

**ACTORS AND FACTORS INTERACTION IN PROCESS OF EMERGENCE
OF DOMESTIC VIOLENCE POLICY
IN THE FEDERATION OF BOSNIA AND HERZEGOVINA**

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Abstract

This research traces emergence of domestic violence policy in post-conflict Bosnia and Herzegovina. Focus of research was not on policy making on state level but on one of two entities - the Federation of Bosnia and Herzegovina, tracing precisely emergence of *Law on Protection from Family Violence*. I argue that domestic violence policy at the entity level in the Federation of Bosnia and Herzegovina was developed collaboratively between internal actors, the governmental organization Gender Center of Federation BiH and local NGOs, with strong support from international organizations, but in the absence of transnational networks. This collaboration was not always without problems, but has created bond between actors that allows further policy improvement.

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Introduction

How collaboration of three actors: governmental, non-governmental and international organizations can be successful in combating domestic violence can be seen from my research. The fight against domestic violence has resulted in establishment of strong alliances between these actors. The process of domestic violence policy making has gone through many obstacles, but was also pushed forward by some, even, global events. This research is tracing a path that these actors went through to come up with Law on Protection from Family Violence that should protect victims of domestic violence. As an instrument to find out how did domestic violence policy emerge I have chosen methodology of process tracing to explore how did this process go and what interactions between these three actors have influenced on causal mechanism of socialization. While thinking about process and possible causes and relations I came up with three hypotheses that needed to be checked with relevant actors.

In exploration of existing theories that would help me in understanding this process, Transnational Networks and Policy Diffusion as well as Resource Mobilization and Social Movements seemed suitable for my research. Still, I was curious about other possible influences and tendencies that are tackled by other authors in area of policy making.

With the following chapter my intention was to place the reader in current country situation but also show what was there before, because past experience determines a lot how people act and react today and on what soil we are building policies. And finally there is my final chapter where I tried to explain how this process went and what interactions and events led towards domestic violence policy adoption. One of the major findings is that local women's non-governmental organizations and governmental organization Gender Center of Federation BiH have collaborated strongly in policy making and were supported by international organizations. And surprisingly for some scholars and people working in international development, in spite of non-presence of transnational women's networks above

mentioned three actors have been successful in policy making under support of international organizations.

1.1 Research questions, goal, and hypotheses

My research questions are: What key actors local and international have influenced the development of domestic violence policy in Federation of Bosnia and Herzegovina (FBiH)? How can we understand the relationships among these actors in bringing domestic violence into the domain of public policy?

My goal is to parse out and understand the relations among different actors, factors and events involved in the emergence of domestic violence policy in FBiH, a post-conflict area. I focus on decision-makers in the government, as well as on local and international non-governmental organizations (NGOs) and networks, international government organizations (IGOs), and the media in the society who played an important role, as I will show, in bringing forth domestic violence as an issue of public policy. I explore the impact of the international community and norms in particular. In line with that, I tried to find out obstacles that occurred in process of adopting a domestic violence policy. I explored how relations among decision-makers and other policy actors influenced policy processes, how decision-makers experience the influence of the international community, how they perceive the situation in the area of domestic violence, and where they see obstacles in state for efficient policy making and law implementation.

I began this research with three hypotheses:

1. Local NGOs and transnational networks through lobbying and media campaign had the strongest impact on domestic violence policy formation.

2. Domestic violence policy is integrated slowly and with a lot of questioning and obstacles, because of the conflicts and disagreement on policy integration between three constitutional ethnic groups and complex state system.

3. Domestic violence policy is accepted without much resistance and negotiation even though it is not binding policy of EU, due to factors of socialization and trend of Europeanization.

1.2 Methodology

To test these hypotheses, I have used mixed methods to gather and process my qualitative data. I collected data collected through focused or semi-structured interviews, as well as from media (a TV show) and various documents (reports and other collected materials, like working papers which are produced by NGOs and governmental organizations). My analysis of these materials is informed by theoretical literature and studies on FBIH about policy emergence in other contexts. Interviews were conducted in local language of Bosnia and Herzegovina and statements quoted here are my translations.”

I chose to trace the process domestic violence policy emergence in Federation of Bosnia and Herzegovina because policy is brought on entity level and then implementation levels down to cantonal level, still cantons were included in policy making. With policy tracing I want to explore how did this process go and what interactions have influenced on causal mechanism of socialization. To do so I intend to trace policy process from setting on agenda to decision-making and implementation. Process tracing will include norms introduction, promotion, diffusion, resistance and acceptance. (Checkel, 2005)

1.2.1 Sample

To explore how domestic violence emerged as an issue of public policy, I conducted semi-structured interviews with decision-makers from Bosnia and Herzegovina. To explore

how issues were brought forth and decisions were made in parliament, I conducted interviews with two members of the House of Representatives of Parliament of Federation of Bosnia and Herzegovina Lidija Bradara and Dzenana Zlatar president of Commission for Gender Equality. The Federal Ministry of Justice responsible for domestic violence policy making but has passed this duty to Agency for Gender Equality of BiH, therefore my next interviewee was agency director Samra Hadziabdic-Filipovic. Since my focus is on the Federation, Ane Jaksic, director assistant of Gender Center of Federation of Bosnia and Herzegovina, was also interviewed. Jasminka Dzumhur, Ombudsmen for human rights from the Institution of Ombudsman for Human Rights of Bosnia and Herzegovina, took part in creating legislation on gender equality, established Center for legal assistance for women in Medica Zenica and was actively involved in domestic violence policy making. To insure the inclusion of the voice of important actors in the international community, I interviewed Meagan Hrle Legal Advisor at OSCE Mission to BiH, since the OSCE (Organization for Security and Cooperation in Europe) and Ivan Tavra, associate at Department for strategy and planning, Section for strategy and politics of integration, from the Directorate for European Integration. Nuna Zvizdic, Executive Director of NGO Women to Women was directly participating in process of policy-making and has contributed to my research. Another representative of NGO *Vive Zene (Vive Women)*, Mima Dahic, Coordinator for documentation and research, gave more information from NGO perspective. To get media perspective and understand its contribution in this process I interviewed journalist Aleksandar Hrsum, who had talk-show “*Zabranjeni forum*” (*Forbidden forum*), where he addressed problem of domestic violence in 2005. Interviews are conducted with a goal to explore the way domestic violence policy emerged in the country, what interactions influence on that process and how is domestic violence addressed as a problem. From these interviews, I got more information about strategies they were using and obstacles decision-makers were facing in policy making.

1.2.2 Research plan and context

Research for my thesis is consists of interviews and documents content analysis. I have to note that one of questions asked in interviews was to list three the most important factors or actors that contributed towards successful domestic violence policy acceptance and then list three factors or actors that were obstructing successful domestic violence policy introduction. I did this because I wanted the interviewee to identify the strongest impact on policy making and I did it through interview and not separate questionnaire to avoid positivist approach.¹

First contact was made by sending a written, personalized invitation (faxing or e-mailing), in which I presented myself as student researcher and the university format which I study, and explained for what purposes I need the interview. This first contact was made with some interviewees at the beginning of April 2010, to locate interviewees and arrange interviews by the end of April 2010. At the end of interview, I asked interviewee if they could provide me with some documents, working materials, minutes, or other resources that they felt would be useful for my analysis later on.

Most of the interviews were conducted in offices of decision-makers, and they did dedicate their time and there were no distractions. Only two interviews were conducted by telephone calls, since one person was not in Sarajevo during the research period, and another was from a different city. Interviews were taped with a sound recorder (with the signed consent of interviewees), out of which transcript was made for my analysis. Besides tape recording, I was taking notes on paper divided in three columns (one for taking notes on what is said, one for behavioral observations and one for information that were not clear or were inconsistent in answers). In some cases, I used personal contacts to reach some interviewees, and my mediator as social scientist Dexter (2006) in such cases, this intermediary might have

¹ Besides that in original research design, a focus group was planned, too, but due to little respond of invited institutions (justified by time constraints) I had to cancelled it

asked my interviewee for a “favor,” without specifying the nature of my project. He also suggests that in case a potential interviewee refuses to be interviewed, a researcher should ask her/him to reconsider. We should take into analysis how this refusal is done, the excuses given, the reaction to the interviewer because they may provide valuable data, or at least hypotheses about the situation. (Dexter 2006 p.37) I have to note here that, in order to avoid misunderstandings about the research project, from my experience, personal contacts should be used as intermediaries only if no other options to contact the desired interviewee are possible. In my research, intermediaries caused a bit confusion for the interviewee since the mediator did not clearly explain (and could not) what the research is about. Clarifying points of confusion, when identified, caused more time investment.

1.2.3 Interview questions construction and analysis

Questions for the interview were semi-structured to make sure that I get the answers that I really need, but also to leave space for new information and “clues” that interviewees might give on their own. The questions itself were tested in pilot phase on my colleagues from Bosnia and Herzegovina because they already know country context to secure that questions are clear and good to open conversation and prevent closed answers with “yes” or “no.” The first questions I posed were not directly related to the topic, but were given to establish a rapport with interviewees. After this opening, other prepared questions were posed and served as guidelines for conversation.

In-depth interviews are done with a purpose to understand other persons’ construction of reality and not the one interviewer project on interviewee as Sue Jones (2004), who has written extensively on interviewing, warns us. “In-depth” means that it addresses the rich context, which is the core of interviewee meanings. Jones (2004) emphasized that interviewing is a process where a researcher is continually making choices, based on her or his research interests and prior theories. Balance between restricting structure and restricting

ambiguity should be achieved in order to get needed answers but also to stay open to respondents telling that is significant for research topic. (Jones 2004:258) It is more likely that we will collect good data if interviewees are told at the outset of the research topic in relatively broad terms and of our motives for conducting research. To obtain good data it is desirable that interviewees have enough trust in their interviewer and believe that he or she will not use the data against them, or distort or disregard their views. Besides that, interviewees should be aware that there is no need for the reproduction of a well-rehearsed script that tells us little about their actual concerns; there should be a level of trust and transparency that ensures that interviewees are not encouraged to use the interview as an opportunity to manipulate to suit certain personal ends that an interviewer might not be aware of. (Jones 2004 p. 259) In interview analysis I am thinking of *construction* of interviewee's memory. By this I am thinking of changes in memory caused by events that came later, because interviewee experience is always interpretation of reality the way they saw it. (Scott, 1992)

For my analysis I will use "thin" description to report on facts and occurrences, and "thick" description – more precisely, interactional thick description – to analyze interactions between persons and descriptive and interpretive thick description to analyze relations between Bosnian decision-makers and representatives of international community, that will aloud reader to share experiences that have been captured.

