongly deviance frame driven. Absence of recognition of independent victims' advocates

ROMANIA

- Outcome: Family protection – both in the 2003 law and policy and in implementation. Mediation driven
- Contestation (2001-2003): women centered gender equality framing was the initial frame supported by feminist NGOs. Displaced by family protection frame already in the mobilization phase
- Weakening NGO voice in the aftermath of law adoption; Recent initiatives: 2008-2009: advocacy for introducing civil and criminal restraining orders (Association for the Promotion of Women, Timisoara, supported by the National Agency for Family Protection); proposal rejected by the Chamber of Deputies in May 2009

CONCLUSIONS: THE OUTCOME (1)

- The gender equality- human rights continuum
- Includes: structural gender equality
 - Diagnosis: gender power inequalities in society; patriarchal norms; DV form of gender discrimination; both cause and effect of inequality; universality
 - Prognosis: gender transformation + complex intervention (restraining – protecting – raising awareness)
- Women-centered domestic violence: no structural inequality components
- Implicit gender equality frames (references, attribution of tasks)
- De-gendered human rights – no gender transformation, no women victims. But finds dependency, harm to dignity, crime in private sphere important and proposes complex intervention

CONCLUSIONS: THE OUTCOME (2)

- The gender equality frame has not become the dominant one in either of the five countries. De-gendered human rights frame is the dominant state frame in 4 out of 5
- Croatia and Bulgaria have framing that is more gender equality explicit in documents closer to implementation
- Poland and Hungary have strongly polarized debates with very strong standing for contesting frames and strong implementation roles given to voices representing contesting frames
- In Romania a gender equality contesting frame: the family protection frame, is the dominant with relatively little contestation in place since adoption. Reflected in both the law and the implementation

CONCLUSIONS: THE CONTESTATION

- Contesting frames: family protection, perpetrator's – men's rights, domestic violence as deviance, children's rights
- Patterns of contestation address different major tenets of the GE – human rights continuum :
 - Family frame contests the individual victim unit of the frame. The proposed victim to be ultimately protected is the family
 - Deviance frame: contests the universalism tenet
 - Perpetrator's rights: prioritizes classical liberal rights (property, freedom of movement, privacy) over a new generation of HR
- Children's rights not a consistent frame:
 - Some versions name the specific victim group but not in an exclusive way.
 - Some versions exclusively target children
 - Some versions linked to family frame

CONCLUSIONS: OTHER FACTORS

- Framing of policy texts and laws in itself does not explain the quality of outcome
- Some de-gendered HR frames meet the feminist approval, others do not.
- Requesting gender explicit laws is only at stake in Poland and even there is marginal. NGO contestation comes more in terms of implementability: especially that of restraining orders
- But important role is played by another explanatory factor: the role of independent victims' advocates in implementation
- Actors and attributed responsibilities in implementation
 - Croatia, Bulgaria empowers feminist NGOs
 - Hungary, Poland, Romania: gives role to contesting voices

CONCLUSIONS: MAINSTREAMING

- Bringing violence against women and particularly domestic violence on the agenda can be seen as an attempt to mainstreaming women's rights into human rights (Kelly 2005)
- Successful in many different ways: agenda setting, adoption of policies, awareness raising and changing the meaning of human rights
- "It can be said that special laws do not automatically lead to better results in criminalizing violence against women" (Logar, 2008: 16).
- Meanwhile stretching the gender equality concept proposed in the CEDAW process initially to enter the mainstream of human rights in local contexts may also bring the risk of co-optation and vulnerability of losing women victims from sight
- Ultimate success has to do with gender inclusive implementation and empowerment of women's NGOs

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THANK YOU!