1.2.4 Position of researcher and elite interviewing

For a purpose of research I have to consider issues related to conducting interviews with key decision-makers, the political elite. Many factors can influence the outcome in various phases. While conducting research factors such as gender, age, ethnicity etc. of interviewee and interviewer should be taken into consideration while collecting data but also during data analysis. Specific problems with interviewing political elites include power relations, which

can play out in the dynamics of interaction during the interview. There is a possibility of getting “monologues of speech” from politicians, as McEvoy (2006) warns. This has been a particular concern for me, especially because I used semi-structured interview that can provide many unexpected and relevant data. Important factor that will influence my research is my identity as a researcher. My identity will have impact on results since, just by mentioning my name my ethnicity can be guessed, and my gender and age are visible, but that influence should at least be addressed because it causes certain dynamic during interview and can affect data analysis. Besides that, McEvoy (2006) also addressed conducting interviews in a conflict area as researcher “insider” and relationship of conflict sides and interference of my own ethnicity is another problem in specific context of the country. To avoid personal bias in research I should use triangulation as a method. Research will be case study of Federation of Bosnia and Herzegovina in specific context and conclusion and generalization are done for the entity.

1.3 Relevance

My thesis is important because it examines the processes and consequences of EU integration on gender equality, in a specific context of the country under surveillance of the same countries from which policy is transferred. This is relevant also because Bosnian representatives can only be present and comment but can't vote for certain policies that will be later probably transferred to the country. My approach is different in that manner that I will use qualitative methods to assess the way decisions are made in Bosnia and how relations between different actors and their characteristic and power relations impact on policy making. In addition relations and attitudes towards impact of international community and role of media on process of policy making are also examined. I argue that my research will make people more aware of national sovereignty issue of BiH in relation to international community, shed light on problems to achieve gender equality and hopefully offer some

solutions.

I have to note that my research of process tracing is just scratching the surface of the problem, due to time limitation at the moment, but hope it will be good start for further research.

2. Theoretical chapter

Under the influence of international community, many changes have been made in Bosnia and Herzegovina in recent years. One of the most important in the process of the country's transformation toward capitalism and a democratic system of government is what and how and policies are adopted. In this chapter, I focus on theories and writings of scholars that are dealing with process of policy-making and the way policies are transferred, with a focus on domestic violence policies. These theories will help me explain the process of domestic violence policy emergence in Bosnia and Herzegovina. I will explore the way transnational networks function in policy-making, theories of resource mobilization and social movement impact, as well as how framing is used by looking at definitions of various actors. In addition, I consider the impact of EU and the process of socialization.

2.1 Transnational Networks and Policy Diffusion

I intended to use theoretical literature on transnational networks to situate policy-making BiH in the context of the international community, its actors and events. Here, I pay attention to state gender mechanisms, and local NGOs interaction was expecting to find transnational women's movement impact and see how these connections have interacted in sphere of domestic violence policy. But, in my case study surprisingly my expectations failed.

True and Mintrom in their article *Transnational Networks and Policy Diffusion: The Case of Gender Mainstreaming* develop a theoretical framework to understand the role of transnational networks in the diffusion of norms and policies across states. They argue that the world is in process of globalization: in this context, similar policies are emerging in disparate states. How these pretty similar policies are diffused among different county states is an often raised question especially today, in the case of member states of the European Union; policies are also diffused to the potential candidate countries like Bosnia and Herzegovina. Therefore this approach is useful for my research. True and Mintrom's theoretical framework is useful

for examining how state bureaucracies work on issues like gender mainstreaming, the integration of gender equality perspective across all areas of government policy, and the speed and timing of the adaptation of institutional mechanisms and I intended to look at similar factors impact on domestic violence policy.

Even though authors like True and Mintrom write about the role of transnational networks in norm diffusion, in BiH, these actors did not play a significant role. Instead, I show that local NGOs and governmental organizations played an important role. I assume that this could have happened because international community is so much present in BiH and have covered so many areas, including women's rights, that there was no need for transnational networks. Another reason could be that women's organizations during a war were established as humanitarian organizations and later just shifted to the other issues they found needed to be work on, but they already had partners in international organizations.

Particular attention is given by True and Mintrom to the impact of transnational networks on non-state actors that induce adoption of international norms and changes in national institutions. (True & Mintrom, 2001) That is, concrete actors who are the most important in connecting international with domestic norms, according to many scholars, are transnational non-governmental activism who cooperate with government or transnational advocacy networks. (Risse, Ropp and Sikkink, 1999, and Keck and Sikkink, 1998, paraphrased in Zwingel, 2005) Sustainability of networks of local and transnational actors determines the diffusion of international human rights norms. To explain how the compatibility of international and national norms can be achieved even in states that are violating the right to life² Zwingel (2005) uses findings of Risse and Sikkink (1999) who say that "that diffusion of international norms in the human rights area crucially depends on the

² The "right to life" encompasses freedom from extrajudicial execution and disappearance and from arbitrary arrest and detention. The authors deem this right the most universally accepted and institutionalized of all human rights (Risse and Sikkink 1999: 2, quoted in Zwingel 2005).

establishment and the sustainability of networks among domestic and transnational actors who manage to link up with international regimes, to alert Western public opinion and Western governments.” (Risse and Sikkink 1999: 5; quoted in Zwingel, 2005) Different actors (IGOs, NGOs, transnational advocacy networks) can impact how interests and preferences are defined, and they have the possibility to exert “moral influence” on state interests for example by “naming” and “shaming” a state, in the case of state abuse of negligence to adhere to international human rights norms to enhance changes in norms and behavior. (Elgstrom, 2000) Transnational advocacy networks are formed in wider cultural setting of “transnational civil society” (Zwingel, 2005, p. 45) and they have another impact they are blurring boundaries between national and international and through that change the practice of national sovereignty. (Risse and Sikkink 1999 p. 5; paraphrased in Zwingel, 2005.)

True and Mintrom (2001) argue that actors who are taking a part in transnational networks have strong influence on domestic politics and, in general, on domestic policy-making. Transnational networks serve not only as providers of information about policy models but most importantly, of knowledge about political strategies for policy change. They consist mainly of non-state actors (in this case focus is on women-s NGOs and United Nations) who are main forces in directing gender mainstreaming and therefore I intended to look at these actors too. One of ways transnational networks are producing change and enhancing policy diffusion is through events such as international conferences where country representatives (from government and non-governmental sector) take a part and commit to agreements or conventions such as The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or in 1995 UN Beijing Platform for Action (which put more focus on national machineries that was previously decided in Women’s Year Conference in Mexico City in 1975). (True & Mintrom, 2001) Gender machineries are having several different institutional forms and are placed in different state apparatus and this shoves

also diffusion bureaucracy on state level. (True & Mintrom, 2001) Another important feature of transnational advocacy networks is that they are decentralized non-hierarchical and interconnected by the same values. They mainly consist of national and international non-governmental organizations and through that structure they promote networking as form of organization for enhancing social change. (True & Mintrom, 2001, Zwingel 2005) Norm diffusion by transnational advocacy networks had an impact on EU, and the introduction of gender principles was not the question of if, but *what* specific norms to adopt, and to what extent, and how to define it in legislation. (Elgstrom, 2000)

A big opportunity to combat domestic violence was provided by the massive presence of the international community in Bosnia and Herzegovina, which created fertile soil for the establishment of new policies. Especially the process of European Union accession had a strong impact on domestic policies in FBiH, even though Bosnia is not yet candidate country because it creates “good climate” for policy adoption, since there is strong streaming in country towards EU.

Krizsan and Popa argue that Europe has a strong influence on policy of domestic violence. They identify three mechanisms that impact the shaping of domestic policies in that field: conditionality, financial incentives and discursive mechanisms that internal actors use to strategically shape the role of the EU. (Krizsan & Popa, n.d.) They agree with Bretherton (2006) who see a “lost chance” in the fact that the EU has *soft* law on domestic violence in the field of gender equality, while it has *hard* laws on employment and connected fields. Thus, it would be accelerate process of domestic violence policy adoption... One reason, according to Kantola (2004), is that domestic violence is not area of EU competence. (Kantola, 2004) In the period from 2003 to 2005, Central and Eastern Europe countries went through huge reforms in the context of EU accession, which actualized domestic policies on domestic violence. The changes that have happened are

the outcome of complex process of interaction of different actors such as state, non-state, national, international, and transnational, but Krizsan and Popa draw their conclusion from the fact that these changes have happened in the same time, which shows impact of European Union. (Krizsan & Popa, n.d.) About the process of Europeanization, Krizsan and Popa support Borzel and Risse (2003) who explained it through “logic of socialization and collective learning” (Krizsan & Popa, n.d.: 2) and they argue that mechanism has “*stretched*” to the domain of domestic violence where EU-ECCE relation is defined by EU and top-down approach.

The top-down approach and hegemonic character of norm creation in the unequal globalizing system is pointed out by Zwingel (2005), where she discusses Martha Finnemore and Kathryn Sikkink’s (1998) three-stage model of global norm implementation and creation. Zwingel draws attention to Global South warnings where they claim that global norms incorporated western values; she also warns that transnational activism perpetuates “hegemonic international order in constructing an exclusive transnational civil society.” (Zwingel, 2005) This is relevant for my thesis since in process of norms diffusion many policies are simply transferred to the country and they actually are not suitable to country context, and this is what was happening in Bosnia with domestic violence policy. The process of norms and value transfer from “West” to “East” is described by Frank Schimmelfennig (2006). He says that “European international organizations proclaimed liberal democracy as the standard of legitimacy for the entire New Europe” (Schimmelfennig, Engert, & Knobel, 2006, p. 1) He, like Krizsan and Popa (n.d.), argued that new research has given importance to impact of international and transnational organizations and besides that “theorized international socialization as a process driven by logic of ‘appropriateness’ and ‘arguing’ are leading to the internalization of international norms. (Schimmelfennig, Engert, & Knobel, 2006, p. 2)

Furthermore “socialization” is in close connection with “internalization” which is term often used to cover different forms of rule acceptance by states or governments. (Schimmelfennig; Alderson, 2001, Checkel, 2005) He claims that process of international socialization is formally institutionalized in the European region, and as main socialization agencies serve intergovernmental organizations like: Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE), the North Atlantic Treaty Organization (NATO) and the European Union (EU). If we think this is process that was going on in most of CEE countries, than we can just think how this process is strong in a post-war country like Bosnia and Herzegovina with very strong international surveillance and presence of many intergovernmental organizations.

There is a streaming towards the EU in Bosnia and Herzegovina, and to join to the EU, Bosnia has to fulfill three general criteria: one is establishing stable democratic institutions and the rule of law, second is functional market economy and third the ability to adopt the *acquis communautaire* (Anderson, 2006) Anderson notes that in report on Equal Opportunities of European Commission in 1998 it was stated that “there is no accession without equal opportunities for men and women” (Anderson, 2006, p. 108) but although domestic violence policy is soft law it receives more importance because it represents enhancement in the area of human rights. Besides specified equality policy EU has adopted term “mainstreaming equality” that aims to include gender equality in almost all policies, and therefore various strategies are considered to change or adjust policies so they “stop reproducing existing problematic gender relations” (Verloo, 1997, p. 116)

The facts that this goal is not so easy to achieve Booth and Bennet (2002) have shown with the example of gender mainstreaming. They describe historical development of gender policy in connection with women’s movement, its present shape and problems the EU is facing in gender mainstreaming, and besides that they offer concept of “Three

legged stool” which they see as possible way to improve gender mainstreaming implementation. Their research identified different definitions of mainstreaming as a problem during implementation and I find that this problem could have been expected because policy makers in all fields are not familiar with term gender (language) and constant monitoring and activities are necessary to “transfer” gender policy properly. Another problem that Booth and Bennet addressed is that practice has not been integral but compartmentalized, which reduces its efficiency. Therefore they introduced concept of “three legged stool,” which consists of three perspectives - equal treatment, women and gender perspective. This concept suggests that to achieve gender equality, all three perspectives should act together and they claim that if any of the “supports” of the stool are weak possibility to achieve equality is undermined. (Booth, Bennett 2002:434) I agree that if we already speak about mainstreaming, practice should be widespread in order to address different sources of discrimination. Especially because EU is primarily based on economic interest authors claim that it pays more attention to inequality at workplace than in other areas, therefore I see that all three perspectives should be kept in mainstreaming because equality is still not achieved.

To establish gender mechanisms that will take care of equality policy and mainstream it into other policies, financial investment is needed. Keck & Sikkink emphasized that the importance that states of the third world or countries in development³ give to fight domestic violence is visible in funds these states provide, which are minimal. They argue that most of the funds are provided by foundations in United States or Western Europe, which makes local NGOs dependant on these funds. But local little NGOs have rarely opportunity to get these funds directly, since larger northern NGOs have more capacity to get them so the most of the money stays with them and besides that like one activist from Nigeria pointed out the

³ That are recipients of or heavily dependent upon various forms of development assistance

international NGOs “drop us and do the talking on our behalf” (Keck & Sikkink YEAR: 183), but this could be reduced by more state funds directed towards equality policy. Power relations in relation North/South between women fighting against domestic violence is visible in Schuler’s article too, where she emphasizes that women should be “learning *from*, not just *about*, the efforts of women in different parts of the world” (Schuler, 1996, p. 11)

In policy building, Keck & Sikkink argue that state did put economic needs of women on policy agenda but it is women’s movement that provided body politics (Keck & Sikkink YEAR: 174) I find involvement of NGOs very important in case of Bosnia, and there are lists of NGOs who did take a part in developing at least some parts of equality policy. Verloo (1997) presents us also case of equality policy building in Netherlands where women’s movement worked with state and she points out that crucial moment was when professionals from women’s studies were included in project development (Verloo, 1997)

2.2 Resouce Mobilization and Social Movements

Since women’s NGOs took over the role of social movemets in domestic violence policy making, as it was argued before, they were the driving force of domestic violence policy making in Bosna and Herzegovina what can be concluded from research that I conducted, as I will show. Still, to enhance change in society they needed to work together for a long time, they had to meet and invest a lot of human and financial resources in it. To explain the way they mobilized resources to achieve their goal, I will use resource mobilization and social movements theory.

Traditional perspective of analysis of social movements in close connection to social psychology has assumed the interconnection between causes of social movements in frustration or grievence of a collectivity with the increase or decrease of movement activity. (McCarthy & Zald, 1977) This theory puts emphasis on mobilization, handling discontent, tactics and infrastructure of society and movements as determing factors for the outcome of

social movement. But the theory of resource mobilization and social movements makes the connection of different sources and resources that have to be mobilized of social movements and its relationship towards media, authorities and other actors as well as relations between movements organizations. (McCarthy & Zald, 1977) Resource mobilization theory is often used for explanation of social movements as key for political changes and the most important factors that impacts the emergence social movements and therefore policies too. (Heo, 2010)

McCarthy & Zald define concepts such as social movement sector (SMS), social movement industries (SMI), social movement organizations (SMO). They are going even further from claim of Turner and Kilian (1972) who find “that there is always enough discontent in any society to supply grass-roots support for a movement if the movement is effectively organized and has its sposal of power and resources of some established group elite” (p.251, cited in McCarthy & Zald 1977) by sayin “grievance and discontent may be defined, created and manipulated my issue entrepreneurs and organizations.” (McCarthy & Zald, 1977: 1215) They find that for understanding resource mobilization, there are several factors needed to be ecplored. Firstly agregation of resources in labour and money, afterwards form of organization, involment of individuals, organizations and institutions who do not belong to society organizing movement, than flow towards and from social movements and at the end cost and rewards for actors. (McCarthy & Zald, 1977)

In this chapter two theories were presented that explain policy making either by norm diffusion or resource mobilization. Although it has turned out that there was no presence of transnational networks that had significant impact on policy making, this finding is new puzzle for future research. Still, norm diffusion is did happened, but mostly as my interviewee find from Nordic countries that were present. Theory on resource mobilization and social movements has shown very usefull for my research, since that was the way NGOs in Bosnia started organizing.

Next chapter will provide reader with basic information about country structure, legislation that refers to domestic violence and than will give historical overview of feminism in ex-Yugoslavia and formation of civil society that created circumstances for women's activism today.

3. In what circumstances policy was about to emerge

Women's collective efforts to affect policy change in independent Bosnia did not show up just as something imposed from international community after the war in Bosnia and Herzegovina. As one of republics of ex-Yugoslavia, in Bosnia, women's emancipation was officially part of the state system, which emphasized women's employment. Yet, there were still feminist thought in society. Feminism that was challenging political mainstream was despised by majority, but still, feminists existed. At the end of 1980s, women through their associations finally started to deal with problems like domestic violence when the emphasis was shifted towards nationalism and came about as inter-ethnic gender based violence. This created the basis for women's involvement in domestic violence policy making.

Therefore, to understand the current situation of domestic violence regulations, I will first explain the wider political context of Bosnia and Herzegovina and the state bureaucracy involved in policy-making. Then, I want to present current laws on state and federal levels as well as international conventions, and how they regulate domestic violence. I do this to make clear what legislation is relevant and valid today. Afterwards, to give a societal context and historical foundation of women's organizing and activism which provided conditions for participating in policy-making I discuss situation of feminism in ex-Yugoslavia.

3.1 Political context of Bosnia and Herzegovina

Bosnia and Herzegovina (in further text, BiH or Bosnia) became independent after a referendum, and has been internationally acknowledged since 1992, which marks also beginning of the war. The war in Bosnia ended in 1995 with the Dayton Peace Agreement. This agreement was created to stop the war in Bosnia. It also meant presence of international community, because it put country under protectorate, this further meant further structural changes through process of country democratization. Dayton Peace Agreement separated state Bosnia and Herzegovina (BiH) in: two entities Federation of Bosnia and Herzegovina (FBiH),

Republica Srpska (RS) and District Brcko. The focus of my research is on tracing the emergence of domestic violence policy in the Federation of Bosnia and Herzegovina. This entity consists of 10 cantons, which have their own autonomy regulated by Federal constitution. The great presence of international community in post-war Bosnia is there to assure stability and has a strong impact on country transformation in transition period to liberal democracy.

Governance in Bosnia is decentralized, by decision of national leaders and international community who decided to divide the country with a goal to stop conflict, but decentralization of FBiH demands huge and expensive state administration, which reflects also on public policy-making. Therefore, it is worth providing a brief overview of the constitutional-legal order of FBiH, because this is relevant to domestic violence emerges in policy-making. Constitutional-legal order was also prescribed by Dayton Peace Agreement. BiH is decentralized. It has Constitutions on state, entity and cantonal and District Brcko levels. Parliamentary assembly of the state consists of two Houses: The House of People (consists of 15 delegates out of which each of three constitutional ethnic group – Bosniak, Croat and Serb is represented by 5 delegates who are elected from Federal House of Peoples, and National Assembly of Republica Srpska) (Parliamentary Assembly of Bosnia and Herzegovina, 2008) and The House of Representatives (42 delegates – each constitutional ethnic group is represented with one third). The Federal government has the same two houses just with larger number of delegates. The House of Representatives consists of 98 delegates out of which there should be at least four representatives of each constitutional ethnic group. The House of Peoples consists of 58 delegates out of which 17 from each ethnic group and 7 from Others. (Office of High Representative)

With regard to the structure of the state bureaucracy in Bosnia, what is particularly important for decision making process in policy making is that for law adoption it is

necessary to have agreement of both Houses of Parliamentary Assembly BiH (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005) as well as in the Federal government for legislation on entity level. (Office of High Representative) This is relevant because it shows the way policy has to go through to be adopted.

The influence of the international community did not end with Dayton Peace Agreement. In order to stabilize the state BiH approached Stability Pact⁴ for access to Euro-Atlantic integrations, than BiH fulfilled conditions of the Road Map and in 2008 Parliamentary Assembly has ratified Agreement about Stabilization and Accession. (Parliamentary Assembly of Bosnia and Herzegovina (my translation), 2008) Since 1995 the Office of the High Representative and the position of High Representative were created under Dayton Peace Agreement,⁵ whose mandate is defined by Article II of Annex 10 of the Dayton Peace Agreement (Office of High Representative and EU Special Representative, 2006). This Article gives him or her⁶ wide a range of responsibilities and powers with a goal “to work with the people of BH and the International Community to ensure that Bosnia and Herzegovina is a peaceful, viable state on course to European integration”. (Stop violence against women, 2006)

All these events provided circumstances for massive presence of international community in Bosnia. The influence of the international community on domestic politics has been described by Schimmelfennig (2006) in terms of process of “formal institutionalization” in Europe which includes expansion of “liberal political norms.” (Schimmelfennig, Engert, & Knobel, 2006, p. 5) To become a true member of European community countries need to fulfill these norms. This process goes through intergovernmental organizations like the

⁴Stability Pact is “a political initiative to encourage and strengthen co-operation between the countries of South Eastern Europe as well as to streamline existing efforts to assist South Eastern Europe’s political, economic and security integration in Europe.” (Stability pact for South Eastern Europe)

⁵ Office of the High Representative and EU Special Representative 28/2/2007 http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38519

⁶ I use masculine grammar gender because until now men were always occupying position of High *representatives*.

Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (COE), the North Atlantic Treaty Organization (NATO) and the European Union (EU) which are main “socialization agencies.” (Schimmelfennig, Engert, & Knobel, 2006) Besides those, in Bosnia there is a presence of other organizations such as International Crisis Group (ICG) which is non-governmental organization dedicated towards conflict resolution, or various international, governmental or non-governmental donor organizations like United Nations Development Programme (UNDP), *United States Agency for International Development* (USAID), Canadian International Development Agency (CIDA), CRS (Catholic Relief Service) and many others who were helping in reconstructing the country. These organizations initiated and provided circumstances for development of civil society in BiH like, for example, through the Delphi-STAR project (Gagnon, 2002), which is important for my research of emergence of domestic violence policy.

3.2 Current legal framework related to domestic violence

The focus of my research is on the entity FBiH, therefore I will describe here mostly legal framework of country in general and then focus on FBiH. As it is mentioned before, BiH has Constitution on state, entity and cantonal levels as well as District Brcko.

State constitution includes in International Standards European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, which should be applied in BiH and in Annex I of the Constitution, among others Convention on the Elimination of All Forms of Discrimination against Women (Constitution of Bosnia and Herzegovina) - which Spahic and Jovanovic (2005) find the most important to the issue of domestic violence. (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005, p. 73) The Constitution of Federation BiH has integrated the above-mentioned conventions and in addition defines the number, profile and role of Ombudsmen for Human rights (there are three Ombudsmen in FBiH and each represents one of

constitutional ethnic groups). Besides that this constitution defines responsibilities of the government on federal and cantonal levels and shares responsibility for „guaranteeing and enforcing human rights. “ (Office of High Representative, p. 7-8)

3.3 Statutory provisions

To capture statutory provisions on domestic violence, I analyzed the five main laws that are more or less tackling this issue.

First I examined the Criminal Law of BiH, which was brought on November 22, 2003, and I could not find anything specific about domestic violence as such. I found that “Expressing in one grammar gender, male or female, includes both genders of physical persons” (Criminal Law of Bosnia and Herzegovina, 2003), this is relevant because in comparison with other laws which are gender neutral this one by mentioning one gender assumes both, and in section on Crime against humanity there is emphasis on trafficking and enslavement of women and children as well as forced pregnancy. (Criminal Law of Bosnia and Herzegovina, 2003)

Rather Criminal Law of Federation of Bosnia and Herzegovina which was brought in August 1, 2003, in Article 222, directly addresses the issue of domestic violence and prescribes financial and jail punishment for law violations. (Government of Federation of Bosnia and Herzegovina, 2003)

The difference between these two laws is in state level. The first one is on the highest, state level, while second one is on entity level and besides that they differ in area of jurisdiction.

On May 21, 2003 Parliamentary Assembly of Bosnia and Herzegovina has brought Law on Gender Equality in Bosnia and Herzegovina which, among different definitions, defines gender-based violence and prohibits all forms of violence based on gender in the Article 17

relying on relevant authorities to undertake needed steps to combat violence. The same law in Article 27 says that perpetrator of “violence, harassment or sexual harassment on the grounds of gender“ (Parliamentary Assembly of Bosnia and Herzegovina, 2003) will be convicted of a criminal offence and punished with a jail from six months to five years. (Parliamentary Assembly of Bosnia and Herzegovina, 2003)

In 2005 on February 9, a Family Law was brought forth which partially refers to domestic violence, but only in the sense of child protection. (Federation of Bosnia and Herzegovina, 2005) On the same day Law on Protection from Family Violence was brought. I focus my research on the emergence of this legislation. The above mentioned Law defines violence in the family, sanctions and protective measures, which are assigned according to provisions of misdemeanor proceedings. According to this Law decision on protective measures should be brought by Court for Misdemeanor immediately and the latest in eight days. (Federation of Bosnia and Herzegovina, 2005). (To see how Number of demands for protective measures increased over years since law adoption see APPENDIX 1)

After I presented current country context in realm of recent development, country structure, legislation, statutory provisions I am going back in period of ex-Yugoslavia to explore the roots of women’s organizing in order to understand historical background women’s activities in public life.

3.4 Feminism in ex-Yugoslavia

Bosnia and Herzegovina was one of republics of ex-Yugoslavia which had history in feminist activism from the end of 19th and beginning of 20th century, when first women’s organizations were established. Bozinovic (1995) notes that after World War I “The National Women’s League of Serbian, Croatian and Slovenian women” and “Women’s Movement” with feminist program were created and they were already members of international organizations such as International Council of Women (ICW) and the International Alliance

of Women (IAW). Later on from middle of 1930s women took part in anti-fascist movement and merged feminist movement to it in the same time asking for equality for women and country democratization. As a consequence another organization was formed in 1942 “The Anti-Fascist Front of Women.” (Bozinovic, 1995) but this organization was dismissed by the state in 1953 with the explanation that it was not needed any more and that equality cannot be promoted by a gender specific organization. (Jalusic & Dedic, 2007) Einhorn (1993) argues that the argument that woman’s organizations were “unnecessary” was general consensus in East Central European countries. (Einhorn, 1993) This supports the argument of Peggy Watson (1997) that under state socialism, activism in area of equal pay or women’s position in society was seen as redundant because political system was already providing egalitarianism. (Cited in Einhorn & Sever 2003 p. 166) But even egalitarianism was a public discourse, I find and it is argued by many scholars that women were still not getting positions of power, I mean high decision-making places.

That there was certain level of gender equality under socialism specific for that period claimed many scholars. (Jalusic & Dedic, 2007) Kuhar (2007) also mentioned that women in ex-Yugoslavia already had some rights like right to abortion, contraceptive, child care, education, employment (Kuhar 2007 et al cited in Jalusic & Dedic 2007) that feminists in the West were fighting for in that period. But in relation to ex-Yugoslavia, Bozinovic (1995) emphasizes that women did fight for their rights in communism: “equality was not something that Yugoslav women received as a present.” (p. 15) Furthermore, she claimed that everything that was in the Constitution and laws of Yugoslavia like medical care, child care, rights to abortion (which was granted by Constitution in 1974 and could be done on demand), maternal leave was achieved by 1960s, but it has been “forgotten” that women had to fight for it. (Bozinovic, 1995) That was not all: ex-Yugoslavia in the United Nations was even encouraging gender equality. Yugoslavia has ratified Convention on the Elimination of all

Forms of Discrimination against Women in 1981, but many rights concerning women's emancipation were already granted, as I mentioned above. (Jalusic & Dedic, 2007)

Although the “The National Women’s League of Serbian, Croatian and Slovenian women” and “Women’s Movement” organizations had a feminist orientation, inclusion of women in workforce and establishing “Socialist Alliance of the Working People” their primary function was weakened, they lost their independence and at the end were fused to women’s committees which were state institution. (Bozinovic, 1995) This process of weakening of women’s organizations was enhanced by policy of communist system because Tito was giving a lot of importance to gender equality, (Remet 1999, Jalusic 1999, Magas 1999 cited in Jalusic & Dedic 2007), but one thing is important here woman’s emancipation was seen through workers emancipation (Bahovec 2006 cited in Jalusic & Dedic 2007) while they neglected areas like intimacy, domestic violence, political representation etc. (Jalusic & Dedic, 2007) Before 1992, violence in family was not recognized as such, it did not exist as crime in legal documents and it was not addressed as such. (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005)

The possibility of having feminism in ex-Yugoslavia Papic (1995) sees in fact that even though problematic, Yugoslavia “had softer ideological cage” (p. 20) meaning was much less suppressive. (Helms, 2003) Papic (1995) also found that openness of cultural and political area allowed following of modern tendencies.⁷ As one example of this she draws attention to a international conference from 1978 that was held at Student’s Cultural Centre in Belgrade under the title “The women’s question: new approach” where presence of women activist, feminist from many European countries assured that it was a truly feminist conference. The conference was not attacked completely and Papic found that it had impact on creating certain feminist environment since feminist group “Women’s Society” was established as well as

⁷By modern tendencies I mean western ideas in areas of cultural and political life.

network between Ljubljana, Zagreb, Sarajevo and Belgrade. (Papic, 1995) The reason why Papic says “was not attacked completely” is because women’s organizations were prohibited and feminism was despised, therefore it was surprise that it was not attacked completely. (Jalusic & Dedic, 2007) Nevertheless these women’s organizations demanded active state participation in “issues such as domestic violence towards women and children.” (Jalusic & Dedic, 2007, p. 3) In contribution to the fact that there was feminism in ex-Yugoslavia speaks the fact that in 1987 The Yugoslav Feminist Network was established that played important role in sharing experience of creating SOS hotlines and raising awareness about violence against women. (Bagic, 2006, p. 144)

Of course equality that was granted by communist system was equality on paper, many scholars find that women’s participation in public life was just illusive since they did not really have strong impact on decision-making process. In the same time system prevented women from organizing, because it would mean class segregation, which was in opposition to socialism. (Bozinovic, 1995)

From reading text from these conferences it is possible to conclude that raising women’s question was possible, but I also noticed that there was no mentioning of violence against women. If we put it in comparison with other countries such as Netherlands we see that elsewhere it became a subject of women’s movement in the early 1970s. (Krizsan & Paantjens)

However, Jalusic and Dedic (2007) find that issue of gender based violence was neglected in ex-Yugoslavia. When they speak of gender based violence they find that “it can be framed as domestic violence (seemingly gender neutral), sexual violence (seemingly male/female), entirely ‘neutral’ violence (as an assault), or as a nationalist or ethnically, religiously, conditioned violence” (Jalusic & Dedic, 2007: 1), but the focus of my paper is on domestic violence as it has been defined in Bosnia.

At the end of the 1980s women's organizations started establishing shelters and SOS hotlines in Slovenia and Croatia, but in the moment when they finally started addressing gender based violence as issue of gender equality (due to new circumstances of conflict period), the issue turned out to be addressed as "non-feminist – nationalistically framed issue." (Jalusic & Dedic, 2007, p. 4) Because of the war that started in Slovenia, continued in Croatia and culminated in Bosnia and Herzegovina, rape was pushed in a public discourse, to the front on the agenda. War has shown its complete use of gender based violence like rape and prostitution how it was framed and used as a tool against the other ethnic group. (Jalusic and Kuzmanic 1989, Meznaric 1994, Jalusic 2004 cited in Jalusic & Dedic 2007)

We should keep in mind that Bosnian women were victims of state violence against women because they were raped with a goal of ethnical cleaning. (Keck & Sikkink) Morokvasic (1998) argues that ethnical division and the notion of "Other" created during a war was present and later, after war. I agree with her argument that these differences are created through violence over women primarily through rape of women of other nationalities and perception of women as "mothers of the nation" (Morokvasic, 1998) it will be also discussed if and in what way ethnicity/religion plays a role in domestic violence policy making. But after being in such vulnerable crisis situation, women face violence in their own home and community due to patriarchal society's views on domestic violence , as I will discuss (Weber & Watson, 2000)

It is tragic the war, in which hurting other women was a "weapon" of inter-ethnic violence, is used as justification of men's trauma, and thus, as an excuse for perpetration of domestic violence. This excuse has even been made by women's organizations working on the issue of domestic. This opinion illustrates claim of B.a.B.e. (1996) "Some of men who are psychologically traumatized by war or frustrated by their decline in economic power violently

express their rage in the verbal and physical abuse of women.” (B.a.B.e. 1996 p.6 cited in Jalusic & Dedic 2007) This is relevant because even my interviewee addressed issue of trauma and PTSP (Post traumatic stress disorder) as one of causes for violent behavior.

One of problems that Schuler (1996) noticed in Romania, and that Weber and Watson (2000) identify in Bosnia, too, and that is people’s acceptance of domestic violence as “normal,” furthermore low awareness what domestic violence is and women’s attempts to keep family together at any cost. Besides violence in husband/wife relations reports record new phenomena emerged in post-war Bosnia and that is violence of sons over their mothers (Weber & Watson, 2000) which can be connected to the fact that many fathers died and sons became head of the house.

In this chapter I tried to set a ground for understanding of current legal provisions in the area of domestic violence and state system. Complex state bureaucracy makes process of policy making more demanding, but legislation is there and many factors and actors have contributed to its formation. As I have showed even though there was feminism in ex-Yugoslavia it was not concerning issues (until the last period) such as domestic violence and legally this problem was not regulated. In next chapter I will discuss formation of civil society after the war, who and how contributed to formation of civil society which initiated domestic violence policy making.

3.5 Formation of civil society after the war (1995)

In this chapter I will describe how international organizations enhance formation of civil society in wider context and in regard to Bosnia and Herzegovina. Herby I focus on formation of non-governmental organizations, reasons and motives of activist for involvement and impact of international community (donors first of all) on work of non-governmental organizations.

As it can be seen from previous chapter, women were actively involved in shaping society in different ways despite the obstacles posed by the communist system. In the situation after the war, women still had their own impact in the public and as Diane Duffy said “Dynamic people do not just disappear or turn into sheep when a threat is gone.” (2000 p. 217 cited in Einhorn & Sever 2003) Many women who were feminist in ex-Yugoslavia and took part in conference in 1978 are still active as leaders or supporters in women’s organizations.⁸ (Bagic, 2006) Feminist centers used to be Belgrade, Zagreb and Ljubljana but some individuals from Bosnia and Herzegovina and Macedonia also took a part in the 1978 conference, they continued collaboration also during conflict period but it has changed a lot over time.

Given a look at situation in Bosnia and Herzegovina there was explosion in NGOs, many of which were established under obvious influence of international community (Helms, 2003). An aspect of this explosion has been described in terms of the phenomenon is known as “spin-offs.” (Bagic, 2006) This proliferation or “spin-offs” of women’s organizations was catalyzed by incentives provided by international community, lack of economic opportunities in Bosnia, and experience in humanitarian aid activities. But I find that the fact that country was undergoing a “transition,” changes in political system provided more supportive environment for development of organized activist’s groups. In addition, it is well known phenomena that women start organizing as a reaction to crisis situation. (Bagic, 2006) And the explanation why there are “women’s” NGOs lies in the fact that they were assumed to satisfy various social needs (without being judged by patriarchal society), or that they were the only one left home during the war period, because of tendency that men and women socialize separately. (Helms, 2003)

Changes in post-Yugoslav countries that happened in field of economy and privatization

⁸ One of these women is Gordana, whom Helms (2003) used to portray astonishment of Bosnian feminists by unfeminine appearance of Western feminist.⁸ (Helms, 2003)

pushed back women to private sphere. With arrival of capitalism, “after the collapse of communism, the governments in newly democratized states assumed that these societies would opt for a male-breadwinner model.” (Szeleva & Polakowski, 2007, p. 115). Another cause, besides unemployment, is that there were fewer opportunities for institutional elderly and child care “after 1989, unemployment was a new phenomenon. As many authors argue, refamilializing policies served as an important instrument of dealing with the unemployment problem; burdened with care, women were less able to join (or re-enter) the labour force.” (Szeleva & Polakowski, 2007, p.126) Despite the fact that many women were fired in process of privatization, and had to take over caring job, they still were looking for a chance to work and take a part in public sphere. Being a part on newly established NGOs that were dealing with social policy, and often providing them opportunity to earn something I find as additional reason for such participation in civil society. This is confirmed in Helms (2003) research where she found that severe lack of employment opportunities was one of reasons that NGOs attracted many people even those who were not devoted activists and had various political stands, not necessarily promoting Western civil society models (Stubbs, 1999, as paraphrased in Helms, 2003) Still, she is not suggesting that they do not care about organization’s goals, but become devoted in spite of their first motivation. (Helms, 2003)

Einhorn (1993) found paradoxical phenomena that women in Central Eastern Europe did not start movement because they lost social and employment rights that were granted in socialism. (Einhorn, 1993) I find that this can be explained by NGOization of women’s movement that Bagic (2006) describes as general trend in different parts of the world. (Bagic, 2006) By NGOization she means passing on responsibility of the state to NGOs on social issues where state either has no capacity or will to deal with it and second is change of the social movement into professionalized organizations. She argued that “small-scale organizations, with more hierarchical structures, become dominant, replacing overarching

movements focused on politicization and mobilization of feminist publics.” (Bagic, 2006, p. 161) She argues that after Yugoslavia fell apart there were several hundreds of women's organizations in the region. It is complex question how much they would emerge without international assistance, but according to Bagic's respondents 80-90% would never show up without international financial support, or would be very different from how we know them today. (Bagic, 2006) Donors had their own goal and idea how NGOs should operate in Bosnian context and they imposed multi-ethnic membership and cross-entity cooperation as one of requirements for projects. This had some positive effects but it also frustrated workers in NGOs (Helms, 2003) but the fact that NGOs were fulfilling donors demands showed their dependence on international funding and Helms (2003) notes that it was the only funding available for NGOs. NGOs had to be issue-specific and target certain problem that had to be solved, so in terms of “ideology” they translated composite feminist agenda into specific issues with notable state impact, she notes that there is demand and expectation from third sector to work with government. (Bagic, 2006) this is exactly relevant for my research because it shows shifting of responsibility towards NGOs, which was attempted in case of domestic violence policy making in Federation BiH that I have researched.

International community directs its work towards capacity building of NGOs. This means often, next to managerial skills, that this capacity building includes capacity in complying with goals and expectations of international community problem is that in this process feminists movement gets lost in processes of „strengthening organizational capacity“ (Bagic, 2006, p. 162) besides that since projects demand from organization hierarchical structure it changes internal climate of the group. (Bagic, 2006) What is particular phenomenon, that is opposite from common development of movements, is that under the influence on foreign donors many organizations are created with expectation from them to initiate movement within certain parameters. (Bagic, 2006) Bagic (2006) also questions if

foreign donors should focus on NGOs in achieving gender equality. Later in my analysis of emergence of domestic violence policy in Federation of Bosnia and Herzegovina we can see how international community in process of transforming the country impacts on governmental institutions as well to achieve gender equality.

Bagic (2006) finds that policymaking in case of causes such as domestic violence, women's participation in politics, economic empowerment are interconnected and easily include each other. Therefore she gives great importance to question *how* policy should be made in process of policymaking. She finds that much more time should be devoted to preparation period like in needs assessment, planning, and concept development. The reason for this is that no matter how good a "best practice model" is, it should be adjusted to specific context of the country. Therefore all involved parties should simultaneously participate in policy making, donors as well as recipients that include NGOs and government. (Bagic, 2006).

4. How did this process go?

“Although we, in Gender Center of Federation have fantastic cooperation, especially later we have built it, with NGOs who are dealing with issue of domestic violence, in that period when the legislation is adopted we had many different relationships.” (Ane Jaksic)

While the relationship between governmental and non-governmental organizations in the Federation of Bosnia and Herzegovina has colored the process of domestic violence policy-making, international organizations have also had a significant impact in this area as well.

I argue that domestic violence policy at the entity level in the Federation of Bosnia and Herzegovina was developed collaboratively between internal actors, the governmental organization Gender Center of Federation BiH and local NGOs, with strong support from international organizations, but in the absence of transnational networks.

In this chapter, I trace process of emergence of domestic violence policy by describing and analyzing how the above-mentioned actors interact, taking into consideration the context of the country and global events, in an effort to identify which actors and in what way they contributed to the adoption of the Law on Protection from Family Violence 2005.

To do so I will structure my analysis chronologically and explain how these actors emerged as relevant actors in this process, why they are interested in domestic violence policy-making and how they collaborated in policy making. Events,

establishment of institutions and NGOs as well as laws adoption will be tracked on a time line. (See APPENDIX 2)

This chapter consists of three sections. In the first section, I address contextual issues related to the development of domestic violence policy in the Federation of Bosnia and Herzegovina from 1993 when CEDAW was ratified. The main focus of this section is on the period between 1997 and 2005, which is the period during which the Law on Protection from Family Violence was developing and was finally adopted in 2005. I will explain how the events, different actors and internal and external factors led to creation of the domestic violence policy as well as the outcome of this policy on the different organizations involved in its development.

The second section will discuss in more detail the events and actors interaction, which were directly connected with emergence of Law on the Protection from Family Violence. Moreover, this chapter will include definitions of domestic violence analysis and media's contribution analysis. My examination of domestic violence policy-making will include feminist insights, namely in the analysis of domestic violence by various actors. In particular, I refer to Chiswick's model, where domestic violence is approached as "sex-specific mechanism used by men to maintain unequal power relations between sexes." (Krizsan & Paantjens, p. 66) I consider the attitude of interviewed decision-makers by looking how much they take or deploy a gender approach by examining their narratives about self-perception in public sphere. I show that *female* decision-makers in parliament are not advocating for gender equality strongly enough. I argue that this is because "gender equality" is seen as a radical stance that does not fit with (traditional) norms in Bosnian society. This view point has been sustained by a male dominated parliament. The third section of this chapter will briefly present events after 2005 because domestic violence policy has continued to develop also in this period. For this period I argue that the previously established mechanism of cooperation

has provided opportunity to further policy development. The most important point here is that internal actors are still working together to come up with a better solution, which shows their dedication and cooperation.

4.1 Formation of actors and beginning of cooperation helped by “events”

My assumption is that by ratifying CEDAW in 1993 (United Nations Development Fund for Women, 2005) doors were open for many international organizations that came to help all Bosnians, but mostly women and children in a war crisis. I find that the country in situation after and during a war was openness to international organizations; one reason was that there was no choice, since local government was not stabile. I assume that this has significantly contributed towards later policy development in a sense of norms diffusion. The war ended in 1995 with the Dayton Peace Agreement which has determined the state structure. Most of laws were inherited from Ex-Yugoslavia (DANI, 2002) which continued the policy vacuum in the area of domestic violence. (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005) FBiH began preparations for European Union accession in [DATE], which (among other factors) means that the country's state policy and administration had to be restructured, and in 1995 CEDAW convention was integrated into BIH legal and constitutional system. (Oneworld Platform for Southeast Europe, 2010) The impact of international community was also visible in governmental organizations mostly through activities and programmes of OSCE, which, since 1995, has been one of the most important actors in BiH. Their mandate was to establish “democratic political institutions” in the whole country structure and help BiH in process of transition.⁹ (OSCE) The fact that Bosnia ratified CEDAW and many other human rights treaties and conventions was an additional factor that contributed to the whole process of domestic violence policy making.

Domestic violence study reports from 2005 indicate an increase in men perpetuating

⁹ Transition to democracy and promotion of human rights (OSCE)

violence against women (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005) war trauma was used to justify that phenomenon. To the increase in reported cases of men's violence against women, another factor has contributed: that is a fact that a lots of weapon was kept by the soldiers who served in the army during the war and were released later. Still the possession of weapons gave them a feeling of masculine domination; with the justification of war trauma, it was additional factor in the increase of domestic violence in society. (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005)

During and after the war, women's organizations were founded to help women victims of the war. Some of the most prominent of these organizations were Medica Zenica and Vive zene, while many others women's organizations were also established during this period. Most of these organizations were founded by international organizations as was the case of Medica Zenica, which was founded in April 1993 by Monika Hauser, German gynecologist who founded also Medica Mondiale. This NGO was further developed by local people like Jasminka Dzumhur who, in 1996, established the Center for Legal Help as Medica's department. This already shows collaboration between local and international actors. But, as Jasminka Dzumhur said: "I was one of founders but I did not recognize it as gender question, but as a need of society to react." (Dzumhur, 2010) Primary goal of these organizations was to help women-victims of war, but since the war was over, the needs of society changed. I find that NGOs have changed their focus to adjust to the needs of society, and that a shift from women-victims of war towards domestic violence has happened. NGOs were continuously funded by international organizations, which were responsive to their needs and supported shelters for victims of domestic violence. (Medica Zenica)

From 1993, there was an NGO explosion in Bosnia, as Bagic (2006) notes. My interviewee named some NGOs dealing with domestic violence from that period like Medica Zenica, Fondacija lokalne demokratije (Foundation of Local Democracy), Zene sa Une

(Women from Una), Zene BiH, Mostar (Women BiH, Mostar), Vive Zene (Vive Women) etc. Effectively, NGOs took over duty to take care of victims of domestic violence. That is,, I find that NGOs faced another problem – there was no legislation that would help them solve problem of (domestic) violence by providing only short-term supports to women and children victims of violence. They could offer a shelter to women and children victims, but it was not long-term solution. Ex-Yugoslavia in its Family Law did not have legal regulations for domestic violence (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005) and most of laws that Bosnia had in that period were inherited from Ex-Yugoslavia and were not appropriate for a new circumstances. (DANI, 2002) I argue that exactly this need of local NGOs to solve problems of domestic violence was one of reasons that led them towards activities they undertook to develop domestic violence policy that was not dealt with before by any actor in the country.

Another reason why NGOs went into area of advocating for domestic violence policy adoption was that their interests aligned well with international donors who were then willing to finance the activities of domestic NGOs. (Gender center of Federation of Bosnia and Herzegovina, 2010) Donors often have as it was argued by Bagic (2006) their own “agenda” of what they are funding so NGOs frequently feel as their objects, but in this case I conclude from my interview with Mima Dahic (2010) that donors were responding to the needs of society, so they were willing to give their support.

Bagic (2006) argued that NGOs have taken over the role of social movements and in the explosion of NGOs in Bosnia my finding of their interactions and organizing with a purpose of policy making confirms her argument. Still, they needed support to make a social change in realm of domestic violence policy, and this process is explained by resource mobilization theory. This theory implies mobilization of different resources like financial, human resources and establishing relationships with media, authorities and other actors, as well as connecting

with other relevant organizations. (McCarthy & Zald, 1977) Exactly this is what was happening after NGOs were founded NGOs were getting financial resources mostly from international organizations who were besides financial support “borrowing” their experts, which contributed to NGOs capacity building in forms of knowledge transfer of best practices models, they started establishing relationship with authorities. By 1997, NGOs were organizing by forming network “Referent Group” in Tuzla. NGOs have prepared with theses resources mobilization for a long process of advocating for domestic violence legislation and an outcome of this was drafting a law together with lawyers, judges and prosecutors, in “1998 NGOs step out with public demand and explain why it is important to regulate domestic violence with separate legislation.” (Zvizdic, 2010)

Another significant event that provided the ground for later law adoption is from 1995, the Fourth World *Conference* on Women in Beijing, whereby the Government of Bosnia and Herzegovina adopted Beijing Platform for Action that demands establishment of country mechanism which will be in charge for women’s issues. The Government obliged itself to establish an institution within the Government as central co-ordination unit for women’s improvement. This shows the impact of international events and organizations that led towards establishment of Gender Centre of the Federation of Bosnia and Herzegovina by the Government of the Federation of Bosnia and Herzegovina in December 2000 (Gender Center of the Federation of Bosnia and Herzegovina), which became another important governmental actor in policy making. It did not stay only on establishment of one center, due to country structure parallel center was created in Republica Srpska as well and since Bosnia is decentralized this machinery was integrated into existing country structure. Even though decentralized, hierarchical structure of gender mechanism within the government was established from Council of ministers to municipal level, with Gender Agency of Bosnia and Herzegovina, established in February 2004 (Agency for Gender Equality of Bosnia and

Herzegovina, 2010) on the highest state level.

I see the establishment of institutional connections of women's networks like "Safe Network" in 2000 that has included over 33 organizations from the whole Bosnia and Herzegovina (Zvizdic, 2010) as one of products of collaboration with donors since they were ready to fund it. The idea of network establishment could have been seen, maybe as a "best practice" in advocacy from other countries, or the idea could have come from the inside, domestic NGOs. The fact is that it was financed from international organizations, who were the only funders of NGOs at time, speaks in favor of their mutual interests. Influence of international organizations was done through financial support, but the will and dedication were from local NGOs since they:

"by building that network we formed fields and decided who will do what, who will have safe house and take care of that, who will work on lobbying for legislation and who on raising awareness and promotion." (Zvizdic, 2010)

NGOs were determined to do something about domestic violence and the way they approached it is reflected in following statement:

"in "Safe Network" they were discussing about domestic violence from the aspect of victims who were coming to their safe houses, this was indicating that problem of violence in family was family problem, behind the closed doors. There are many reasons why it was not spoken about it, maybe we can start with our tradition, and everything that is behind closed door can be hidden no matter how difficult consequences are." (Jaksic, 2010)

The fact that domestic violence was a problem "behind the closed doors" was addressed by most of my interviewee, as a problem which has a cause in patriarchal society. It is interesting that interviewees, even though aware that this is an issue that

should be spoken in public, didn't find that the media were very helpful. But the puzzle why NGOs and governmental organizations did not use media as a tool, which is common praxis of domestic violence policy making in other countries, will be explained in the following section.

The period from 2001 to 2003 was marked predominantly by activities towards Gender Equality Law adoption. In this process several actors were involved such as Gender Center of FBiH, Gender Center RS, Deputy Minister for Human Rights, IHRLG (International Human Rights Law Group later renamed to Global Rights), women's organizations ("Gender Equality Coalition"), OHCHR (Office of the High Commissioner for Human Rights). Again, collaboration of all these actors led towards successful policy making and this law was adopted in May 2003. Three months later, the Criminal Law of Federation of Bosnia and Herzegovina was adopted. This law in Article 222 directly addresses the issue of domestic violence and prescribes financial and jail punishment for law violations. I will not discuss here more on this laws because my focus is on Law on the Protection from Violence within the Family in FBiH, but it is significant for domestic violence since it provides first legal base for prosecuting domestic violence where perpetrator is convicted of a criminal offence and punished with a jail.

In the same time activities were ongoing for adoption of Law on the Protection from Violence within the Family; here, I will note that although this law was adopted in 2005, to the present time, there were activities in direction of changes in legislation.

Difference between Criminal Law of Federation of Bosnia and Herzegovina and Law on the Protection from Violence within the Family in FBiH is in a fact that the later law has

"a goal to protect victim, with this law only measures to protect victim are prescribed that means to help victim, this law doesn't deal with punishing perpetrator, it is not dealing with violent person but with victim and it deals with

perpetrator just in that moment when he doesn't proceed the protective measure.”

(Jaksic, 2010)

4.2 Law on the Protection from Violence within the Family

In this section I will focus on tracing of the emergence of Law on the Protection from Violence within the Family, legislation that address issue of domestic violence on level of FBiH, which is the entity level. Events and activities described in previous section have led towards adoption of above-mentioned law; here, I will just shortly focus on these events related directly to this law. Then I will trace interaction of actors and factors that led to law adoption but I will also pay attention towards norm diffusion and discuss how this process went. Afterwards I will pay attention on conflict between governmental and nongovernmental organizations about the way perpetrator should be prosecuted by discussing power relations in this conflict situation and at the end I will turn to definitions and analyze the way they are framed but also how some decision makers relate towards gender issues.

As it is visible from previous chapter actors who took a part in domestic violence policy making were already present and worked on advocacy for law adoption for years. These actors involved in development of Law on the Protection from Violence within the Family were Gender Center of the Federation of Bosnia and Herzegovina, IHRLG (later renamed into Global Rights) which is international human rights organization women's NGOs, but other such as the UNDP, and other international organizations like Kvinna till Kvinna from Sweden, Medica Mondiale, Global Fund for Women, Agape Foundation based in San Francisco and some others were identified as supporters of projects that are addressing domestic violence. What was here significant is that these organizations were emphasizing the importance of Beijing Declaration. (Dahic, 2010)

McMahon (2001) has been studying role of international actors in East Central Europe in process of democratization and she notes that success of this process depends on relationship

they establish between „public advocacy groups, citizens and the state.“ (McMahon, 2001) Furthermore she emphasizes that it is not enough that activists persuade political elites , but formal and informal institutions need to support interaction. Donors were hoping that „domestic advocacy networks“ will be social movements. But she finds that „strategies used by international groups to support gender initiatives failed to create a domestic advocacy networks in these countries“ (McMahon, 2001) but I find that it just took more time to see results, she wrote this article in 2001, but results came later and her assumption that in future „development of women's movements will just take longer time than expected“ (McMahon, 2001) I find true in case of Bosnia.

As it was previously argued, women's NGOs were initiators of the process of domestic violence policy adoption. Dahic (2010) describes this process at the beginning as working within Referent Group with other organization. Norm diffusion process has happened here because this group, according to Dahic (2010) took over and started working with Austrian law, that is one of best legislations of domestic violence policies, and besides that women took a part in conference where they got information about this policy. So Austrian law was taken as a starting point for further policy development which was finished already in 1999. She also notes that complicated administrative country structure has made this process more difficult: “We were wandering around at the beginning, trying to start something at cantonal level, but Bosnia and Herzegovina has the highest state level, and then entity level which is Federation of BiH which is responsible for creating social policy and then these policies should be implemented on cantonal level, but we started working in wrong direction.” (Dahic, 2010) In 2000 “Safe Network” was established (Zvizdic, 2010), which marked beginning of I will call it “NGOs social movement” in realm of domestic violence advocating.

Ministry of Justice has a duty to develop legislation, but in the case of domestic violence it has been passed responsibility to Gender Center of Federation BiH. (Filipovic-

Hadziabdic, 2010) However, Samra Filipovic-Hadziabdic¹⁰, does not find that NGOs had that strong impact, like other interviewee, from her point of view family law was put as priority in government because there are standards that BiH has to satisfy, international standards like everywhere in the world. (Filipovic-Hadziabdic, 2010) She acknowledges that NGOs by forming Safe Network that made issue of public concern and that's why government organizations wanted to collaborate with NGOs "this way we wanted to give them some importance because some solutions were circulating, there was Referent Group Tuzla, there were many organizations Safe Network as well." (Filipovic-Hadziabdic, 2010) Later on she proceeds "we asked NGOs to draft legislation but they had no capacity and they said it publicly" (Filipovic-Hadziabdic, 2010) and she names the reason "we wanted them to feel this legislation as theirs" (Filipovic-Hadziabdic, 2010) she acknowledged that NGOs were dealing with domestic violence for the longest period and it would be "simply to put crown on their work" (Filipovic-Hadziabdic, 2010) but there was no capacity among NGOs, and it was decided at the end to establish multidisciplinary expert group (consisted of lawyers, judges, social workers etc.) that geographically represent the whole BiH. This process was lasting and they were looking at experiences of other neighboring countries and Filipovic-Hadziabdic (2010) finds that for post-socialist countries in transition stronger standards are set up than for so called established Western-European states. She notes that representatives from international organizations demanded that Law prosecutes perpetrator with a criminal charges, but she was explained by local well know judge why it is not good to have criminal punishment and it was proceeded with misdemeanour punishment. She explains this decision by existance of Criminal Law that has criminal punishmet and by introducing misdemeanor punishment so that "perpetrator could not escape." (Filipovic-Hadziabdic, 2010) This draft of legislation was according to Jaksic (2010) made in colaboration with NGOs who accepted it.

¹⁰ Currently director at Agency for Gender Equality who in until 2004 was director of Gender Center of the Federation BiH

But after draft acceptance “NGOs have reacted incorrectly” (Jaksic, 2010) HRLG started campaigning and petition against this law and asked for criminal punishment sending it to parliament and writing to OHR (Office of High Representative) “which is *ad hoc* international institution responsible for overseeing implementation of civilian aspects of the accord ending the war in Bosnia and Herzegovina” (OHR, 2007) so the NGOs who were around gender sector turned to the other side. “That was a cancer wound for me, that Law” stated very emotionally Filipovic-Hadziabdic, (2010) On contrary to this when I asked director of NGO Zene Zenama (Women to Women) Zvizdic (2010), she claimed “NGOs were always for criminal punishment” and another interviewee from NGO Vive Zene, Mima Dahic, she could not tell me about that event. Filipovic-Hadziabdic expressed concern for reputation of institutions for gender equality because they are quite new in government “they have one... position within main institutions. They are mainly new institutions , institutions for human rights are vulnerable anyway, and I often state that we are non-governmental organizations within government.” (Filipovic-Hadziabdic, 2010)

I selected this event to analyze because it reflects interaction between governmental, non-governmental and international organizations in one moment of policy making of the Law on the Protection from Violence within the Family. I find that both local government and NGOs who are dealing with domestic violence are in vulnerable position each in it's own realm, but I argue that still governmental organizations like Gender Center of Federation BiH are in more “safe” position. Reason could be that they are state funded which provides them more stable position. On the other hand NGOs are in “double dependancy relationship” in one way they depend on international funding and are under close influence of international organizations who are bringing their own agenda (Bagic, 2006) which sometimes brings progress but does not correspond with country context and on the other hand they depend on government because their work permission and partialy funding opportunities, in general

working area and opportunity is determined by governmental approval. I argue that NGOs by looking at models of good practice of other countries wanted to diffuse a particular policy response to the issue of domestic violence into context of Bosnia and Herzegovina, but they might have pushed too hard on government which was not ready to deal with the implications of the policy. Here I mean in a sense of how seriously government takes (decision-makers who are predominantly male, the fact that it is country with patriarchal society norms, where resistance to “western” feminism(s) still exists) domestic violence issue and in a sense of how transferred domestic violence policy functions within current legal framework. There is another issue going on here when it comes to engagement of civil society in policy. Post-transition governments are often characterized as a bias toward engagement of civil society because NGOs are viewed as unprofessional. In post-conflict Bosnia there was the additional perception of foreign funded NGOs that were serving external interests. One of the positives here might be that there was actual meaningful collaboration on a very controversial issue despite the many internal and external institutional barriers. This relation of government towards NGOs and distrust is well described by Sally Engle Merry when she speaks about relation of governmental and non-governmental organizations at Beijing Plus Five meeting, where NGOs are pushed aside. (Merry, 2006)

4.3 Speak up – domestic violence

To understand resistance (or openness) to dealing with domestic violence as an important policy issue, I investigated how interviewees grappled with concepts like “gender” and “domestic violence. Because it is important who is saying what, in what way, and how people act (especially those who are bringing decisions about domestic violence policy or who have a wide impact in the public sphere on shaping public discourse of domestic violence), I paid attention to the way interviewees react to gender issues, and how they react if domestic violence is mentioned in relation of violence against women. I also asked how they

think that they are perceived in public, from their colleagues, when they speak about gender and domestic violence. I have just addressed in previous section issue of how seriously domestic violence and gender issue is approached by decision-makers, because their attitude reflects their decisions. Most of my interviewees corrected me sharply if I would say domestic violence and then mentioned “against women.” I am not arguing that women are only victims or that they are not perpetrators, domestic violence is hurting the whole family, which includes children men too, but the way my respondents talked and reacted has drawn my attention.

I think climate is good, although that gender started getting on nerves in public. Gender is I mean real danger that equality becomes feminism and that is inclination that people who are fighting for gender equality should take care of, not to create contra-reaction. (Tavra, 2010)

This quotation reflects caution that people have, when they speak about gender in public, especially women are trying not to leave impression of feminists. Lidija Bradara during interview spoke about herself as of strong and competent woman she says: I was fighting for my position and respect in one predominantly male party” or “I am personally satisfied with my position as a women, unlike other women who when they start speaking others are chatting... I am the only representative who when speaks others are not talking.” In the same time she says for herself that she is not gender sensitive and not feminist oriented. From her narrative it is visible that she had to “fight” for her position in a parliament because everything depends of “woman’s strength” and show that she is strong and equal to men.

Dzenana Zlatar, president of Commission for Gender Equality spoke about situation in parliament that reflects men’s attitude towards the domestic violence policy:

When we spoke about violence against women, then men I don’t know

why, they have a bit strange approach towards this commission, it is still traditional society. I remember one discussion of one representative who said that violence is violence no matter what, it should never be so strong emphasis on violence against women because violent men and violent woman is the same and he knows in his surrounding violent women. (Zlata, 2010)

During interview with Ane Jaksic I mentioned women's rights and was corrected "It is not only women, don't say it is women, when we speak about victims of domestic violence they are mostly children, each woman takes usually two or three children with." (Jaksic, 2010) This reflects framing of domestic violence as private and not as Chiswick model where domestic violence is approached as "sex-specific mechanism used by men to maintain unequal power relations between sexes." (Krizsan & Paantjens, p. 66)

I used above mentioned examples to show how people think and how cautious people are and have to be strategic when they advocate for domestic violence policy. Those interactions reflect finally in shaping definitions of actors in area of domestic violence policy. This is especially important because as Scott (1999) emphasized, it shows public/private division. Politics is an arena in which people make collective decisions and negotiate power relationships. Political structures and ideas are shaping boundaries of public opinion and they are having impact even on those who are not participating directly in politics are defined by it. Mason's term "Non actors" are behaving in a line with rules defined by political realm "the private sphere is public creation; those absent from official accounts partook nonetheless in the making of history; those who are silent speak eloquently about the meanings of power and the uses of political authority." (Scott, 1999) The public private divide is reflected in this quote and it is especially visible in domestic violence policies which deeply affect private sphere.

Here I will analyze how actors frame definitions of domestic violence from the angle of Chiswick model and through these definitions are having impact on private lives of citizens.

United Nations Declaration on the Elimination of Violence Against Women (DEVAW) defines as:

Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. (Schuler, 1996)

Unlike above quoted definitions which puts emphasis on violence against women I will shortly reflect on laws that consist definition of domestic violence and add how NGOs are defining it.

Criminal Law of Federation of Bosnia and Herzegovina is gender neutral and is framed as violence in private sphere meaning against member of a family or member of household.

Law on Gender Equality in Bosnia and Herzegovina also frames gender-based violence as gender neutral referring to a victim as a “person” and puts emphasis on equal treatment of the sexes in public and private life.

Law on Protection from Family Violence also doesn’t frame violence in line with Chiswick model, but is also oriented towards protection of family members.

While women’s NGOs define violence in family as “each physical, psychological and sexual violence directed towards woman, and that is happening in family, household

and intimate relationship.”¹¹ (Zvizdic, Dardic, Nikolic Ristanovic, Dokmanovic, Spahic Siljak, & Jovanovic, 2005, p. 23)

What is interesting and where we can see impact of Europe is in the way NGOs were framing domestic violence issue. From my interviewee from NGO sector Nuna Zvizdic and Mima Dahic I found out that they were framing domestic violence as public health issue, which reflects European political arena and Daphne programme impact coming from World Health Organization who defines it as a:”state of complete physical, mental and social well-being and not merely the absence of disease orr infimity” (Krizsan & Paantjens) However I found that in Daphne II programme Bosnia and Herzegovina should have entered into specific agreement with the Commission to be able to apply for financial support so „only participation without EC funding is allowed for organisations“ (European Commission; Freedom, security and justice, 2007)

4.4 Media and Law

Here I will shortly refer to role of the media. Medias are usually used for many promotional activities, in the same way but different purposes they are used in many movements. It is common that they are used in advocating for domestic violence too. But from my findings interviewee reported media did not really contribute to emergence of domestic violence policy on contrary they are looking for sensation and are exposing victims. Only Jasminka Dzumhur found that in that period medias were more responsive to the domestic violence issue. That is reflected in most of the interviews “You mean that there was something on TV that we were supposed to discuss in the parliament tomorrow?! No, that has never happened.” (Zlatar, 2010)

But in the same time I found one journalist Aleksandar Hrsum who had TV show “Forbidden Forum (Zabranjeni forum) named “Domestic violence” (Televizija Pink BiH,

¹¹ My translation

2005) who addressed issue of domestic on March 17, 2005 and that is about one month after the Law was adopted. He had several guests, lawyer, psychiatrist, social worker, and among them also NGOs and one victim. Still, from the interview with Hrsum I it seems that it is not so easy to be in his position and talk about domestic violence issue it is illustrated in following statement “If you are a man talking about domestic violence everybody thinks that you are gay, I will talk about issue, because I want to talk.”

Although medias were not used that much in advocating for domestic violence policy I find that they could be good partner in combating domestic violence, and some steps are already taken in that direction, in a sense of media education, as I found out from Mima Dahic.

4.5 After 2005

After the Law on Protection from Family Violence was adopted there were discussions about domestic violence policy, various reactions in regard of concerns for policy implementation were coming from other sectors such as centers for social protection, health, educational institutions and many others through NGOs to Gender Center of Federation BiH. According to Ane Jaksic (2010) in 2007 they decided to organize discussion of the Law in 10 cantons together with Federal parliament representatives on a topic “Experience, problems and positive results in implementation of Law on protection from Family Violence. In this period OSCE has important role in realm of domestic violence since 2007 when it starts with it is monitoring cases and preparing reports on Minor offence proceedings since 2007 and in the same year supports national actors like Gender Centers and counterparts on the field. (Hrle, 2010)

My overarching argument is that efforts in both sectors governmental and non-governmental have led to successful law adoption, no matter what difficulties were on its way. This led to law adoption and legal regulation of domestic violence.

Conclusion

After I conducted my interviews I was thinking about literature about policy diffusion and transnational networks. I tried in interview analysis to find out what external actors and factors influenced on domestic violence policy making, but I could not find much in interviews. My interviewees were mostly oriented towards processes inside the country and have acknowledged influence of international community, especially support in experience sharing, best practice models and financial support, besides that the State signed conventions which pushed forward the process too. They could name just few women's organizations that really had contributed in terms of knowledge sharing and help in advocacy. From my interviews it is obvious that NGOs as initiators of domestic violence regulations have looked a lot at best practice of other countries, they were participating in some international conferences of course and „picked up“ ideas and best practice models from them, but a lot has been done on self initiative.

Interesting in my research is, and that's where my argument came from, is cooperation of governmental and non-governmental organizations in the country in process of policy making. Here, I am looking at diverse roles and duties these actors played. Their interaction was not always „easy“ even though they had the same goal, dedication and true commitment to fight against domestic violence. Their efforts helped by international organizations has been fruitful at the end and resulted in domestic violence policy in 2005. This policy was quite „innovative“ with protective measures. Problems that occurred were topic of a big debate in that period. Problems occurred of course when it comes to policy implementation. There was a big debate if it should be treated as criminal punishment or misdemeanor punishment. NGOs by looking at many best practice models have asked for criminal punishment while

government and institutions were asking for misdemeanor because of the way they perpetrator should be prosecuted and what was feasible at the time for solving cases at court.

I have found answers to my research questions. Key actors who contributed the most in domestic violence policy making are governmental organizations and local women's non-governmental organization with a support of international organizations. In the same time NGOs were learning from best practices of neighbors and started drafting law. Relationships between these actors were not simple, they had their difficult situations, but I argued that in this process they have developed mechanism of collaboration that made it possible to work further on policy improvement that is ongoing today.

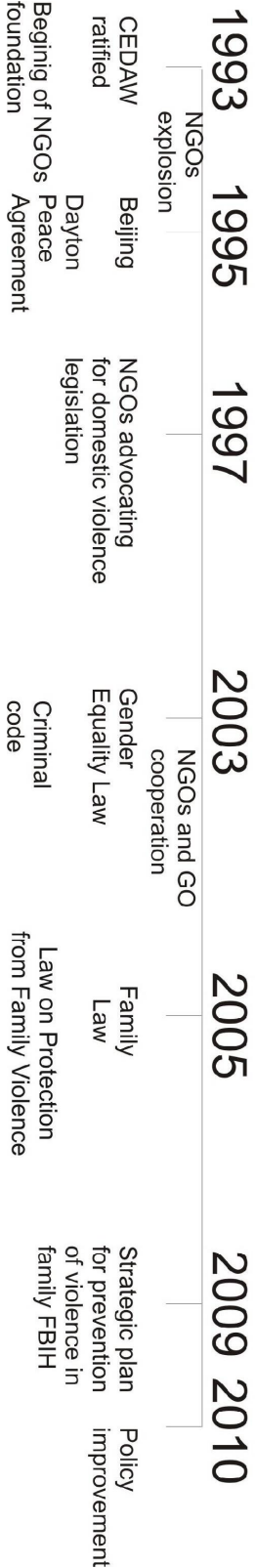
I have to note that none of my hypothesizes was confirmed completely. NGOs did not work with transnational networks through lobbying and media campaign, although they had the strongest impact in policy making. Medias were not used for campaign purposes and did not contribute much, with few exceptions. All my interviewee said that ethnical conflicts did not play role at all because this was not political question and European Union was not recognized as actor in domestic violence policy making, only it had a role of monitoring.

Appendix 1

Data of municipal courts on implementation of Law on Protection from Family Violence					
	2006.	2007.	2008.	2009.	Total
Number of demands for protective measures	16	78	120	177	391
Number of imposed measures	1	17	53	32	103
Number of persons who are protected with some measures	8	31	68	54	161

Taken over from Gender Center of Federation BiH (Gender Center of Federation BiH, 2010)

Time and events axis in development of domestic violence policy in Federation of Bosnia and Herzegovina



Appendix 2

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